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**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

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

**GERMANY**



Bundesministerium  
des Innern

**SECOND REPORT**  
submitted by the  
**FEDERAL REPUBLIC OF GERMANY**  
under Article 15, paragraph 1, of the  
**EUROPEAN CHARTER**  
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## Part A General Situation and General Framework

### A.1 General Situation

1. The Federal Republic of Germany attaches great importance to the protection of regional or minority languages. On 5 November 1992, it signed the European Charter of Regional or Minority Languages (in the following: "the Charter"). By the Act (to implement the Charter) of 9 July 1998 (Annex 1), the German *Bundestag*, with the consent of the *Bundesrat* ["Federal Council": Chamber of the *Länder*], approved the Charter. That Act was promulgated in the Federal Law Gazette on 16 July 1998, and the instrument of ratification was deposited with the Council of Europe on 16 September 1998. The Charter entered into force in Germany on 1 January 1999 and was amended by the Second Act on the Charter which entered into force on 19 September 2002. Under the Federal Act ratifying the Charter, the latter ranks in Germany as a federal law which takes precedence over subordinate law - including *Land* laws - and, as a matter of principle, is to be applied as the more specific law overriding other federal laws. National compliance with the Charter is legally ensured on a comprehensive scale.

2. In ratifying the Charter, the Federal Republic of Germany was guided by the following considerations:

In many countries of Europe, there is a large number of traditionally spoken languages which differ from the respective official language or from the language of the majority population, and - in relation to the entire national territory - are used by a small portion of the population. This diversity of languages as an essential basis of culture has shaped the cultural history of Europe. To this day, the cultural wealth of Europe has found, and still finds, expression in its regional or minority languages. Notwithstanding the great cultural value of regional or minority languages, however, the insignificance of many of these languages increases to the benefit of the language of the majority population. In public life, especially in the media, and as a legal language and as the official language, regional or minority languages are used only on a limited scale. Many languages lose their scope of use as a result of a re-orientation of their traditional users, voluntary assimilation or the linguistic assimilation policy of the state. Use of these languages in the private sphere is not sufficient to durably ensure their continued existence. Throughout Europe, regional or minority languages are, to a varying extent, threatened by extinction or by a drastic loss of their vitality.

3. For the groups among whom these languages are spoken, their use forges identity. Also, especially for national minorities and traditionally resident ethnic groups, the preservation of the given language and its further development are the basis required for preserving their culture, tradition and identity. Failure to preserve their independent languages entails the risk of loss of the cultural identity of the speakers of regional or minority languages. But the decline of regional or minority languages will imply, also for the majority population, that an important traditional cultural element of their country's society will be lost.

4. However, preservation of this linguistic and cultural diversity does not only mean maintenance of identity and conservation of a cultural heritage but it also serves communication within the country and the integration of all citizens into their country since such preservation is dependent on, and calls for, tolerance and openness for other languages and cultures. Therefore, ensuring the diversity of languages has a mediatory function, facilitates community life and prevents ethnic exclusion. In particular, the protection and promotion of the regional or minority languages in a given country also provide a better starting position for an intensified dialogue with the users of these languages in neighbouring countries. This is particularly true as regards transborder use of languages. A widening Europe needs tolerance, acceptance and understanding for each other. The protection and the promotion of the regional or minority languages in Europe have a peacemaking function and reinforce democratic developments.

## **A.2 The Charter's scope of application in Germany, and reporting requirements**

5. The Charter contains the criteria for regional or minority languages. It refers to the languages traditionally spoken in a Contracting State. In Germany, a regional language within the meaning of the Charter is Low German. Protected minority languages are the languages of national minorities and of other ethnic groups traditionally resident in Germany, who in the FRG come under the Council of Europe Framework Convention for the Protection of National Minorities: i.e. the Danish minority, the Sorbian people, Frisians in Germany, and the German Sinti and Roma. These languages are Danish, Upper Sorbian [of Upper Lusatia] and Lower Sorbian [Wendish] (of Lower Lusatia), North Frisian and Saterland Frisian [East Frisian spoken in the Saterland], and the Romany language of the German Sinti and Roma.

6. The Federal Republic of Germany has laid down the Charter's scope of application in Germany in Declarations made by the Federal Government to the Council of



Europe in order to ensure the admissibility of a territorially differentiating implementation of the Charter in keeping with the federal structure of Germany (cf. Annexes 2 and 1 - texts of the Charter and Declarations). Since dialects and the languages spoken by incoming migrants are excluded from the Charter's scope of application, the aforementioned languages cover all of those languages used in Germany which are eligible for the protection provided under the Charter.

7. The facilities provided by the Charter within its scope of application in Germany are open to all speakers of the listed regional or minority languages.

8. In compliance with its reporting obligations under international law and in accordance with Article 15, para. 1, of the Charter, the Federal Republic of Germany on 7 December 2000 submitted its **First State Report** on the implementation measures in Germany to the Council of Europe.

9. The Committee of Experts of the Council of Europe in October 2001 visited Germany and during this one-week stay had talks with representatives of the *Bund* [Federation], the *Länder* and local governments, and representatives of the language groups. On the basis of the information obtained on this occasion and of the information provided in Germany's First State Report, the Committee drafted a report of 5 July 2002 on the Charter's implementation in Germany (Monitoring Report - MIN-LANG (2002) 4 final). The Report was forwarded to Germany under cover of the letter of 14 August 2002 by the Directorate of Co-operation for Local and Regional Democracy.

10. In October 2002, Germany sent its initial comments on the Monitoring Report to the Council of Europe.

11. The Committee of Ministers of the Council of Europe, on 4 December 2002, made its recommendations on further measures for the Charter's implementation in Germany.

12. In accordance with Article 15, para. 1, of the Charter, the Federal Republic of Germany now presents its **Second State Report**. In addition to generally updating the First State Report, the present report covers the specific comments in response to the observations and information requests contained in the Monitoring Report of the CoE Committee of Experts and to the recommendations of the Committee of Ministers with regard to the further implementation of undertakings in Germany. For ease of reference, newly included information is shaded in grey. In the answers to the comments of the Committee of Experts on those undertakings which the Committee did not consider fulfilled, reference is made to the respective paragraph number/s of the Monitoring Report [MIN-LANG (2002) 4 final].

13. The Federal Republic of Germany values the activities of the Committee of Experts in the process of monitoring the implementation of the Charter and welcomes the efforts made by the Committee of Experts in assessing the achieved level of compliance with Germany's obligations arising from the Charter. Germany notes that the comments of the Committee of Experts show professional examination of the situation of regional and minority languages in Germany and that the Committee has in fact paid attention to important questions and problems. In this context, Germany draws attention to the fact that the available human and financial resources have so far been fully utilized in carrying out the respective implementation measures, and that any extended efforts in these fields are kept within narrow limits on account of the tight budget situation, the emerging budgetary trends and the imperative need for budget consolidation.

14. Germany considers the fulfilment of the obligations under the Charter and the Committee's Report as a continued pan-European process aimed at the creation of international standards laying down the foundations for a legal regulation of relations within a community of citizens of a particular State and thus providing for sustained protection of the existing regional or minority languages.

15. Germany's State Report on the implementation of the Charter, which serves as the basis of the monitoring mechanism, is based on the principle of transparency, and Germany considers it important to maintain an open and constructive dialogue with the bodies responsible for monitoring the implementation of the Charter, i.e. the Committee of Experts and the Committee of Ministers of the Council of Europe.

16. The Monitoring Report [MIN-LANG (2002) 4 final] and the present State Report were discussed with the representatives of the language groups at an Implementation Conference. The written comments of the language groups are enclosed in the present State Report [cf. Part E]. The comments have been included regardless of whether the respective language groups call for government action - which Germany has pledged to take - or express any wishes going beyond those undertakings.

### **A.3 Detailed information on the various languages:**

17. Use of, and identification with, a mother tongue are, in Germany, just as free as identification with any of the national minorities or the other ethnic groups traditionally resident in Germany. It is everybody's individual personal decision - which is neither registered, reviewed or contested by the [German] State - whether he/she chooses to be considered a member of any of the these groups. There are no

statistics established on the basis of ethnic or linguistic criteria. Therefore, only estimates can be provided on the number of speakers of regional or minority languages.

### A.3.1 The Danish language

18. Danish is traditionally spoken by the Danish minority in the *Land* of Schleswig-Holstein to the south of the German-Danish border. The Danish minority, like the German majority population, live in the German part of Schleswig in their traditional settlement area, just as the German minority and the Danish majority population do on the Danish side in North Slesvig - *Sønderjylland*. Germans and Danes have been living together in this area for more than a thousand years. Today's border between the two countries was laid down in 1920 on the basis of the results of two plebiscites agreed upon in the Treaty of Versailles.

19. The number of members of this ethnic group is estimated at some 50,000 persons who, for the major part, live in the Schleswig region in the *Kreise* [county-type administrative districts] of Nordfriesland and Schleswig-Flensburg, in the northern part of the *Kreis* of Rendsburg-Eckernförde, and in the city of Flensburg. The percentage of the members of the Danish minority in relation to the population of the various towns and communities varies greatly, and ranges from local communities where only a number of families of the minority live, to around 20 per cent in the town of Flensburg and some smaller places.

20. All members of the Danish minority understand Danish, and most of them speak this language. In addition, all of them have a good command of German. In rural areas, parts of the Danish minority – and of the [German] majority population as well - speak the regional Low German language; and in the immediate border area, the Danish minority as well as their German fellow citizens also speak *Sønderjysk*, a South Jutish dialect of Danish.

21. Most of the members of the Danish minority use the Danish language in the private sphere. But account must also be taken of the situation in mixed-nationality marriages where German usually prevails. Danish is spoken within the organizations of the Danish minority. Constant use and promotion of the Danish language provide the basis for all minority-related activities. Of particular importance for proficiency in the Danish language are the Danish private schools, especially also for the children from mixed-nationality marriages.

### A.3.2 The Sorbian language (Upper Sorbian and Lower Sorbian (Wendish))

22. The Slavic people of the Sorbs, who have a history going back more than a millennium and a culture of their own, has mostly lived within a setting of German statehood. In the Middle Ages, the Sorbian language was spoken in a much more extended area than today. Sorbian is part of the West Slavonic family of languages. From the various dialects of colloquial Sorbian, two standard languages developed: Upper Sorbian [more precisely: the Sorbian of Upper Lusatia], and Lower Sorbian [the Sorbian of Lower Lusatia; also called Wendish]. Today's speech area of Sorbian covers Upper Lusatia in the northeast of the Free State of Saxony, and Lower Lusatia in the southeast of the *Land* of Brandenburg. The Sorbs living in Lower Lusatia are, until this day, also known as Wends.

23. The number of persons considering themselves Sorbs is not known. The estimated number is about 60,000 Sorbs, of whom two thirds live in Saxony, and one third in Brandenburg. In some local communities in the *Kreis* of Kamenz, they account for up to 90 per cent of the population; in some other villages of the settlement area, the majority of inhabitants are Sorbs. They make up about 10 per cent of the population of the overall settlement area, while in the towns they account for less than 2 per cent. Approximately 20,000 Sorbs still have a command of Sorbian in both its spoken and written form; all Sorbs speak German as well.

24. Use of the Sorbian language in private depends, to a large extent, on the Sorbian people themselves, especially on whether the language is passed on to their children. In the central settlements with a large share, or even the majority, of Sorbs, this is practised to a much greater extent than by Sorbian families in larger places and towns where they constitute a dispersed minority. In the case of the Sorbs, too, the existence of many mixed-nationality marriages has an influence on the language spoken within the family and on the extent to which Sorbian is passed on to the children, and thus attendance of Sorbian schools is of particular importance to these children.

25. Use of the Sorbian language in public is rendered difficult by the fact that the Sorbian settlement area is not generally bilingual but that, as a rule, only the Sorbs have a command of both languages. Therefore, apart from a number of exceptions, greater use is being made of German than of the Sorbian language in public and also in church.

### A.3.3 The Frisian language (North Frisian and Saterland Frisian)

26. Frisian, as an autonomous and ancestral language, descended from the North Sea Germanic division of the West Germanic subfamily, distinctly differs from Netherlandic [Dutch and Flemish] and Low German and, in terms of historical linguistics, is closely related to Old English. It has evolved in three subgroups: West Frisian, East Frisian, and North Frisian. West Frisian is spoken in the province of Friesland in the Netherlands. East Frisian is native to Ostfriesland in Lower Saxony. These two regions form the historical [geographical] centre of the Frisians. North Frisian is spoken in the *Kreis* of Nordfriesland in the western coastal region of Schleswig-Holstein.

27. Already around the year 1500, the East Frisians replaced the Frisian language by Low German as the language used for drafting legal documents. By 1800, for the major part, and last on one of the North Sea Islands at the beginning of the 20<sup>th</sup> century, they relinquished their ancestral Frisian language which, however, has continued to be used as the language of everyday oral communication.

28. East Frisian has become extinct in the meantime; only in the Saterland in the Oldenburg region, near the border with the Netherlands, about 2,000 persons still use Saterland Frisian [*Saterfriesisch - Seelterfräisk*] which forms part of the Old East Frisian subgroup of languages. About twice as many people understand Saterland Frisian. Despite many Low German loan words, Saterland Frisian has preserved its linguistic independence. Saterland [East] Frisian originally had superimposed itself on the Westphalian Low German language of the first inhabitants of the Saterland. After Ostfriesland and the adjacent regions of the Saterland had changed over to Low German, survival of Saterland Frisian was possible only because the Saterland villages were located in a sandy river valley surrounded by extensive fens which, up to the 20<sup>th</sup> century, provided a shield from contacts with the outside world and from its influence that penetrates and moulds all spheres of life. The use of Sater Frisian [Seelterfräisk] by the Saterland Frisians is gradually increasing since school-children are taking a greater interest in learning this language and children and the grand-parent generation have started to communicate in Saterland Frisian again.

29. North Frisian developed after Frisians, about a 1000 years ago, had settled also north of the Frisians' geographical centre. North Frisian consists of two groups of dialects with nine local varieties: six of these [so-called Continental North Frisian] are spoken along the west coast of Schleswig-Holstein (including the holms, or *Halligen* islands), and three of them [so-called Insular North Frisian] on the offshore islands of Sylt, Föhr and Amrum, and Helgoland. Despite the linguistic diversity brought about

by the subdivision into dialects, the linguistic communality of North Frisian prevails. Of the total number of nine North Frisian local idioms, three - which are spoken by less than 150 persons - are acutely threatened by extinction. The other six local idioms are not only used orally but also exist in written form. Their orthography for the major part is based on uniform rules.

30. The first book in the North Frisian language was published in 1809. Since then, a large body of Frisian-language literature has been created, which covers several hundreds of books and, in addition, several thousands of literary items in a variety of publications. This ensures that the Frisian language also meets the requirements expected of a modern means of communication.

31. The number of those who, on account of their origin and their sense of personal identity, consider themselves North Frisians are estimated to number as many as 50,000 to 60,000 persons; this is one third of the population of this region. Of these, some 10,000 persons still speak North Frisian; another 20,000 persons understand this language.

32. The North Frisian language still is, to a major extent, the language spoken within the family and the language for communication in public, especially among the Frisians living in the northern continental region (extending from the German-Danish border to the town of Bredstedt). In mixed-language marriages, German and Frisian are increasingly used as languages of equal status.

#### **A.3.4 The Romany language of the German Sinti and Roma**

33. Romany is the language spoken by those German Sinti and Roma who traditionally live in Germany. It is spoken by an estimated number of up to 60,000 persons. This is an autonomous language, deriving from Sanskrit, which is spoken by the Sinti in Western Europe, especially in the German speech area, and which differs from the other Romany languages used in Europe. In addition, the Romany of the German Roma is spoken by an estimated number of up to 10,000 persons.

34. Historically, the language can be assigned to quite a number of small regions in Germany where Sinti for centuries have been, or still are, traditionally resident. The race policy of the despotic Nazi régime - entailing stigmatization and discrimination, persecution and the genocide inflicted also on the Sinti and Roma - has, moreover, destroyed the historical structure and the speech communities of some members of the Sinti and Roma people. Nowadays the German Sinti and Roma are integrated

into society. In everyday life, however, they are still subject to private discrimination, due to the prejudices held by some fellow citizens.

35. The majority of German Sinti and Roma nowadays live in the capitals of the "old *Länder*" of Germany [the 11 federal States that belonged to the FRG within its territorial boundaries up to German unification], including Berlin and its environs, and in the conurbations of the Greater Hamburg area, the Rhine/Ruhr region with Düsseldorf and Cologne at its centre, and the Rhine/Main and Rhine/Neckar conurbations. In some cases, major numbers of German Sinti and Roma also live in regions of geographically close, smaller towns. Thus, German Sinti and Roma reside, for instance, in medium-sized and small towns of Ostfriesland, Northern Hesse, the Palatinate, Baden and Bavaria. So there is no single speech area confined to any one *Land* for the Romany language traditionally spoken in Germany. Rather, the language is spoken in most of the *Länder* of the Federal Republic of Germany.

36. However, the high degree of dispersal and what often are only small numbers of users of the Romany language in a narrowly delimited region must not be allowed to result in any impairment of the objective scope for protection if the causes of such dispersal have been generated, or at least been significantly influenced, by earlier government action. In this regard, there is a particular obligation incumbent on the state to help to reduce problems that have arisen in respect of the existence of the language and to expand the scope for developing the language and culture. To the extent possible at this time, account is taken of this requirement in the measures, both applied and envisaged, for protection and promotion.

### **A.3.5 The Low German language**

37. Low German is spoken - mainly as a cognate, or closely related, language - by large numbers of users in Northern Germany where different varieties of *Plattdeutsch* (Low German or Low Saxon) have developed in the various regions. The problem history of what formerly was the leading language of Northern Germany began in the 17<sup>th</sup> century. Since that time, the model role of Low German has increasingly devolved to High German. In the course of this process, the forms and functions of Low German radically changed. Low German has the status of a historical separate language [independent language in its own right]. However, since there no longer is a unilingual community of speakers, the regional forms of Low German (Low Saxon) nowadays only exist under the umbrella of High German (standard German).

In the period between the year 800 and the end of the 13<sup>th</sup> century, written Latin was used almost exclusively in Northern Germany. With the progressive Christianization of the Saxon territories, however, the spoken popular language began to be rudimentarily established as a written language. Thus, the sources of Old Saxon, which was only spoken in a small geographical area, represent the oldest attested form of Low German. Tradition of such sources ended in the 11<sup>th</sup> century.

38. Middle Low German represented the next linguistic stage of Low German. The changes regarding writing and the spoken language took place in the 12<sup>th</sup> century. In the 13<sup>th</sup> century, written tradition was increasingly pursued by the clergy and in administration. In the wake of the Germanic settlements [Germanic colonization of Eastern Europe] in the 12<sup>th</sup> century, the territory in which Low German was used had already been extended. The growing economic and political importance of the North German towns and cities also resulted in the functional expansion of Middle Low German as a language of communication and commercial language.

With the emergence of writing regarding the popular language, regional written forms of the Middle Low German language had developed. While these regional languages spread, an assimilated common-use language developed. For two centuries (14<sup>th</sup> - 16<sup>th</sup> c.), Middle Low German is the leading language used in the Hanseatic economic and cultural area. During the last third of the 15<sup>th</sup> century, the new medium of printing reached the Low German speech area. Lübeck became the most important printing centre of Northern Europe. Middle Low German left a lasting mark on the Scandinavian languages.

39. The phase of expansion of Middle Low German ended with the changeover to High German as the standard written language after the year 1500. Within a short period of time, the Low German written languages were supplanted by High German, the new standard language. By 1650, this changeover was already completed for the major part. This was socially and functionally a top-down process, i.e. it occurred from the upper classes, which had the decisive influence on the language used, down to the lower classes, from the written (standard/literary) language down to the spoken language, and from formal domains down to the private sphere of life. These changes entailed a loss of function and prestige for this language and, as a result, the territory and the spheres in which it was used were increasingly reduced.

40. Since the 17<sup>th</sup> century, the High German standard/literary language and the Low German language, in the form of *plattdeutsch* varieties, have been in competition with each other in a history of strained relations. Until the middle of the 19<sup>th</sup> century, Low German had continued as the spoken language of wide sections of the population. In the course of the 19<sup>th</sup> and 20<sup>th</sup> century, however, the general bilingua-



lism of Northern Germany underwent marked changes as a result of the detraditionalisation process. In the course of industrialization and urbanization, there was again a shift from one language to the other - this time affecting the spoken language. Under the influence of a democratized school and education system, it was, above all, the majority of the urban population who changed over to High German. As a result, either the sequence of language acquisition - Low German/High German - was reverted, or the change resulted in High German unilingualism. As Low German was discarded in public life, it has become a private, non-formal - closely related - language of everyday communication. Particularly in rural areas of Northern Germany, however, there are still speech communities communicating in Low German in private life and leisure-time activities as well as in some traditional professions and use this language as a vehicle for cultural activities. In these places, bilingualism - more or less hidden - prevails.

41. Since the 17<sup>th</sup> century, until this date, the relation between High German and Low German has continuously been accompanied by a commentarial history. As a general rule, such commentaries refer to the given current constellation of linguistic variants and, embedded in a wide economic, social and ideological reference framework, have been one of the contributing factors causing significant changes in linguistic practice.

Against the background of the language's decline, a number of poets time and again opposed this state of affairs with Low German poetry. In this way, they argued against the imperilment of a cultural identity manifesting itself in the particular language. When political Romanticism in the middle of the 19<sup>th</sup> century equated language and *Volksgeist* ("national character", "genius of the people"), the idea developed that the Low German vernacular was of particular value in forging identity. The emergence of a new written form of Low German in literature in the mid-19<sup>th</sup> century therefore marks an important turning point. The impetus provided by this development continues to this day. It was on this basis that a New Low German literature developed - with continuity, quality, and subtlety and precision as its prominent features. Due to the mediatisation of Low German, this language also asserted itself in other segments of cultural life: in the theatre, in the Church, in broadcasting. An institutional network of supraregional associations and unions, theatres and publishing houses, writers' unions, teachers' associations and clergymen's unions created the basis for a specific Low German scene that plays a widely publicized role in Northern Germany's cultural life. The work of this network has consolidated - at least rudimentarily - over the past three decades thanks to the moral and financial support provided by the *Länder*, local governments, and other institutions.

42. Nowadays Low German is spoken in eight *Länder* of the Federal Republic of Germany. The traditional speech area covers the entire territory of Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein, but only parts of Brandenburg, North Rhine/Westphalia and Saxony-Anhalt. Language use differs greatly, both from one region to another and in terms of rural/urban distribution. In the coastal region, the Low German dialects are of greater vitality than those in the South, near the language border.

43. The number of people in Northern Germany who have a command of, and actively speak, any of the varieties of Low German is not known. The only informative study available so far, a representative survey of 1984 covering the Low German region in the "old" *Länder* [i.e. those in "West Germany"], provided the following average figures:

- 56% of the respondents said that they could speak Low German (on a scale of "very well", "well", or "a little");
- 43% stated that they could not speak Low German at all;
- 89% stated that they were able to understand Low German; and
- 11% stated that they could not understand Low German.

44. For the three "new" *Länder* [where Low German is spoken, i.e. Mecklenburg-Western Pomerania, Brandenburg and Saxony-Anhalt], no comparable data are available. On the basis of an assumed similar distribution of language proficiency, the overall number of those who claim to have a more or less good knowledge of the Low German language can be estimated to amount to some eight million individuals.

45. Notwithstanding the cultural activities of clubs and associations, amateur theatre groups, writers' associations and circles of poets, the number of speakers of Low German continues to dwindle. The present state of affairs - i.e. that unregulated passing on of this language has, for the major part, been brought to a standstill - is due, in particular, to the fact that the Low German dialects no longer fulfil any public functions. Therefore, at least in the medium term, Low German must be considered moribund.

#### **A.4 Bodies established by the Federation and the Länder**

46. The *Bund* [Federation; Federal Government/Administration] and the *Länder* have established special bodies where regular exchanges take place between the political

level, public administration and the various language groups. As a rule, the language groups - with the exception of the users of the Low German language - also represent a national minority or ethnic group within the meaning of the Council of Europe Framework Convention for the Protection of National Minorities. Thus discussions within these bodies cover, in addition to language-related issues, all minority-relevant concerns of these groups. Also, functions have been established within public administration which are constantly in touch with the minorities and have direct responsibility for the protection and promotion of the groups protected under the Framework Convention. The creation of this infrastructure had to take account of the different needs of the various groups, and of the existing scope for government action. In addition, there are various organizations dealing with the preservation and promotion of the protected languages.

#### **A.4.1 Government agencies, other public authorities, and Commissioners**

47. At the federal level, the Federal Ministry of the Interior has the primary responsibility for matters of minority-related law and for giving effect, at the national level, both to the protection of national minorities and to the provisions of the Charter. With the designation of a Federal Government Commissioner for Matters Related to Repatriates and National Minorities in Germany in November 2003, national minorities can rely on an additional central point of contact at the federal level that makes it easier for the minorities' associations to put their concerns and views to government agencies, and thus to overcome the difficulties entailed by the division of responsibilities in the Federal Republic of Germany - both vertical (among the Bund, the Länder and local governments) and horizontal (among different Ministries). The main tasks of this Federal Government Commissioner *qua* commissioner for national minorities are:

- point of contact at the federal level for the national minorities in Germany;
- representative of the Federal Government to the relevant contact bodies;
- public information activities regarding the national minorities in the Federal Republic of Germany.

48. The continuing dialogue with the national minorities and the Council of Europe creates awareness and understanding of the concerns of national minorities and ensures direct involvement of the persons concerned in the opinion-forming process.

49. As regards human rights aspects of the protection of minorities, responsibility also lies with the *Federal Ministry of Justice*. In the *Länder*, general responsibility for

matters concerning national minorities is vested in the respective State Chancellery or one of the Ministries (usually the Ministry of Cultural Affairs and/or of Education, or the Ministry of Scientific Affairs).

50. According to their specific portfolios, also other Ministries, or institutions at the same level, deal with various aspects of the protection of minorities (usually in connection with specific promotion tasks). At the federal level, this is the *Federal Government Commissioner for Cultural Affairs and the Media*. In the *Länder*, there are, in instances, several different Ministries with responsibility in this field since, under the federal system of Germany, material support for the work of minority organizations mostly is a responsibility of the *Länder*.

51. In Brandenburg Land the Ministry for Science, Research and Cultural Affairs has a *Section for Sorbian (Wendish) Matters*, while the Free State of Saxony has established a *Section for Sorbian Matters* at its Ministry of Scientific Affairs and Arts. In Schleswig-Holstein, the head of a section of the State Chancellery is responsible for minority matters. In other *Länder* of the Federal Republic of Germany, these tasks are performed by units of various supreme *Land* authorities. Responsibility for dealing with the interests of the Sorbian and German/Sorbian schools in the Sorbian settlement area in the Free State of Saxony lies with the Saxon State Ministry for Cultural Affairs and the Bautzen Regional Schools Office.

52. In order to provide a direct point of contact to the minorities in Schleswig-Holstein, the function of a *Border Region Commissioner*, who reported to the Minister-President, was established in 1988. In April 2000, the designation was changed to "the Minister President's Commissioner for Minorities". *Inter alia*, the Commissioner [at present a woman] advises the Minister-President on matters concerning the Danish minority in the Schleswig region of this *Land* and those Frisians and German Sinti and Roma who live in Schleswig-Holstein. The Commissioner for Minorities monitors the cultural, social and economic developments in the border region in terms of their implications for the minorities and reviews the development and implementation of the legislation on minorities and ethnic groups at the international level. At the same time, she performs the function of a Commissioner for Low German.

53. *Kreise* [county-type administrative districts] with larger shares of national minorities and ethnic groups, and local authorities in the settlement areas of the latter have, like other public-law corporations (e.g. *Ostfriesische Landschaft*), also provided facilities for attending to the interests of minorities. In Brandenburg, the *kreisfreie Stadt* [non-district municipality] of Cottbus and Spree-Neisse *Landkreis* [(rural) administrative district] have designated full-time Commissioners for Sorbian Matters. In the *Landkreise* of Oberspreewald-Lausitz [Lusatia] and Dahme-Spreewald, honorary

commissioners have been designated. The *Amt* [local authority union] of Jänschwalde has designated an honorary Sorbian Affairs Commissioner, and the *Amt* of Burg has a similar designation in preparation. The city of Lüneburg [in Lower Saxony Land] has an honorary Commissioner for Low German.

54. For election of the Commissioners, the Sorbian associations had the right of nomination in Cottbus and in the *Ämter* of Jänschwalde and Burg. In Spree-Neisse *Landkreis*, opinions of the Sorbian associations were taken into consideration. In Oberspreewald-Lausitz *Landkreis*, the associations were not involved in the selection process but agreed to the selection and since then have pursued constructive co-operation. In the *Landkreis* of Dahme-Spreewald, the Sorbian associations did not exercise the right of nomination.

55. In the Free State of Saxony, Bautzen *Landkreis* and the *kreisfreie Stadt* of Hoyerswerda have Sorbian Affairs Commissioners. In *Niederschlesischer Oberlausitzkreis* [Lower Silesian *Kreis* of Upper Lusatia], this function is performed by the office of the *Landrat* [chief executive official of a *Landkreis*]. Kamenz *Landkreis* has laid down the rule that a senior position in the administration shall be filled with a member of the Sorbian people. At present, this is the post of the Head of the Department for Youth and Social Affairs.

56. The tasks of the *Commissioners for Sorbian Matters* include, for instance, preparations for decisions of the mayor, departmental heads and town councils; co-ordination and co-operation with the local agencies and departments with regard to all Sorbian matters; monitoring and supporting the public agencies in respect of the enforcement of the rights of the Sorbian people, as guaranteed by the *Land* Constitution; introduction of draft bills affecting the interests of the Sorbian population; and co-operation with Sorbian institutions.

57. The tasks of these public authorities include the protection of national minorities at the federal and *Land* levels, including responsibility for legislative proposals, the implementation of minority-related law, including the pertinent international-law instruments, promoting the work of national minorities and ethnic groups and, at the local government level, on-the-spot assistance/counselling and direct support.

58. The activities of public authorities relate to the minorities/language groups living in the respective *Land* or region, and at the federal level, to the Danish minority, the Sorbian people, the Frisians in Germany, and the German Sinti and Roma.

#### A.4.2 Councils, institutions, and/or round tables at the federal level

59.

- A Federation/*Länder* Conference with the minorities on the Framework Convention for the Protection of National Minorities: Participants are the Federal Ministries dealing with the protection of national minorities, the respective *Land* authorities with lead responsibility, representatives of the umbrella organizations of the minorities protected by the Convention and of their scholarly institutions. One of the Conference subjects is discussion of the implementation of the Framework Convention.
- A Federation/*Länder* Conference with the language groups concerned on the European Charter for Regional or Minority Languages: participants are Federal and *Land* Government authorities dealing with aspects of the Regional/Minority Language Charter, and representatives of the umbrella organizations of these language groups and of their scholarly institutions. One of the Conference subjects is discussion of the implementation of the Regional/Minority Language Charter.
- *Consultative Committee on Issues concerning the Danish Minority*, set up at the Federal Ministry of the Interior (MOI): members are the Federal Minister of the Interior and a State Secretary of the Federal MOI; two members each of the parliamentary groups of the German *Bundestag*, three members of the Danish minority in Germany, and the [Minister-President's] Commissioner for Minorities as the representative of Schleswig-Holstein *Land*. The Committee is chaired by the Federal Minister of the Interior. The Committee is to ensure contacts of the Danish minority with the Federal Government and the *Bundestag*. It has the task to discuss all issues of the Federal Government's domestic policy that concern or affect the Danish minority.
- *Consultative Committee on Issues concerning the Sorbian People*, set up at the Federal Ministry of the Interior (MOI): membership of the Consultative Committee includes, on the one hand, three members of the Sorbian people designated by DOMOWINA [Federation of Lusatian Sorbs] and a representative of the Foundation for the Sorbian People [Założba za serbski lud] and, on the other hand, representatives of the Federal Ministry of the Interior and of the Brandenburg and Saxony governments. Members of the German *Bundestag* and representatives of other federal ministries can be invited to attend the meetings. The Committee is chaired by the Federal Minister of the Interior.

The Consultative Committee's task is to discuss all issues of the Federal Government's domestic policy that concern or affect the Sorbian people.

- *Foundation for the Sorbian People*: the members of the board of trustees [Foundation Board] are representatives of the Sorbian people, of the *Bund* [Federal Government], of the Free State of Saxony and of Brandenburg *Land*, and local government representatives; membership of the Parliamentary Consultative Council includes Members of the German *Bundestag*, of the Saxon *Landtag* and of the Brandenburg *Landtag*. The aim of the Foundation is the promotion, both in terms of moral support and funding, of activities designed to preserve the Sorbian identity and language, Sorbian institutions and Sorbian culture (the Director of the Foundation is a member of the Sorbian people). Cf. the comments under Nos. 68 - 75 below for further details.
- So far, no similar bodies have been established at the federal level to attend to matters concerning the Frisians or the German Sinti and Roma. However, leading personalities from the spheres of politics, science and industry in Germany are represented on the Board of Curators of the *Documentation and Cultural Centre of German Sinti and Roma*.
- The German *Bundestag* established a "Round Table on National Minorities", which is chaired by the chairperson of the Committee on Internal Affairs and, several times per year, brings together Members of Parliament and representatives of the umbrella organizations of the national minorities for joint deliberations. The President of the *Bundestag*, in the autumn of 2003, invited this Round Table to a discussion and promised similar future meetings once a year.
- In the autumn of 2003, an all-party initiative for regional and minority languages was launched in the German *Bundestag* with the aim of taking particular care of the language groups protected under the Charter.

#### **A.4.3 Bodies established for the various languages (*Land* bodies and organizations)**

##### **A.4.3.1 The Danish language**

60. The chief organization of the Danish minority for cultural work and thus, in particular, for the cultivation of the Danish language is *Sydslesvigsk Forening* (SSF, i.e. "*Südschleswigscher Verein*" - South Schleswig Association), with the *Dansk Generalsekretariat* in Flensburg and a membership of 14,500; another 25 associations pursuing many and various activities are affiliated to the SSV.

61. *Sydslesvigsk Forening* is committed to the promotion of "Danish work in South Schleswig", of the Danish language and of Danish folklore. In addition, the Association maintains lively contacts with Denmark and the other Nordic countries, and its aim is the keeping alive of the Danish culture and the Danish way of life within the minority. It organizes Danish theatrical performances and concerts, maintains buildings as meeting places and assembly rooms, a museum, a school hostel in the country [outdoor pursuit centre] as well as residences for the elderly, and operates senior citizens' clubs with a wide range of recreational facilities and activities in the Danish language.

62. The programme of cultural events throughout the region also includes lectures, movies, slide lectures, discussions and social gatherings. The yearly meetings of the Danish minority, with large open-air gatherings in various places of the settlement area and with parades with musical accompaniment, have for some time already developed into large public festivals. The minority and the majority have opened up towards each other and share experiences and activities.

63. The Danish minority also operates the historical museum of Danevirkegården near [the town of] Schleswig, and an adult education centre in Jarplund.

64. *Sydslesvigs danske Ungdomsforeniger, SdU* (Danish Youth Association for Southern Schleswig), organizes a wide range of youth work activities. It supports recreational centres and sports facilities. Its affiliated bodies include, *inter alia*, the Danish-language amateur theatre *Det lille Teater* in Flensburg. Associations of a very different structure co-operate within the Youth Association. Besides sports clubs, these include freely organized groups and church youth groups as well as the Danish Boy Scouts Corps in South Schleswig. For the various fields of interests, there are numerous recreational activities offered also outside group-based activities.

65. In addition, the Danish minority has a library system of its own, i.e. the *Dansk Centralbibliotek for Sydslesvig*, or *Dänische Zentralbibliothek für Südschleswig* (Danish Central Library for South Schleswig), which is the local main library for adults and children and also comprises two mobile libraries, a bibliographic section and a selection of audiovisual media. The Danish Central Library has two main branches and many sub-branches in schools and nursery schools. It also comprises a research section and archives.

66. Of particular importance to the Danish minority, and for the preservation of their language, is their fully developed system of private schools. The providing body for activities related to schools and nursery schools is *Dansk Skoleforening for Syd-*



*slesvig*, or *Dänischer Schulverein für Südschleswig* (Danish Schools Association for South Schleswig), with some 8,000 members. At present, it operates 57 nursery schools and day-nurseries and 49 schools. These are primary schools and secondary modern schools - including remedial classes, four *Realschulen* [secondary technical schools], one *Gymnasium* [grammar school] in Flensburg, and one comprehensive school.

67. The Danish minority finance their work with their own resources, with donations from private individuals and foundations and, for a significant part, with allocations from the budgets of the Schleswig-Holstein *Land* Government and of German local governments in the settlement area. Also, the minority receive substantial funds for their work from the Kingdom of Denmark and from the *Danish Border Association*. These funds make it possible for the cultural work of the Danish minority to be carried out on an extensive scale.

#### **A.4.3.2 The Sorbian language**

68. For the duration of each legislative period, the Saxon *Landtag* elects a *Council for Sorbian Affairs*, and the *Landtag* of Brandenburg a *Council for Sorbian (Wendish) Affairs*. Each of these Councils has five members who, in Brandenburg *Land*, must be members of the Sorbian people. In Brandenburg, Council members are nominated by the Sorbian associations, and in the Free State of Saxony by Sorbian associations and the communities in the Sorbian settlement area. The Council deals with all parliamentary matters of importance to the Sorbian people, including legislative proposals, and submits comments/opinions from the Sorbian point of view. In the Free State of Saxony, also the State Government shall hear the Council on these matters.

69. In addition, the Sorbs founded a large number of associations with widely varying objectives. The umbrella organization of the Sorbian associations is *Domowina – Zwjazk Łužiskich Serbow*, or *Bund Lausitzer Sorben* [Federation of Lusatian Sorbs], to which 14 organizations of the Sorbs, with more than 6,000 members, are affiliated. These include the Sorbian Scientific Society/*Maćica Serbska* and, for school and cultural matters, *Sorbischer Schulverein* [Sorbian Schools Association], *Bund der sorbischen Studierenden* [Union of Sorbian Students], *Sorbischer Künstlerbund* [Sorbian Artists' Union] and *Verband sorbischer Gesangvereine* [Union of Sorbian Choral Societies]. In the field of youth work, particular mention is to be made of the Sorbian youth organization *Pawk*. In addition, there are many other associations and support/promoting associations which, partly

also from locations abroad, are committed and devoted to cultivating and promoting the Sorbian history, language and culture.

70. The ancestral settlement area of the Sorbs is in the *Länder* of Saxony and Brandenburg. The two *Länder* have, mutually and with the *Bund*, agreed a common promotion policy. This policy has been embodied in the *Foundation for the Sorbian People* (cf. para. 59 above). It was established in 1991 as an unincorporated foundation of the Free State of Saxony, with the *Bund* and the *Länder* of Brandenburg and Saxony as the providing bodies. This unincorporated foundation has always been understood by the interested parties as a mere interim solution. The aim was the establishment of a legally autonomous foundation which would enable the Sorbian people to organize its interests and concerns with a large degree of self-determination. After the structures required to this end had been developed in the meantime, the [incorporated] foundation was established with the conclusion of a State Treaty signed by the *Länder* of Brandenburg and Saxony on 28 August 1998 in Schleife/Saxony. The Treaty was ratified on 18 December 1998 and entered into force on 1 January 1999.

71. The institutors of the Foundation, and Contracting Parties to the State Treaty, are the *Land* of Brandenburg and the Free State of Saxony. The Federal Government (*Bund*), on the basis of the *Agreement on the Common Funding of the Foundation*, provides funding and appoints representatives to the Foundation's bodies. The principal tasks of the Foundation are, in particular:

- promotion of institutions preserving the culture, arts and homeland of the Sorbs;
- promotion of, and participation in, projects concerning the documentation, publication and presentation of Sorbian art and culture;
- promoting the preservation and further development of the Sorbian language and cultural identity, also in Sorbian educational and scientific/scholarly facilities and in such institutions as serve these objectives;
- promoting the preservation of the Sorbian identity among the general public, in professional life and in the relations and shared life of the Sorbian and non-Sorbian populations;
- promotion of projects aimed at furthering international understanding and co-operation with other ethnic groups and national minorities in Europe, and promotion of the historically evolved relations of Sorbs with their Slav neighbours with a view to forging a link between Germany and Eastern Europe; and
- participation in the design of governmental and other programmes affecting Sorbian interests.

72. The main parameters of the Foundation's activities and its annual budget are decided by the Foundation Board [board of trustees]. The Board is composed of 15

members, of whom six are representatives of the Sorbian people. The Foundation's *Parliamentary Consultative Council* supports and advises the board of trustees. The Consultative Council has an extensive right of access to information. It is composed of two members each of the German *Bundestag* and of the Saxon and the Brandenburg Parliaments (*Landtage*).

73. The Foundation is domiciled in the city of Bautzen, and has regional offices in Cottbus and Schleife [both in Saxony], and in Hoyerswerda, Crostwitz and Bautzen [in Brandenburg]. Its affairs are managed by the Director. The Foundation's administration also comprises *Sorbische Kulturinformation* (Sorbian Cultural Information Office) in Bautzen and the Sorbian Cultural Information Office "Lodka" in Cottbus.

74. For fulfilment of the Foundation's objectives, it receives annual grants from the *Bund*, the Free State of Saxony and Brandenburg *Land*. The *Bund* provides half of the Foundation's funds while the Free State of Saxony and Brandenburg *Land* provide one third and one sixth, respectively.

75. The following institutions are subsidized out of the endowment funds:

- *Sorbisches National-Ensemble GmbH* [Sorbian National Ensemble], Bautzen;
- *Domowina - Bund Lausitzer Sorben e.V.* [Federation of Lusatian Sorbs, reg'd], as the umbrella organization of Sorbian organizations that also operates the *WITAJ-Sprachzentrum* [WITAJ Language Centre];
- *Domowina-Verlag GmbH* [Domowina Publishing House], Bautzen;
- *Sorbisches Museum Bautzen* [Sorbian Museum in Bautzen];
- *Wendisches Museum Cottbus* [Sorbian/Wendish Museum in Cottbus];
- *Sorbischer Schulverein* [Sorbian Schools Association, reg'd];
- *Sorbisches Institut e.V.* [Sorbian Institute, registered association], Bautzen, as a scholarly institution;
- *Schule für niedersorbische Sprache und Kultur* [School for the Low Sorbian/Wendish Language and Culture] in Cottbus.

### A.4.3.3 The Frisian language

76. In the Council of Europe Framework Convention for the Protection of National Minorities, the Frisian *ethnic group* is accorded the same status as a national minority. The activities of the Frisian movement are, for the major part, organized by associations. These include *Nordfriesischer Verein* [North Frisian Association], *Friisk Foriining* [Frisian Association] (formerly: *Foriining for nationale friiske* [Association of National Frisians]), *Nordfriisk Instituut* [North Frisian Institute], *Öömrang Feriin* [Öömrang Association, i.e. association for the dialect spoken on the island of Amrum/Oomram], *ffnr* (*feriin for nordfriisk radio / Ferial för en nuurdfresk radioo* [Association for a North Frisian Radio Station]) and, as a private foundation, the *Fering Stiftung* [Fering Association, i.e. association for the dialect spoken on the island of Föhr/Feer]. All of these associations are dedicated to varying priority aspects of the preservation of the language, culture and landscape of Nordfriesland. The *Verein Nordfriesisches Institut* [Association for the North Frisian Institute] is the providing body of *Nordfriisk Instituut*.

77. The umbrella organization of the Frisians is *Interfrasche Rädj* [*Interfriesischer Rat* - Inter-Frisian Council] which comprises three *Frisian Councils*: Section North (in the *Land* of Schleswig-Holstein), Section East (in the *Land* of Lower Saxony), and Section West (in the Netherlands). Membership of the Section North of the Frisian Council includes four representatives of *Nordfriesischer Verein* [North Frisian Association], two representatives of *Friisk Foriining* [Frisian Association], one representative of *Eiderstedter Heimatbund* [Eiderstedt Union for Local and Regional Traditions], one representative of Helgoland community, and one representative of *Nordfriisk Instituut* [North Frisian Institute]. The Section East brings together the associations of East Frisians and Saterland Frisians. The main associations in the East Frisian area are: *Ostfriesische Landschaft* (a public-law corporation), *Landwirtschaftlicher Hauptverein für Ostfriesland* [Agricultural Main Association for Ostfriesland], *Oldenburgische Landschaft* (a public-law corporation) and *Friesischer Klootschiesserverband* [Frisian Curling Association]. The interests of the Saterland Frisians within this Section are represented by *Seelter Buund*, an association which is dedicated, in particular, to the cultivation of the Saterland Frisian culture and language.

78. In addition, there are, throughout the entire East Frisian area, many local clubs dedicated to the cultivation and preservation of Frisian customs and folklore.

79. The Schleswig-Holstein *Landtag* has a "body dealing with matters concerning the Frisians in Schleswig-Holstein *Land*" which is chaired by the President of the

*Landtag*. Usually twice per year, this body discusses matters concerning the Frisian segment of the population in the *Land*, with the aim of cultivating and fostering the Frisian language and culture. Its members are representatives of the political parties of the *Landtag*, the *Bundestag* MPs for Nordfriesland, representatives of the *Land* Government and of the Frisian ethnic group. North Frisians are also represented on local councils. The meetings of some of these bodies are held also in the Frisian language.

80. Since 1950, Kiel University has the *Nordfriesische Wörterbuchstelle* [North Frisian Dictionary Institute], and since 1978, the professorial chair for Frisian philology.

81. As a central scholarly institution in Nordfriesland, the *Nordfriisk Instituut* (*Nordfriesisches Institut* - North Frisian Institute) in Bredstedt is of great importance to the cultivation and promotion of, and research on, the Frisian language, culture and history. In particular, its scholarly and journalistic activities cover the areas of the languages, history, and study of the geography and civilization of Nordfriesland. The Institute has a specialized library and archives, and offers seminars, courses, workshops and lectures. The Institute's providing body is the *Verein Nordfriesisches Institut*, with a membership of around 850, and its work is funded, in particular, by state and local authorities.

In addition to *Nordfriisk Instituut*, the privately funded foundation *Fering Stiftung*, in Alkersum on the island of Föhr/Feer, pursues scholarly linguistic and cultural activities especially, but not exclusively, for the island of Föhr.

82. Research work on the Frisian culture of Ostfriesland is undertaken sporadically by various institutions, also including corporations under public law.

83. Research on the Saterland Frisian history, culture and language is of more recent date. Saterland Frisian has not been handed down as a written language. A known work is a collection of Saterland Frisian proverbs, dating from the year 1901. It was only after World War II that the first spelling rules were laid down for this language. In 1980, a *Saterfriesisches Wörterbuch* [Saterland Frisian Dictionary] was published; a revised and significantly enlarged second edition is in preparation. Further publications are compilations of texts, such as "*Saterfriesisches Volksleben*" and "*Saterfriesische Stimmen*". The *Zentralstelle für die sprachliche Landesforschung* [Central Office for Linguistic Regional Research] of Göttingen University, with the support of Saterland *Gemeinde*, carried out a poll among 10 per cent of the inhabitants of the Saterland region. The project is to provide findings regarding the awareness of the members of this ethnic group in respect of their own history and

culture. The study of the Saterland Frisian language lies, in particular, in the hands of a Germanist [scholar studying German/Germanic languages and literatures] of Oldenburg University.

84. In Lower Saxony, a Commissioner for Saterland Frisian/Low German was appointed in 1997 to serve with the government of Weser-Ems *Bezirk* [District].

#### **A.4.3.4 The Romany language**

85. To safeguard representation of their interests, members of the German Sinti and Roma have formed (local) associations and (in line with the federal structure of Germany) *Land* Associations.

86. With the *Bundestag* Resolution of 26 June 1986, all parliamentary groups of the German *Bundestag* confirmed the need for enhancing the living conditions of the German Sinti and Roma and for promoting their integration into society.

87. Since 1991, the *Central Council of German Sinti and Roma* and the *Documentation and Cultural Centre of German Sinti and Roma* have been supported by publicly funded institution-based support. The *Central Council of German Sinti and Roma* is the umbrella organization of nine *Land* Associations of German Sinti and Roma and of a number of regional or local associations and institutions. Priority tasks of the *Central Council* are: representation of the interests of this national minority with regard to according them political equal status - this also includes, for instance, legislative proposals and political initiatives for protection against radical-right violent offences and outrages, and the Holocaust Memorial; enforcement of minority rights and of indemnification claims of Holocaust victims; commemoration of the genocide victims; and supporting public prosecution of Nazi crimes at the national and international levels. Other chief activities are co-operation with the *Land* Associations of German Sinti and Roma and with international minority and human rights organizations, and support for Sinti and Roma in other countries.

88. Priority activities of the *Documentation and Cultural Centre* are: documentation and scholarly work regarding the history, culture and present situation of this national minority; cultural work, education and further education; social work and counselling; and public information/education with the aim of integrating the German Sinti and Roma into society while preserving their cultural identity. The *Centre* publishes a series of papers in several volumes, e.g. on subjects like "Sinti/Roma Story-Telling in the Context of European Folk-Tale Traditions", "Portrayal of Gypsies

in German-Language Literature", or "Children and Adolescents as Victims of the Holocaust". In addition, several comprehensive works were published, such as the documentation entitled "Sinti and Roma under the Third *Reich* - The Programme of Extermination Through Labour". Also, the *Documentation and Cultural Centre* organizes cultural projects and, in a large permanent exhibition, shows the history and the extent of the National-Socialist genocide of 500,000 Roma and Sinti in Europe. A travelling exhibition on the same subject will in future tour several German cities.

89. In 1989, substantial public funding provided for the purchase and for interior and exterior alteration of a building in Heidelberg for use by the aforementioned institutions. These premises house the *Central Council of German Sinti and Roma*, the *Documentation and Cultural Centre of German Sinti and Roma*, and the "Permanent Exhibition on the Genocide of Sinti and Roma during the Nazi Era".

90. Public funds are provided to the *Central Council* for five staff posts (mainly academic positions), and to the *Documentation and Cultural Centre* for 19 posts. The budget of the *Central Council* is fully funded by the *Bund* while for the budget of the *Documentation and Cultural Centre*, 90 per cent of the funds are provided by the *Bund* and the remainder by Baden-Wurttemberg *Land*.

91. The Lower Saxony *Land* Association of German Sinti, one Sinti and Roma association in Hamburg and a number of smaller organizations of German Sinti, or of German Sinti and Roma, or of German and foreign Roma are independent organizations.

92. A number of organizations not affiliated to the *Central Council* and some elders of family clans of German Sinti formed the *Sinti Allianz Deutschland e.V.* [Sinti Alliance Germany, reg'd]. As stated by the Alliance, it was founded in 1999/2000 by twenty representatives of tribes and is the umbrella organization of nine - previously independent - Sinti organizations and one Lowara tribe. The Sinti Alliance sees itself as representing those Sinti who feel committed to the Sinti's traditional way of life with its historically evolved precepts and prohibitions governing the conduct of their lives, and wish to preserve this social and cultural system. The Alliance's work priorities are the development of political concepts and supporting these concepts vis-à-vis governments, parliaments and public authorities. Other fields of activity, as stated by the Alliance, are strengthening the Sinti culture through cultural projects and supporting Sinti families in social matters. In addition, the Alliance provides care of elderly people and represents the interests of victims of the Nazi regime. The Alliance seeks to establish a legal basis to enable the Sinti to exercise their civil rights in keeping with the Sinti's taboo system.

93. There are no specific governmental bodies and institutions dealing with the protection and promotion of the Romany language. This is in line with the wishes of the majority of this language group. Related to this is the objection raised by the *Sinti Alliance* and the *Central Council of German Sinti and Roma* and other associations of German Sinti to the introduction of the Romany language in publicly maintained schools or to making it the subject of scholarly research. On the one hand, this objection is based on the negative experience made with Nazi language researchers. Therefore, the *Central Council* and other associations take the view that, also out of regard for the experience undergone by the survivors of the genocide, Romany should neither be taught by non-Gypsies nor be learnt within the public educational system. On the other hand, the reason given by the *Sinti Alliance* for this objection is the Sinti's millennia-old taboo system under which nobody outside the Sinti community may be afforded access to this language. The opposite position is taken by Roma associations which come out in favour of the inclusion of Romany in school education and wish to support measures, like those taken in European neighbouring countries, for the development of a written form of this language. Thus, going by those German Sinti and Roma as are represented by their relevant organizations, the vast majority of German Sinti and Roma are against inclusion of their Romany language in the State-run education system, and emphasize their right to cultivate their language and to pass it on to future generations exclusively within the family and family clans.

In the meantime, Sinti families have addressed a large number of individual requests and initiatives to the *Land* Associations of German Sinti and Roma in order to enforce their wish that teachers of this minority be employed for supplementary lessons for Sinti and Roma schoolchildren (outside regular classes, in the afternoon and in classrooms made available for the purpose) with a view to improving the children's linguistic competence. Another objective to be achieved by such supplementary lessons is to enhance the children's school performance by dealing with school subjects and offering homework assistance - in the minority language - (and/or going over the regular classroom lessons again for better understanding of the subject-matter). The *Documentation and Cultural Centre of German Sinti and Roma* offers to co-ordinate such initiatives.

For adult education, groups have already been set up - in Mainz, for example, young fathers of Sinti families discuss job-related, family and other subjects in regular meetings of a working group and go on educational trips in order to improve and keep up their proficiency in the minority language. In the field of adult education, the *Land* Associations of the *Central Council* - e.g. those of Baden-Wurtemberg, Bremen,



Schleswig-Holstein, Rhineland-Palatinate and Bavaria - organize educational trips every year with members of the Sinti and Roma to the KZ (concentration camp) memorial sites of Neuengamme, Bergen-Belsen, Natzweiler-Struthof, Flossenbürg and Dachau. The *Central Council* and the *Documentation and Cultural Centre of German Sinti and Roma* several times per year organize educational trips, mainly for Holocaust survivors among the Sinti and Roma, to the KZ memorial sites of Auschwitz, Sachsenhausen, Buchenwald and Mauthausen, and every year trips to *Evangelische Akademien* ["Protestant Academies" - educational centres of the German Protestant Church] or other educational establishments. These educational trips also serve the purpose of communicating in the minority language and of the resultant enhancement of the linguistic competence of the participating adults.

#### **A.4.3.5            The Low German language**

94.        Specific promotion of Low German has, for a number of years, been regularly discussed or co-ordinated within political bodies.

95.        In Mecklenburg-Western Pomerania, a *Low German Consultative Council*, chaired by the Minister for Education, Scientific and Cultural Affairs, co-ordinates all pertinent activities.

96.        The Schleswig-Holstein *Landtag* in 1992 set up the *Consultative Council for Low German*. This Council deals with all matters concerning the cultivation of the Low German language. Also in 1992, the office of the Minister-President's Commissioner for Low German was established. The Commissioner is the contact person for Low German clubs, associations and organizations.

97.        In early 1999, a Working Group on the Implementation of the European Charter for Regional or Minority Languages was set up in Lower Saxony. Representatives of various Ministries, of *Niedersächsischer Heimatbund* [Lower Saxony Union for Local and Regional Traditions] and of the various parliamentary groups of the *Landtag* work together within this Group.

98.        At present, the Universities of Bielefeld, Flensburg, Greifswald, Göttingen, Hamburg, Kiel, Münster, Magdeburg and Rostock have firmly established research and teaching capabilities (professorial chairs, departments, lectureships) for various college/university degrees. In addition, courses of study are offered, for instance, by the Universities of Bremen, Paderborn, Potsdam, Oldenburg and Osnabrück; also, a number of workshops for regional Low German dictionaries have been established.

99. Also, the existing clubs dedicated to the preservation of local/regional traditions and the unions of such clubs traditionally perform an important share of the related tasks. The following institutions and centres were founded in more recent times for specific tasks; their establishment has been the wish of community action groups and government agencies alike, and they are financed fully or to a large extent with government funds:

- the *Institut für niederdeutsche Sprache* [Institute for the Low German Language] in Bremen;
- the *Regionalsprachliche Fachstelle* [Regional Language Specialist Centre] of [the public-law corporation] *Ostfriesische Landschaft* in Aurich, Lower Saxony; and the *Ostfälisches Institut* [Eastphalian Institute] in Helmstedt, funded by the regional local authority *Deuregio Ostfalen* [Deuregio Eastphalia] working across *Land* borders - a co-operation project of formerly five, now three *Kreise* in Lower Saxony and Saxony-Anhalt;
- the *Niederdeutsch-Zentren* [Low German Centres] for the *Land* regions Schleswig (in Leck) and Holstein (in Ratzeburg), both established by Schleswig-Holstein *Land*; and in Bremen, re-assignment of two half positions of teachers for Low German courses offered at schools;
- the *Volkskulturinstitut Mecklenburg-Vorpommern* [Institute for Folk Culture of Mecklenburg-Western Pomerania] in Rostock, which formerly was government-sponsored, but now its providing body is the *Kulturbund*.

#### **A.5 Participation of the *Bund*, *Länder* and language groups**

100. Within the Federal Government, the Federal Ministry of the Interior has the overall responsibility for ensuring the implementation of the European Charter for Regional or Minority Languages. To support implementation of the Charter, measures have been, and continue to be, taken to elucidate the contents of this international-law instrument, and its implications in practice, by means of lectures and other inputs at conferences and seminars, in which both government officials responsible for the protection of languages and representatives of the language groups concerned participated or participate. One of the permanent tasks is implementation counselling for the various *Länder* and government departments, especially also through sharing practical experience gained in other *Länder* and foreign countries, studying the requirements of the minorities concerned, and advising *Länder* and language groups.

101. In June 1999, the first Implementation Conference regarding the Charter took place; it brought together representatives of the Federal Ministries responsible for the

protection of languages, representatives of the competent agencies of the German *Länder*, as well as representatives of the language groups protected under the Charter, and scholars. The subjects of the Conference were the implementation status of the Charter in Germany, the deficits still encountered in this respect, and development of the German State Report. An Implementation Conference is held every year. Also, the Council of Europe instruments on the protection of minorities (Framework Convention and Charter) and their implementation status regularly are the subject of discussions of relevant bodies where Parliamentarians, government representatives and representatives of the minorities/ language groups co-operate.

102. Before its final endorsement at the national level, the State Report was sent to the central organizations of the groups concerned for their comments and was discussed with these organizations during an Implementation Conference attended also by a representative of the Council of Europe. The 'feedback' comments of these groups are attached to the present State Report as Part E. After its submission to the Secretariat of the Council of Europe, this State Report will be published in Germany.

#### **A.6. Public information regarding the Charter**

103. Following its entry into force, the Charter has continued to be the subject of intensive media reporting both at the supraregional level and in the central settlement areas of the language groups concerned. On the occasion of the Charter's ratification, during a ceremony with representatives of the groups concerned, the Federal Ministry of the Interior provided information on the Charter. With reference to the *Act ratifying the Charter*, a detailed Memorandum providing information on the background and contents of the Charter was developed and has been widely disseminated. The text of the Charter was published, *inter alia*, in the collection of texts compiled by the *Federal Centre for Political Education* (BpB) and entitled "Human Rights - Documentation and Declaration". The *Länder*, too, have drawn attention to this international-law instrument in various publications (brochures, press releases, Minority Report, etc.). The language groups, in particular, have informed their members in many and various ways.

104. As part of the public information/education activities of the Federal Government Commissioner for Matters Related to National Minorities in Germany, a comprehensive information brochure is being developed on the situation of the national minorities and language groups and is planned to be widely distributed. The organizations of the national minorities provide inputs to the brochure's contents.



## Part B Recommendations of the Committee of Ministers

### B.1 Main recommendations of the Committee of Ministers

105. The Committee of Ministers of the Council of Europe has made the following recommendations with regard to Germany. These recommendations prompted the Federal Government to discuss the feasible implementation measures and requirements with the *Bund*, the *Länder* and language groups. The specific measures are stated in Parts C and D in connection with the reports on the implementation of the relevant provisions. A summary is given below:

#### ***The Committee of Ministers,***

*In accordance with Article 16 of the European Charter for Regional or Minority Languages;*

*Having regard to the instrument of ratification submitted by Germany on 16 September 1998;*

*Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Germany;*

*[Having taken note of the comments made by the German authorities on the contents of the Committee of Experts' report;]*

*Bearing in mind that this evaluation is based on information submitted by Germany in its initial periodical report, supplementary information given by the German authorities, information submitted by bodies and associations legally established in Germany and on the information obtained by the Committee of Experts during its "on-the-spot" visit,*

***Recommends*** that the German authorities take account of all the observations of the Committee of Experts and, as a matter of priority:

***1. adopt specific legal provisions, where these are still lacking, in order to implement the undertakings which Germany has entered into under the Charter;***

106. In the opinion of the Federal Republic of Germany, the respective national law is the authoritative reference when answering the question as to the extent and the effects of direct national application of the accepted undertakings. In this respect, the Federal Republic of Germany points out that, under the Federal Act ratifying the Charter, the latter ranks in Germany as a federal law which takes precedence over subordinate law - including *Land* laws - and, as a matter of principle, is to be applied as the more specific law overriding other federal laws to the extent that the respective

provisions of the Charter are by themselves self-executing. Thus, the pertinent accepted obligations under the Charter are directly binding upon the judiciary and the administration and must be complied with in administrative action. Accordingly, the legality of any specific administrative action must be verified on the basis of the standards constituted by these obligations. In this respect it is pointed out that Germany - through deregulation and strictly in accordance with the principle of subsidiarity - endeavours to reduce the enormous number of statutory regulations and thus to give citizens a better idea of the situation as regards the applicable laws. This also means that the requirement for new legal provisions is subject to rigid assessment criteria, especially with regard to redundant provisions.

107. To give an example of the direct applicability of the provisions, reference is made to the closing of a Sorbian class in Crostwitz in the Free State of Saxony as mentioned in para. 431 of the Monitoring Report [MIN-LANG (2002) 4 final]. By a Decision of 16 March 2001, the Ministry of Culture of the Free State of Saxony had, on account of the lack of pupils registered for that class, revoked the participation of the Free State of Saxony in the maintenance of the 5<sup>th</sup>-grade class of the Sorbian secondary technical school in Crostwitz for the 2001/2002 school year which started on 10 August 2001. The reason given by the Ministry for this measure was that, under the Schools Act and the School Regulations, in view of ensuring the required differentiation as regards the relevant educational offers and on account of the resources required for the purpose, at least two classes per year-group must be established at a given school (in order to avoid "mini" age-classes). On this basis, each class must as a rule comprise 25 pupils; as a minimum, however, it must consist of 20 pupils. For the 2001/2002 school year, only a total of 17 pupils had been enrolled for the 5<sup>th</sup>-grade class, instead of the 40 registrations required per age-class at *Mittelschulen* [secondary technical schools].

108. Crostwitz Municipality took legal action against that Decision. The Dresden Administrative Court considered the revocation of the participation in maintaining this age-class by the Ministry of Culture to be lawful since continuation of the school was in contradiction to the Schools Act. For its decision, the Court also thoroughly weighed the functioning of the public educational system against the particular need for protection of the national minority of the Sorbs. In particular, the Court also examined the extent to which the administrative authorities comply with the provision of Article 8, para. 1 (c) (iv), of the Regional/Minority Language Charter, which applies in the Free State of Saxony; in the last analysis, however, the Court did not establish any violation of the Charter.

109. In particular, the obligations undertaken under Articles 9 and 10 (e.g. Article 9, para. 1 (b) (iii) - allowing documents and evidence to be produced in the regional or minority languages, or Article 10, para. 3 (c) - allowing requests to be submitted in the regional or minority language) are self-executing provisions which must be complied with by the judiciary and the administration in their action and which establish a definite legal framework. The Federal Republic of Germany takes the view that further legal regulations would not provide any additional legal advantage regarding the implementation of the relevant provisions, but instead, in most cases, would only create redundant rules of law and consequently - not last in the interest of stemming the flood of legal rules - should be done without. On this basis, the Federal Republic of Germany sees only very little scope, if any, for the implementation of the recommendation regarding adoption of legal provisions in Germany (*"where these are lacking"*).

On the other hand, organizations of the linguistic minorities call for the adoption of specific legal provisions to implement the accepted undertakings, in line with the recommendations of the Committee of Experts.

110. Thus, the focus of the process of the Charter's implementation in Germany is not on legal considerations, but for the major part on practical issues concerning the actual implementation or invocation of the relevant undertakings - a subject brought up in para. 5 of the Recommendations, i.e. *"establish a structural policy for making it practically possible to use regional or minority languages in dealings with the administration and, where relevant, in the courts"*. The Federal Republic of Germany will continue to accord high priority to this implementation process.

**2. establish specific planning and monitoring mechanisms and ensure adequate resource allocation in the field of education;**

111. The Federal Republic of Germany is aware of how important the educational system is for preserving and fostering the regional and minority languages. The *Länder* - which under the federal structure of Germany are responsible for educational policies - make intensive efforts to provide an adequate framework to the benefit of the regional and minority languages. To this end, the different situations in the various speech areas - as regards the numbers of speakers and varying language use - must be reconciled, on the one hand, with the availability of financial resources and, on the other hand, with the scope for administrative action. In this regard, cf. also the comments in Nos. 515 and 516 below.

**3. take urgent action to strengthen education in North Frisian, Sater Frisian and Lower Sorbian, whose survival is particularly endangered, and in**

***particular ensure continuity in educational provision in these languages throughout the school system;***

112. Brandenburg, Lower Saxony and Schleswig-Holstein, as the *Länder* responsible for the above measures, are already making considerable efforts - provided that the relevant undertakings have been accepted - in order to ensure educational provision in the aforementioned languages on an adequate scale. When structuring the school system along these lines, it is indispensable to take account of the actual situation of the various languages (cf. the observation on this point in No. 111 above). Language policy must in particular, on the basis of the lessons and classes offered, bring the requirements and demand - as notified by the language groups themselves - into relation to the adequate administrative measures. Also in this respect, Germany is well aware of how instrumental an adequate school infrastructure is in preserving and vitalizing languages. It is just as important, however, to achieve a balance in general cultural work so as to increase the awareness of their own language among the given language group, especially the younger generation as the target group of school education - seeing that it is this very awareness that will create demand for such school education. Our experience so far shows that, in instances, demand lags behind the actual educational offers. In planning school curricula, the relevant authorities must take account of the synergy effects between cultural promotion and school education measures, on the one hand, and of the resultant 'field of tension'. The Charter, too, recognized this 'field of tension' [conflicting requirements and conditions] and, in the provisions relevant in this context, called for appropriate educational provision in those cases where the number of pupils is considered sufficiently large. The German authorities will continue their efforts to strike a balance between the measures taken in the two fields and to respond to emerging developments.

***4. improve basic and further teacher training for all regional and minority languages;***

113. The issue of teacher training also must be assessed in the light of the 'field of tension' [conflicting requirements and conditions] described in No. 112 above with regard to the 3<sup>rd</sup> recommendation. The *Länder* continue their efforts aimed at further developing the available capacities adequately within this framework.

***5. establish a structural policy for making it practically possible to use regional or minority languages in dealings with the administration and, where relevant, in the courts;***



**6. make the speakers of the regional or minority languages more aware that they have the possibility to avail themselves of the right to use their language before administrative and, where relevant, judicial authorities;**

114. In Germany's view, the possibility to use regional or minority languages before administrative and judicial authorities is an important element in preserving and promoting these languages. The *Bund* and *Länder* widely agree that for creating adequate awareness among all groups concerned improved public information activities of state agencies are desirable. Specific measures are being developed.

**7. take a more active approach towards promoting the presence of the regional or minority languages in the media.**

115. Given that freedom of broadcasting and freedom of the press are guaranteed under the German Basic Law, Germany accepted - exclusively for the "to encourage" part - the obligation under Article 11 of the Charter referring to the media sector. The recommendation of the Committee of Ministers prompted the *Bund* and *Länder* to renew the discussion on an appropriate contribution by state agencies. Cf. the comments in Part D, Nos. 226 to 239 below, referring to Article 11.

## **B.2 Adjustment of the accepted undertakings**

116. A basic problem arises for Germany from the comments of the Committee of Experts in the Monitoring Report [MIN-LANG (2002) 4 final] with regard to the acceptance of redundant undertakings. In No. 453 of the Monitoring Report, the Committee rightly points out that the obligation accepted by the Free State of Saxony under Article 10, para. 3, sub-para. **c** (submission of requests in regional or minority languages) is already included in the obligation accepted under Article 10, para. 3, sub-para. **b** (requesting and receiving a reply in these languages) and thus is redundant. Also, in Nos. 213 and 214 of the Monitoring Report, the Committee states that Schleswig-Holstein, while fulfilling the - not accepted - obligation under Article 14, para. **b** (cross-border co-operation) in its administrative practice, did not fulfil the accepted obligation under Article 14, para. **a** (transfrontier exchanges: bilateral and multilateral agreements). In both cases, Germany considers it necessary to withdraw acceptance of, or to exchange, the respective obligations; it cannot, however, respond to this perceived requirement since the Charter does not provide for such adjustment of undertakings. Germany therefore considers it necessary to have a policy discussion on the issue of adaptation of treaty provisions, also in view of any

problems arising in future, and requests the Committee of Experts to clarify the matter accordingly.

### **B.3 Relevant legislation**

117. The legal instruments and provisions essential to the Charter's implementation in Germany are annexed to the present State Report [cf. Annex 1].

## **Part C Protection of Regional or Minority Languages under Part II (Article 7) of the Charter**

118. In a number of Declarations (cf. Annex 1), the Federal Republic of Germany has, in the context of ratification, defined the scope of application of the Charter as regards the regional or minority languages spoken in Germany.

119. The languages covered by the Charter are primarily "territorial languages", i.e. languages which traditionally are used in a specific geographic area. The reason for this is that most of the measures provided under the Charter call for the determination of a geographic scope of application differing from the territory of the country as a whole. Therefore, in addition to the obligations under Part II of the Charter, the Federal Republic of Germany notified the Council of Europe of the specific provisions of Part III of the Charter, which are complied with by Germany in respect of the regional or minority languages Danish, Upper Sorbian and Lower Sorbian, North Frisian and Saterland Frisian, and Low German (in the following *Länder*: Free Hanseatic City of Bremen, Free and Hanseatic City of Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, and Schleswig-Holstein) and the Romany language (in Hesse *Land*). The separate specification of these provisions for the territories of the various *Länder* is in keeping with the federal structure of the Federal Republic of Germany and takes account of the situation of each of these languages in the respective *Land/Länder* where they have their geographic basis.

120. As regards the protection and promotion of the minority language Romany (on the entire federal territory, with the exception of the *Land* of Hesse where Romany is protected under Part III) and of the regional language Low German (in the *Länder* of Brandenburg, North Rhine/Westphalia and Saxony-Anhalt), the legislation in force in Germany and Germany's administrative practice meet the general objectives and principles laid down in Article 7 of the Charter and, at the same time, individual requirements under Part III of the Charter. The pertinent details are discussed in the comments to Part III of the Charter [cf. Part D below]. Therefore, this description of implementation measures taken under Part II is confined to the essential features and aspects.

## Article 7

### Objectives and Principles

#### *Paragraph 1*

*In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:*

#### Art. 7, para. 1, sub-para. (a)

*(a) the recognition of the regional or minority languages as an expression of cultural wealth;*

121. Compliance by the German system of law with this provision is documented by the notification of the two Declarations on the Charter's scope of application [cf. Annex 1] and by the extensive measures taken for its implementation.

#### Art. 7, para. 1, sub-para. (b)

*(b) the respect for the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;*

122. With reference to No. 52 of the Monitoring Report [MIN-LANG (2002) 4 final], the *Länder* took up the suggestion of the Committee of Experts that co-operation between the *Länder* should be intensified with the aim of promoting the use of Low German. To this end, the competent *Land* officials meet for consultations.

123. In Germany, there are, on principle, no governmental or other measures which would alter the proportions of the population in the settlement areas of the language groups concerned. However, changes in the population figures of the various communities and regions are entailed by general mobility which, in particular, is also due to the economic structure in some regions - involving out-migration to conurbations or the arrival of new residents - or by the incoming migration of "late repatriates" (i.e. persons who formerly belonged to German minorities, especially in States of the former Soviet Union, and who resettled in Germany). These movements to a certain extent also affect the proportions of the various language groups as a percentage of the respective local population. This, however, neither is directed against the exercise of the rights of these groups nor does it have an influence on the participation of their members in decision-making on matters affecting them.

124. The changes regarding the borders and areas of local-government administrative districts entailed by the general territorial reorganization of local government in the Free State of Saxony and in Brandenburg *Land*, have, however, also reduced

the Sorbian inhabitants' portion of the population in some *Kreise* and *Gemeinden*. In the context of the territorial reorganization, it was not possible to take account of all of the concerns and interests of the affected communities, associations and Sorbian minority organizations. In some cases, the local self-administration units designated Commissioners.

125. In connection with alterations of the population structure, one of the subjects of public discussion was the legally regulated dissolution of Horno *Gemeinde* and, as a corollary, the resettlement of the German-Sorbian population of this community in Lower Lusatia in Brandenburg, which had to yield its place to brown coal mining (cf. No. 54 of the Monitoring Report [(MIN-LANG (2002) 4 final]).

126. Lignite mining and the energy industry relying on it are important key industries of Brandenburg, which substantially contribute to the economic development of this *Land*. In Brandenburg *Land* there are no economically exploitable lignite beds or deposits outside built-up areas and thus outside settlements. Consequently, decisions regarding brown coal open-cast mining require prior discussion of the problem of any resettlement entailed by mining.

The main lignite coal mines in Brandenburg *Land* are in Lower Lusatia. This is the traditional settlement area of the Sorbian (Wendish) people. Due to the one-sided focus of the power-supply industry of the former GDR [German Democratic Republic] on the use of brown coal, many people during that period had to leave their home villages since these were claimed for purposes of open-cast lignite mining. This also affected many Sorbs. Without any regard for their ethnic origin and identity, the inhabitants of these places were resettled - often even dispersed - in other places, mainly in the city of Cottbus and its suburbs. In these places, it was rather difficult to preserve the traditional identity. Society's pressure for assimilation set in, or was substantially increased.

127. Opting for a deliberate departure from this policy, Brandenburg *Land* pursues the aim of avoiding any further losses of Sorbian (Wendish) identity. The legal bases for resettlement in connection with brown coal open-cast mining are the Brandenburg *Town and Country Planning Act* of 20 July 1995 and the Brandenburg *Act on Lignite Mining Policy* of 07 July 1997. The principle enshrined in Section 3, para. 2, no. 8, of the Brandenburg *Town and Country Planning Act* - requiring that the concerns of the Sorbian (Wendish) population in Lusatia and their history, language and culture be considered in all plans and measures - is implemented in town and country planning without any restrictions. This principle also was adopted in the Regional Policy Plan. This ensures, also in conformity with the *Act to regulate the substance of the Sorbs' (Wends') rights in the Land of Brandenburg* [SWG - Sorbs (Wends) Act], that the concerns of the

Sorbian (Wendish) population in Lusatia will have to be taken account of in all plans and measures.

128. In addition, the Brandenburg *Act on Lignite Mining Policy* contains a number of general provisions on brown coal mining and, in particular, on the social sustainability of resettlements that cannot be avoided. In this respect, however, resettlement is not a measure that exclusively affects the affairs and interests of the Sorbian (Wendish) minority but has the same impact on the majority population as well, for instance on the inhabitants of Kausche, a community outside the Sorbs' settlement area. But if such use of a Sorbian or German-Sorbian settlement cannot be avoided, special account must be taken of the requirements of minority protection, as defined in legal provisions. Therefore, if a Sorbian or German-Sorbian settlement must be used for mining purposes, the aim is to resettle the affected inhabitants, as a body, in the traditional settlement area and thus to maintain the life environment in which the persons concerned can preserve their folklore and ethnic traditions and can, to the greatest extent possible, avoid the assimilation pressure exerted by an unfamiliar environment. In each individual case, an attempt is made to find solutions by mutual agreement. In order to ensure consideration of the Sorbs' (Wends') interests also in practice within the framework of lignite-mining and rehabilitation/renewal planning, Section 1, para. 3, no. 6, of the *Ordinance on the Establishment of the Brown Coal Committee of Brandenburg Land* of 05 April 1992 provides that one representative of *Domowina* [Federation of Lusatian Sorbs], the umbrella organization of Sorbian associations, shall be delegated, as a voting member, to the Brown Coal Committee of Brandenburg *Land* and shall participate actively in all decisions of this Committee. Moreover, the Sorbian (Wendish) associations/unions are involved in the development of lignite-mining and rehabilitation/renewal plans. Also, the Sorbs (Wends) shall be involved in all decision-making by the institution/agency responsible for regional planning. Representatives of *Domowina* are advisory members of the Regional Assembly of the Lusatia-Spreewald Regional Planning Association.

129. The resettlement issue became a matter of topical interest especially in connection with open-cast mining in Jänschwalde. Continuation of these open pit mines requires use of the area of Horno *Gemeinde*. Under the *Act on Lignite Mining Policy* and the relevant Lignite-Mining Plan, German and Sorbian inhabitants - who object(ed) to relocation - were offered possibilities of being jointly resettled within the traditional Sorbian settlement area. Under the relevant law, Horno *Gemeinde* was dissolved and, under local-government law, was incorporated in Jänschwalde *Gemeinde* on 27 September 1998; the inhabitants were expected to resettle in the period 2000 - 2002. The legally prescribed hearing of the inhabitants on the prospective site of resettlement took place in the meantime. The hearing showed that the majority of the Horno citizens pre-

ferred the town of Forst (Lusatia) over Jänschwalde as a resettlement site. Forst is located within the traditional settlement area of the Sorbs (Wends). The preparations for resettlement in this town are underway.

130. The *Act on Lignite Mining Policy*, Article 2 of which regulates the dissolution of Horno *Gemeinde*, was the subject of five legal proceedings before the Brandenburg *Land* Constitutional Court. These were an avoidance petition [for judicial review of statutes or administrative acts] submitted by a parliamentary group of the Brandenburg *Landtag*, and constitutional complaints [complaints of unconstitutionality] filed by *Domowina* as the umbrella organization of Sorbian (Wendish) associations, by the *Council for Sorbian (Wendish) Affairs* established at the Brandenburg *Landtag*, by Horno *Gemeinde*, and by an inhabitant of Horno. However, in its decision of 18 June 1998, the *Land* Constitutional Court found that - in view of the special importance of lignite mining for structural improvements, job security and energy supply - the legislator's decision to dissolve Horno *Gemeinde* and to use its area for open-cast lignite mining is constitutional - notwithstanding the great importance attached by the Court to the State's aim as stipulated in Article 25, para. 1, 1<sup>st</sup> sentence, of the *Land* Constitution, namely the protection, preservation and cultivation of the Sorbs' (Wends') settlement area. The Court's decision took special account of the supplementary provisions of this Act, calling for a maximum of considerate treatment of the inhabitants of this town, in particular the offer to provide for joint resettlement within the Sorbian settlement area. In this context, the *Land* of Brandenburg strives to avoid any detrimental impact on the Lower Sorbian language.

Art. 7, para. 1, sub-para. (c)

(c) *the need for resolute action to promote regional or minority languages in order to safeguard them;*

131. For all persons speaking a country's official language as their native language it is a matter of course to learn their language, be taught in that language and to use it. For a much smaller group within the nation's population, the requisites for the preservation of an autonomous language can be ensured only by means of an appropriate infrastructure. Therefore, government measures serving the cultivation of regional or minority languages are aimed at placing the speakers of the given language on an equal footing with the majority population using the official language as their native language. Thus, such measures do not constitute a violation of the principle of equality; rather, they comply with it by ruling out discrimination and unequal treatment. The state may take adequate measures to promote the equality of speakers of regional or minority languages with the speakers of the generally spoken official language in those cases where such measures are necessary and appropriate.

Such measures must take account of the specific conditions existing for the given language and its users.

132. In keeping with the federal structure of the Federal Republic of Germany, responsibility for the implementation of measures to promote and preserve the languages protected by the Charter primarily lies with the *Länder*. The Constitutions of five *Länder* of the Federal Republic of Germany contain provisions relating to national minorities and ethnic groups, or to national and ethnic minorities. In part, these provisions also relate directly to the language/languages spoken by the latter. There is one constitutional provision protecting the Low German language. Such constitutional provisions form the basis for legislative measures or for administrative action taken for the benefit of these languages.

133. Article 25 of the Constitution of the *Land* of Brandenburg paraphrases the rights of the Sorbs (Wends) as follows:

"(1) The right of the Sorbian people to the protection, preservation and fostering of their national identity and of their ancestral settlement area is guaranteed. The *Land*, local governments and local authority associations will promote the fulfilment of this right, especially the existence of the Sorbian culture in its own right and effective political participation by the Sorbian people.

(2) The *Land* will work towards ensuring the cultural autonomy of the Sorbs across the *Land* borders.

(3) The Sorbs have the right to the preservation and promotion of the Sorbian language and culture in public life and to having these imparted in schools and child day-care centres.

(4) In the settlement area of the Sorbs, marking of public identification signs for buildings and places shall include the Sorbian language. The Sorbian flag has the colours 'blue, red, white'.

(5) A law will lay down the details of the rights of the Sorbs. That law shall ensure that Sorbian representatives will participate in matters of the Sorbs, especially as regards legislation."

134. The Constitution of the *Land* of Mecklenburg-Western Pomerania, in its Article 16, para. 2, refers to the Low German language:

"The *Land* shall protect and promote cultivation of the Low German language."

Further, the Constitution of the *Land* of Mecklenburg-Western Pomerania says in its Article 18:



"The existence, in its own right, of the culture of ethnic and national minorities and of ethnic groups of citizens of German nationality is afforded specific protection by the *Land*."

135. Article 5, para. 2, of the Constitution of the Free State of Saxony reads as follows:

"The *Land* guarantees and protects the right of national and ethnic minorities of German nationality to the preservation of their identity and to the cultivation of their languages, religion, culture and tradition."

Several Articles of the Constitution of the Free State of Saxony refer to the Sorbs:

Article 2, para. 4, says that:

"In addition to the colours and the coat of arms of the *Land*, the colours and coat of arms of the Sorbs may be deployed, on an equal footing, in the settlement area of the Sorbs, and the colours and coat of arms of Lower Silesia in the Silesian region of the *Land*."

Article 5, para. 1, reads as follows:

"(1) Citizens of German, Sorbian or other ethnic origin belong to the people of the Free State of Saxony. The *Land* recognizes the *lex patriae* [right to live in one's native country]."

Article 6 reads as follows:

"(1) The citizens of Sorbian ethnic origin living in the *Land* are a segment of the state's population who enjoy equal rights. The *Land* guarantees and protects the right to the preservation of their identity and to the cultivation and development of their traditional language, culture and tradition, especially by schools, preschool facilities and cultural institutions.

(2) Within the framework of *Land* and local-government planning, account shall be taken of the necessities of life of the Sorbian people. The German-Sorbian character of the settlement area of the Sorbian ethnic group shall be preserved.

(3) The co-operation, across *Land* borders, among Sorbs - especially in Upper and Lower Lusatia - is in the interest of the *Land*."

136. The Constitution of the *Land* of Saxony-Anhalt lays down that:

"The existence, in its own right, of the culture of ethnic minorities and their political participation are afforded protection by the *Land* and local governments." (Article 37, para. 1)

137. Article 5 of the Constitution of the *Land* of Schleswig-Holstein reads as follows:

"(1) Everybody is free to declare that he or she belongs to a national minority; such declaration does not release the given individual from his or her general civic duties.

(2) The existence, in its own right, of the culture of national minorities and ethnic groups and their political participation are afforded protection by the *Land*, local governments and local authority associations. The national Danish minority and the Frisian ethnic group are entitled to protection and promotion."

Article 9, para 2, of the Constitution of the *Land* of Schleswig-Holstein reads as follows:

"The *Land* shall protect and promote the cultivation of the Low German language."

As regards the State's aim (laid down in the *Land* Constitution) as defined above, it is pointed out that the statement made by the Committee of Experts in No. 57 of the Monitoring Report [MIN-LANG (2002) 4 final] - that, with the exception of Mecklenburg-Western Pomerania, no other *Land* Constitution contains a provision devoted to Low German - is not correct.

138. A further basis for the rights of the Danish minority is provided by the *Bonn Declaration* of 29 March 1955, which was preceded by the Declaration of 26 September 1949 by the *Land* Government of Schleswig-Holstein (*Kiel Declaration*).

With regard to the Sorbian people, a protocol note to Article 35 of the *Treaty on the Establishment of German Unity* of 31 August 1990 states the following:

"Regarding Article 35 of the Unification Treaty, the Federal Republic of Germany and the German Democratic Republic declare the following:

1. Everybody is free to declare his or her affiliation with the Sorbian ethnic community and with the Sorbian culture.
2. The preservation and further development of the Sorbian culture and of Sorbian traditions are guaranteed.
3. Members of the Sorbian people and their organizations enjoy the freedom to cultivate and preserve the Sorbian language in public life."

139. Section 8 of the *Act to regulate the substance of the Sorbs' (Wends') rights in the Land of Brandenburg* [SWG] explicitly states that the Sorbian language,

especially Lower Sorbian, shall be protected and promoted. Regulations similar to the above provisions of Brandenburg *Land* are to be found in Article 6, para. 1, of the Constitution of the Free State of Saxony and in Section 2, para. 3, of the *Saxon Sorbs Act* [SächsSorbg].

140. On 10 September 1997, the Federal Republic of Germany ratified the Council of Europe Framework Convention for the Protection of National Minorities which for Germany entered into force on 1 February 1998. The Framework Convention also comprises a number of language-related provisions under international law. The constitutional stipulations regarding the protection of the national minorities and of the other ethnic groups traditionally resident in Germany, and the provisions under international instruments or treaties are put into concrete terms by laws, ordinances, statutes, and administrative action. Thus, federal legislation such as the *Federal Electoral Act*, and a number of *Land* Acts contain provisions designed to ensure scope for the participation of national minorities in public policy affairs and within society, and aimed at protecting national minorities and promoting their identity and thus, in particular, their language/s. The *Land* Acts which are also aimed at the protection and promotion of the given language/s refer to national minorities who live, as a group, in their traditional settlement areas. There are no laws referring directly to the Low German language.

141. In Section I of the *Declaration* by the Government of the Federal Republic of Germany *on the Rights of the Danish Majority (Bonn Declaration)* of 29 March 1955, it was made clear that the members of the Danish minority, like all German nationals, enjoy the rights guaranteed by the *Basic Law* of the Federal Republic of Germany of 23 May 1949. These constitutional rights are listed under paras. 1 to 12 of the Declaration. The *Bonn Declaration* of 29 March 1955 was preceded by the *Kiel Declaration* by the Schleswig-Holstein *Land* Government *on the Status of the Danish Minority* of 26 September 1949.

142. In addition to the legal protection existing already prior to the entry into force of the Charter in Germany, mention must be made of a large variety of governmental promotion measures relating directly to, or benefiting, the regional or minority languages. For details, cf. the comments below in Part D of the Report regarding Part III of the Charter.

Art. 7, para. 1, sub-para. (d)

(d) *the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;*

143. The right of the members of national minorities to use their language in daily life is protected by Article 2, para. 1, of the *Basic Law*, which guarantees the right to free development of personality. This freedom is also ensured in the context of the freedoms of expression, of the press and of broadcasting [reporting by means of broadcasts] as guaranteed under Article 5, para. 1, of the *Basic Law*. Accordingly, there are no restrictions in the Federal Republic of Germany as regards the use of a minority language in private or public life.

144. However, as regards the citizens' dealings with public administration, German is the official language under Section 23 of the [Federal] *Administrative Procedure Act*. The Administrative Procedure Acts or Public Administration Acts of the *Länder* also lay down German as the official language. German also is the official language in court. In accordance with the obligations notified for the various regional or minority languages, a number of individual regulations have been laid down for these languages, under which a minority language may be used in specified cases in the citizens' relations with local and regional administrative authorities.

145. In addition to the freedoms guaranteed by the *Basic Law* for the entire territory of Germany, Section 8 of the *Act on the Specification of Rights of the Sorbs (Wends) in the Land of Brandenburg* (SWG) explicitly reaffirms the right freely to use the Sorbian (Wendish) language. Pursuant to the *Saxon Constitution* and Section 8 of the *Act on the Sorbs' Rights in the Free State of Saxony* [SächsSorbg] and a number of other laws and ordinances, the Sorbs in the Free State of Saxony have the right to communicate, orally and in writing, in their language in private and in public.

146. The use of the protected languages in public is largely accepted by the German population. Languages other than German are used to a far greater extent by the large numbers of foreigners living in Germany; such use does not meet with any problems within society, with the exception of some right-wing extremists.

For details, cf. the comments below in Part D of the Report regarding the obligations specifically entered into.

Art. 7, para. 1, sub-para. (e)

- (e) *the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language or other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;*

147. The right to maintain and develop contacts is one of the fundamental freedoms guaranteed by the *Basic Law* and is protected under Articles 2, para. 1, (general freedom of action; freedom to leave the country) and 11, para. 1, of the *Basic Law* (freedom of movement within the federal territory; freedom to enter the country). The State does not interfere with these rights, but instead welcomes contacts among the members of the language groups within the nation and in other countries. Often such activities are included in governmental promotion schemes. Examples are the contacts of organizations of the Sorbian people with groups of Sorbs living abroad who are also members of *Domowina*, the umbrella organization of the Sorbian organizations. Another example is the state-funded, close co-operation of the *Central Council of the German Sinti and Roma* with the *Kulturverein Österreichischer Roma* [Cultural Association of Austrian Roma] in Vienna. Also, public funds are provided for the co-operation of Frisians in Germany with Frisians in the Netherlands, who have a common umbrella organization with headquarters in Germany. There is particularly close co-operation of the Danish minority with many and various organizations in Denmark, and intensive private and cultural contacts exist between members of the Danish minority and the nationals of the Kingdom of Denmark.

148. The members of the language groups are united in various organizations and actively participate in the work of many non-governmental organizations. The organizations of minorities and ethnic groups in Germany co-operate on a non-committal basis, and all of them are members of the *Federal Union of European Nationalities* (FUEN), an umbrella organization of national minorities and traditional (autochthonous) ethnic groups in Europe. FUEN has its seat in Flensburg where it is co-located with the headquarters of the Danish minority's main organization. FUEN is supported with institution-based funding by Schleswig-Holstein *Land* and also by a number of regional governments in other countries where national minorities have their settlement areas. Like other governments of Central and North European countries, the German Federal Government subsidizes individual FUEN projects. The youth associations of minorities in Germany are members of the *Youth of European Nationalities* (YEN), an umbrella organization, which receives Federal Government subsidies for individual projects.

149. The language groups in Germany are also members of the *European Bureau for Lesser Used Languages* (EBLUL) which is funded by the European Union. Their EBLUL member organizations are united in a Committee for the Federal Republic of Germany, whose activities are supported by the Federal Government.

150. With reference to the concern expressed by the Committee of Experts in No. 61 of the Monitoring Report [MIN-LANG (2002) 4 final] as regards the lack of an umbrella organization for Low German speakers, it is pointed out that in September 2002 a *Bundesrat für Niederdeutsch (Bundesraat för Nedderdüütsch - Federal Council for Low German)* was established to represent the joint interests of the various organizations.

151. – 159. [blank]

160. The Federal Republic of Germany welcomes the fact that the language groups in Germany co-operate, and also jointly with other national minorities and groups represent their interests at the international level. This helps with the development and practical implementation of the policies regarding minorities in Europe, taking account of the needs of those concerned. In Germany, FUEN and the German EBLUL Committee also participate in the implementation of the European instruments relating to the protection of minorities.

161. As regards the suggestion of the Committee of Experts in No. 62 of the Monitoring Report [MIN-LANG (2002) 4 final] that a Commissioner for Minorities might also be designated at the federal level, reference is made to the comments in No. 47 above of the present State Report.

Art. 7, para. 1, sub-para. (f)

*(f) the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;*

162. The freedom of the individual to learn a language of his/her choice, free of any outside influence, especially without interference by public authorities, is generally protected by Article 2, para. 1, of the *Basic Law*. In Germany, implementation of the obligations under the Charter is incumbent on the *Länder*. The legal situation and legal practice as well as the governmental promotion measures for the teaching of, and instruction in, the protected languages meet the requirements stipulated by the Charter.

163. According to the language proficiency of school-children and youngsters, and in accordance with the parents' wishes, different school structures have been developed for the teaching of, and in, the protected languages. While the Danish private-school system and the Sorbian publicly maintained schools have a long tradition of such language teaching, the teaching of the Frisian languages is still in an initial stage and its integration into instruction is based on different concepts. In this respect, the present Report can only provide information on the current state of affairs.

Inclusion of the Romany language in the instruction offered at schools to Roma children is at present confined to pilot measures, depending on the wishes expressed by parents to this effect. However, use of the Low German language within school education is, for the major part, still in the initial stages of development; the essential conditions for this development include adequate interest shown by parents and pupils, in addition to the basic requirements such as curricula, etc., and teachers proficient in that language.

For details, cf. the comments below in Part D of the Report regarding the obligations specifically entered into.

Art. 7, para. 1, sub-para. (g)

*(g) the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;*

164. This obligation refers to the wishes of non-speakers of a regional or minority language who live in an area where such a language is used. As a general policy matter it is to be pointed out that the offers for learning the respective language - cf. the detailed comments on Article 8 of the Charter (Education) in Part D below - are available to all persons, irrespective of whether or not they are members of the given language group. In addition, depending on the respective circumstances, special offers for learning such languages are available on a limited scale (e.g. at many adult education centres in the settlement areas, or in the form of activities and offers by clubs and associations of the language groups).

165. Since measures taken in the interest of regional or minority languages under Article 7, para. 4, shall take account also of the wishes expressed by the speakers of such languages, the provision of sub-paragraph (g) cannot be applied to the Romany language since, according to the wishes frequently expressed by the members of this language group, outsiders must not be taught this language.

Art. 7, para. 1, sub-para. (h)

*(h) the promotion of study and research on regional or minority languages at universities or equivalent institutions;*

166. Under the federal structure of the Federal Republic of Germany, implementation of this provision is incumbent on the *Länder*, in particular. In the field of research, several *Länder* of the Federal Republic of Germany already established state-run research institutions with the pertinent terms of reference, or on a continuous basis support private research institutions of the minorities.

167. The pertinent details - especially with reference to the suggestion of the Committee of Experts in No. 72 of the Monitoring Report [MIN-LANG (2002) 4 final] regarding the availability of study and research of the languages - are given in Part D of the present report in the comments on the accepted undertakings.

Art. 7, para. 1, sub-para. (i)

- (i) *the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.*

168. In this respect, reference is made to the observations regarding para. 1, sub-para. (e), in Nos. 147 - 161 above.

Article 7, para. 2

*Paragraph 2*

*The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.*

169. Equality before the law and the prohibition of factually unwarranted unequal treatment (discrimination) are the keystones of a democratic body politic and, at the same time, of the protection of national minorities and language groups which aims at the peaceful living together of various ethnic groups in a state community in which tolerance prevails. The principle of equality before the law and the ban on discrimination are enshrined in the *Basic Law* of the Federal Republic of Germany and in the Constitutions of the *Länder*, as well as in various subject-specific laws, and comply with the obligations under paragraph 2.

170. For the speakers of regional or minority languages, special importance attaches to the right to free development of one's personality under Article 2, para. 1, of the *Basic Law*, which *inter alia* leaves the option regarding use of the respective minority language, conservation of the relevant autonomous culture, and preservation of one's own identity to each individual. Article 3, para. 3, 1<sup>st</sup> sentence, of the *Basic Law* stipulates that no person shall be favoured or disfavoured because of sex, parentage, race, language, homeland and origin, faith, or religious or political opinions.



171. In some of the Land Constitutions, additional safeguards have been included to enforce the ban on discrimination - e.g. in Articles 1 and 134 of the Hessian Constitution, Article 6 of the Constitution of the Free State of Saxony, Article 12 of the Constitution for the Land of Brandenburg, Article 1 of the Constitution of the Land of Schleswig-Holstein, and Article 2, para. 1, of the Constitution of the Land of Baden-Württemberg. In the Constitution of Berlin, in Article 10, para. 2, an overarching non-discrimination clause has been included, under which "*nobody shall be prejudiced or favoured because of their sex, parentage, race, language, national or social origin, faith, religion or political opinions, or sexual identity*". Article 4, para. 1, of the Land Constitution of North Rhine/Westphalia, also expressly prohibits discrimination on the grounds of belonging to a national minority in that Land. In Bremen, the ban on discrimination is enshrined in Article 2 of the Land Constitution.

172. Germany does not have a "state culture" regulated by legal provisions. Rather, Article 2, para. 1, of the Basic Law guarantees everybody the right to free development of his/her personality. This, *inter alia*, protects the individual's self-realization according to his/her own ideas. Legal protection does not merely cover the right to free development within a spiritual and cultural core sphere of the individual as a mental/spiritual and ethical being; rather, entirely without reference to any specific values, the object of legal protection is a general form of freedom of action in a broad sense - and thus covering language as well. This right, however, is only guaranteed to the extent that the rights of others or the constitutional order or the moral law are not violated.

173. Apart from the fundamental objective of achieving, in sociopolitical terms, the integration of all groups of society, the Federal Republic of Germany regards the cultural diversity of its regions and of the groups of its population as an enriching asset. Consequently, the policies concerning the national minorities are not oriented towards assimilation, but are aimed at preserving and further developing their respective identity. The measures taken by the Bund, the Länder and local authorities, which are mentioned, or are covered by examples given, in the present Report, serve to vigorously promote the initiatives of the organizations of national minorities and ethnic groups for the preservation of the given language and culture. The general public in the Federal Republic of Germany supports this policy.

174. Complaints by members of minorities concerning assimilation efforts or any measures aimed in this direction have not become known.

### Article 7, para. 3

#### *Paragraph 3*

*The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.*

## 1. **General framework**

175. Tolerance, intercultural dialogue, and mutual acceptance are indispensable elements of the peaceful co-existence, based on mutual respect and understanding, of people from different cultural backgrounds. This objective is one of the most important tasks of domestic politics in Germany. It is only in this way that a positive social climate can be created, which will also benefit the situation of national minorities and ethnic groups. The Federal Republic of Germany has a *Federal Government Commissioner for Matters Relating to Aliens* [as of 2003: "Federal Government Commissioner for Migration, Refugees and Integration"], whose office is provided for in the *Aliens Act* of the Federal Republic of Germany. She has, *inter alia*, the task to further the conditions for foreigners and Germans, as well as various groups of non-nationals, living together in a setting which is as free of tensions as possible, to promote their mutual understanding, and to prevent and counteract xenophobia.

176. The tasks of the *Land* Commissioners for Matters Relating to Aliens include the analysis of conflicts between Germans and foreigners, and the development of measures to encourage tolerance and acceptance. This is achieved by wide-ranging and diversified public information/education activities, by supporting the self-organization of migrants' and refugees' associations, and by local *Aliens Advisory Councils* (to the extent that provision has been made for such bodies in the legislation of the various *Länder*).

177. In Germany, education in tolerance and solidarity is also part of the educational mandate of schools providing general education, and of political education, and ranks high in these fields. In addition, many non-governmental organizations (NGOs) and private initiatives are dedicated to this goal, which is also supported by the political parties, and to the practical implementation of the intercultural dialogue.

178. In the areas of education, culture and the media, the aforementioned principles are embodied in laws and implementing statutes. The *Bund* and the *Länder* implement these regulations by means of many and various measures. For one part, such measures are aimed at education in tolerance and at promoting understanding for other cultures and languages as well as acceptance of people with a different language and culture who live in the neighbourhood or belong to the local community or to the nation's society. Other measures are aimed at increasing, among the gen-

eral public, the knowledge concerning the existence of national minorities and ethnic groups and at familiarizing the majority population with the culture of those groups and the related traditions. In this field, the efforts concerning information in schools and political education will have to be increased outside the central settlement areas of the groups protected under the Framework Convention, so as to ensure a broader information base in society (cf. the comments in No. 104 above). For this purpose - and with the support of the Federal Ministry of the Interior and the *Bündnis für Demokratie und Toleranz* [Alliance for Democracy and Tolerance - Against Extremism and Violence] - the German EBLUL Committee on 16 and 17 November 2001 organized the Berlin Congress on *Sprachenvielfalt und Demokratie in Deutschland* ["Linguistic Diversity and Democracy in Germany"] which was attended by all groups protected under the Regional/Minority Language Charter as well as by noted politicians active at the federal and *Land* levels, representatives of the Council of Europe, German and foreign linguists, and officials responsible for specific projects. That congress occasioned the publication of an anthology entitled *Wanderer in zwei Sprachen. Unbekannte Sprachen Deutschlands* ["Wanderers between two languages. Germany's unknown languages"] and containing prose and poetry written in Danish, Low German, North and Saterland Frisian, and Lower and Upper Sorbian. Also, a documentation was published about the congress (Brussels 2002).

## 2. Political education and schools

179. The *Federal Centre for Political Education* (BpP) has the task, through political education activities, to promote the understanding of political facts and processes, to strengthen democratic consciousness, and to encourage greater readiness for political involvement. The Centre also has the particular task of providing well-balanced and scientifically substantiated information on political key issues, strengthening the democratic basic consensus and, on these foundations, promoting the development of a culture of (democratic) political dispute on the basis of a rational dialogue. This also includes information on the co-existence of the various cultures represented in Germany, and on the reduction of prejudice and xenophobia.

In order to achieve an ever greater focus on these tasks, the BpP on 1 December 2000 set up two project groups on "Right-Wing Extremism" and "Migration/EU", respectively.

180. A German-Turkish and a German-Russian edition of the *Basic Law* of the Federal Republic of Germany are now available. In addition, the following activities

and projects against racism and for tolerance, inter-ethnic understanding and humaneness were carried out in the years 2002 and 2003:

- *Sprechbaukasten 'Train the Trainer'* [interactive video module 'Train the Trainer']  
Racism and xenophobia violate the fair play rules in sports in the same way as they infringe upon the rules of democracy. This prompted the Federal Centre (BpB) to ally with sports clubs - which in Germany have, after all, around 27 million members. Actually, sport trainers/coaches are now and then confronted with discriminating remarks made in their presence and often do not know how to react. They are provided assistance by the BpB and *Deutsche Sportjugend* [DSJ - German Sport Youth] with the interactive programme *Sprechbaukasten Train the Trainer* which was developed in 2001. This video programme in seven CD-ROM parts presents to viewers situations showing discriminating behaviour. By choosing from a range of response options, the programme enables the learner to find out how he/she him/herself would react to the respective situation. Aim: enabling coaches/trainers to repress, promptly and effectively, any racist or xenophobic behaviour already in the initial stages.
- *Schule ohne Rassismus* ["Schools without racism"]  
A project carried out with various partners; pupils, on their own initiative, plan and implement a variety of individual projects against racism, right-wing extremism and xenophobia.
- Discussion series *Weltreligionen im Diskurs* ["World religions in discussion"]  
The BpB, in co-operation with the *Interkultureller Rat in Deutschland e.V.* (IKR - Intercultural Council in Germany, reg'd) and the *Bündnis für Demokratie und Toleranz* [Alliance for Democracy and Tolerance], has since October 2002 organized the discussion series "*Bekenntnisse: Weltreligionen im Diskurs*" [Creeds: Discoursing on world religions]. At these events, a team of representatives of the Christian Churches, of the Jewish communities and of Islam and Buddhism as well as of the *Föderation der Aleviten* [Federation of Alawite Communities in Germany, AABF] and the *Nationaler Geistiger Rat der Bahá'í* [National Bahá'í Spiritual Council] comment on key issues of politics and sociology. The focus of these events is on the question of the form peaceful co-existence of religions might take in keeping with our society's values.  
After a short presentation of the various religious communities, a discourse among participants and lecturers looks at everyday problems encountered in dealing with a culture of foreign origin. The aim of this discussion series is to reduce existing prejudices and unease and to strengthen people's will to support integration.
- Purchase of important publications on the subject of Islam as a world religion and on the situation of Muslim believers in Germany.
- Supporting material for political education in "inter-religious learning".

181. Since the terrorist attacks of 11 September 2001, Islam-related discussions have increased. However, notwithstanding the fact that more than 3 million inhabi-

tants of our country are of Muslim faith, many remarks in discussions show that Islam still is a largely unknown religion in Germany. Discussions are often governed by "opposite camps" thinking dividing the world into forces of "evil" and "good". The "good" side most often will lay claim to owning values such as civilization and enlightenment.

182. It is not only since 11 September 2001 that an inter-religious dialogue has been an important prerequisite to unprejudiced and tolerant side-by-side existence of religions and cultures. It is true, however, that those terrorist attacks emphatically brought home the need for such a dialogue. Political education and inter-religious learning are faced with a particular challenge in this respect since thinking along the lines of "good", "evil", "we" and "others" is in contradiction with an open democratic society. The point is not to banish religion to the private sphere of life, but to have all citizens make their contribution to a peaceful and tolerant co-existence in a diversified and modern society.

With these supporting materials, the Federal Centre for Political Education (BpB) wishes, on a multidisciplinary basis, to give an impulse to the development of learning/instruction projects enabling learners to develop strategies and skills for a profitable inter-religious dialogue.

Also, a *Werkstatt Religionen und Weltanschauungen* [Workshop 'Religions and Ideologies/Beliefs'] is offered. Participants of different religious affiliation talked about the subject of "death and dying" which plays a central role in all religions and, in people's reflections on this theme, reveals central tenets regarding life. Interesting minutes were developed, documenting this process and faithfully conveying the dialogue that took place. The Workshop also raised existential questions of meaning and, together with the material previously developed, the interpretations found during the dialogue are intended to enable instructors to prepare such dialogues with members of different religions and to have their learning groups engage in profitable dialogues of this kind.

183. The Centre (BpB) hopes that these aids will encourage the use of the workshop method and dialogue-based work also in in-school and out-of-school political education.

- Setting up of the website [www.bpb-aktiv.de](http://www.bpb-aktiv.de) in 2001 as an information platform for individuals and initiatives to fight right-wing extremism and xenophobia. Also, [www.fluter.de](http://www.fluter.de) [presented by BpB] succinctly and informatively presents current sociopolitical subjects. "*fluter Sprache*" ["floodlight on language"] deals with the role of language as a gateway to the world and a means for achieving integration.
- Organization of cinema seminars on *Kino gegen Gewalt* ["Anti-violence cinema"].

- Co-operation with industry and the sports sector for poster campaigns against anti-foreigner hostility. For example, posters showed a well-known soccer team composed only of players of German nationality, and thus it was made quite clear that the team would have little chance of succeeding without their foreign team mates.
- An exhibition in 2003 - *Zuhause ist, wo ich lebe* ["Home is where I live"] - about young foreigners in Germany.

Also, the BpB makes intensified efforts to support organizations of minorities as providing bodies.

The *Documentation Centre of German Sinti and Roma* and the *Land Associations of Sinti and Roma* launched initiatives in various *Länder* and developed materials for schools and educational institutions. These materials deal with discussing and analyzing racism and with the existing patterns of clichés and prejudices regarding the Sinti and Roma. They also serve for analyzing and assessing the history of the Sinti and Roma genocide perpetrated by National Socialism. The Baden-Wurtemberg *Land Association of German Sinti and Roma*, both on its own initiative and in co-operation with schools and other institutions, carried out projects for analyzing and assessing "anti-tsiganism" (anti-Gypsy hostility) - comparable to anti-Semitism.

184. All *Länder* of the Federal Republic of Germany have established *Land Centres for Political Education* which carry out similar tasks in their respective *Land*. One *Land Centre for Political Education*, for instance, regularly sponsors associations dealing with the co-existence of, and mutual understanding between, different religions and nationalities. As part of the "*Rechtsextremismus und Gewalt*" [Right-Wing Extremism and Violence] Programme, activities to further mutual understanding between young people of different nationalities are promoted and guidance is given with regard to personal courage in standing up for one's convictions when faced with conflicts and violence. This is achieved, inter alia, by the following activities:

- assistance for the "*Jews and Muslims in Germany*" activity organized by *Katholische Akademie* ["Catholic Academy"], with the support of the Federal Centre for Political Education (BpB) and *Orient-Institut Hamburg*;
- promotion of round-table talks, discussions and reports sponsored by *Brücke Mittelmeer* ["Mediterranean Bridge"], which brings together scientists/scholars and representatives of very diverse associations wishing to foster and advance the intercultural dialogue between Europe and the various Mediterranean riparian states, especially about Islamism and education in tolerance.

### 3. Culture

185. The *Länder* - which, on account of the federal structure of Germany, have responsibility for cultural and educational affairs - and local authorities include the culture of groups other than the German majority population in supraregional, regional and local cultural events and activities. This is also exemplified by large-scale *Land* festivals ["days" dedicated to the special character of the respective *Land*] such as *Schleswig-Holstein-Tag*, *Hessen-Tag*, *Tag der Sachsen* and *Brandenburg-Tag*.

### 4. Media

186. Jurisdiction over broadcasting also lies with the *Länder*. Under constitutional law, the State may not exert an influence on the contents of broadcasting programmes.

187. The broadcasting programming principles embodied in the various *Land* Broadcasting Acts and State Treaties explicitly lay down, *inter alia*, that international understanding shall be promoted, and programmes shall help to reduce xenophobia and to protect and promote minorities (cf. for example: Section 7 of the State Treaty on the Broadcasting Corporation NDR (Norddeutscher Rundfunk), Section 20 of the Lower Saxony Land Broadcasting Act, or Section 24 of the Schleswig-Holstein Land Broadcasting Act).

188. Compliance with the programming principles is monitored, for public service broadcasting, by the supervisory bodies (Sound Broadcasting Board, Television Board) which have a pluralistic membership and, for private broadcasters, by the independent *Land* Supervisory Authorities for Private Broadcasters.

### 5. Government initiatives

189. For a number of years, xenophobia [anti-foreigner sentiment] on the part of a small segment of the German population, including younger members of fringe groups, has become a problem in society. It increasingly emerges in the "new *Länder*" [i.e. those of the former *East German* GDR], and has ranged from verbal attacks to outrages, even violent acts involving loss of life, directed primarily against foreigners of non-European origin who live in Germany. So far, the members of the language groups considered in this Report have, as a rule, not been targeted by xenophobic aggression. In a number of cases, however, there have been attacks against German Sinti and Roma. The fight against racism and xenophobia is an

important concern of German politics, with particular importance attaching to the aspect of prevention through intellectual/political analysis and discussion.

190. In addition to the protection provided under the Penal Code, political education and intellectual/political discussion of extremism, xenophobia and violence are of major significance in view of eliminating the breeding ground of extremist ideology and thus helping to prevent politically motivated acts of violence. Political education, school education and prevention-directed public information help the public to understand the values of our free democratic order, and people are made aware that violence never can, and never must, be a means of settling political differences of opinion.

191. On account of the federal structure of the Federal Republic of Germany, primary responsibility for these aspects lies with the *Länder* in the fields of culture and education.

192. A central instrument of intellectual/political discussion is provided by the extensive public information/education activities of the *Bund* and the *Länder*, which in terms of their form and contents are geared to specific target groups. This includes brochures on the subjects of extremism and xenophobia; seminars for teachers, for contributors to school magazines, journalists and multipliers in adult education; specialist conferences on sociopolitical issues; awareness-raising campaigns against extremism, xenophobia and violence; and also the initiation, monitoring and support of sociologic research activities in the field of internal security; and evaluation and application of analyses and research findings by means of publications.

193. Various public-oriented measures which met with good response and proved successful already in the past are being continued. Pertinent examples are the publication of brochures in the series "*Texte zur Inneren Sicherheit*" [Texts on Internal Security] and the annual edition of the Report on the Protection of the Constitution which provides an information basis for assessing the threats posed to the democratic constitutional state by racism, xenophobia and other factors.

194. Scientific research on the causes of, and motives for, racism and xenophobia helps to further develop and optimize concepts for sustained preventive measures. Therefore, the Federal Ministry of the Interior analyses current studies on these phenomena or, in instances, initiates its own research projects such as the project carried out in co-operation with Volkswagen-Stiftung on right-wing extremist offenders, either suspected or proven guilty; the findings of this project were published in December 2001 as a brochure in the series "*Texte zur Inneren Sicherheit*" [Texts on



Internal Security], entitled "*Fremdenfeindlichkeit, Antisemitismus, Rechtsextremismus.*" ["Xenophobia, Anti-Semitism, Right-Wing Extremism"]. In the spring of 2000, Erlangen University completed another research project commissioned by the Federal Ministry of the Interior on the violence phenomenon of hooliganism. This study also probes the extent to which anti-foreigner or right-wing extremist motives play a role in connection with the specific "hooligan" category of offenders. This study was also published in the series "*Texte zur Inneren Sicherheit*".

195. Public debate on, and analysis of, racism, xenophobia and anti-Semitism is a task for society as a whole to tackle. Therefore, the Federal Government continues the dialogue taken up in the context of the "European Year against Racism and Xenophobia" (1997) between the Government and non-governmental organizations (NGOs). The *Forum gegen Rassismus* (FgR - Forum against Racism) was constituted in 1998 as a follow-up to the "European Year against Racism". It has by now become an established platform for discussion between state agencies and civil society on all issues concerning the fight against racism, xenophobia and anti-Semitism. The FgR is, at the same time, the National Round Table established in keeping with the principles of the Vienna-based European Monitoring Centre on Racism and Xenophobia (EUMC) which took up its functions in 1998. As an important follow-up project to the 2001 UN World Conference in Durban, a National Action Plan on Fighting Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance is being developed in consultation with civil-society initiatives. For this purpose, the Forum (FgR) set up a working group to introduce the ideas of civil society in the consultations with the Federal Government. Enactment of the Anti-Discrimination Directives of the European Union in national law is publicized by an awareness campaign launched by a FgR working group.

The *Forum* at present has 80 members, including 50 NGOs operating nationwide or at a supraregional level. The chairmanship and the Secretariat are assigned to the Federal Ministry of the Interior.

196. However, if the fight against extremism, xenophobia and violence is to be successful on a sustained basis, the socially relevant forces (families, schools, churches, sports associations, trade unions, employers, etc.) will have to be involved on a substantially larger scale. This is the aim of the *Alliance for Democracy and Tolerance - Against Extremism and Violence* which was initiated by the Federal Government and set up on 23 May 2000. The aim is to provide, on the broadest scale possible, for the information and mobilization of the general public and for awareness-raising regarding these issues, with a focus on public information/education and, above all, on providing a set of values. If this Alliance is to succeed in its efforts,

the multifarious measures and action concepts developed at various levels to fight racism and xenophobia must be efficiently co-ordinated and brought into focus. The governmental measures are widely supported by the media in the Federal Republic of Germany (press and broadcasting media) and community-based groups (civil society) as well as by the majority of the population. In the meantime, more than 900 initiatives and individuals have joined the Alliance.

197. The specific anti-xenophobia concepts developed and implemented by the *Bund* are matched by similar measures taken by the *Länder*. An example is furnished by Brandenburg *Land*, one of the traditional settlement areas of the Sorbs (Wends). In 1998, the Brandenburg *Land* Government presented an action concept against violence, right-wing extremism and xenophobia; its key elements are the following:

- an alliance for action against violence, right-wing extremism and xenophobia (this project, which is supported with substantial *Land* funds, is to mobilize society for tolerance, solidarity and internationality; the Alliance's projects are very heterogeneous);
- condemnation of violence, by intensified public discussion in the media and schools;
- establishing counselling bureaus for the victims of offences committed by right-wing extremists and of offences of suspected anti-foreigner motivation;
- support for counselling services sponsored by local authorities;
- support for the development of local structures for the integration of new inhabitants;
- qualification of professional educators for handling and managing violence and right-wing extremism;
- preventive work with youngsters already having a record of offences in this regard and with youth groups;
- establishing suitable police mechanisms to repond to xenophobic violence (example: setting up "*Mobile Einsatztrupps gegen Gewalt und Ausländerfeindlichkeit*" (MEGA) [Mobile Units against Violence and Hostility towards Foreigners]).

The above measures are designed to prevent or punish all forms of discrimination against persons belonging to other ethnic groups. This also applies to the Sorbian/Wendish minority. It must be noted, however, that acts of violence against persons belonging to the Sorbian (Wendish) ethnic group have so far not become known. Isolated cases of verbal attacks on representatives of the Sorbs, or posters containing insulting or discriminatory/racist statements were acts committed by individual offenders.

198. The Federal Office of Criminal Police (BKA) recorded 21,690 politically motivated criminal offences in 2002 (2001: 26,520); of these, 12,933 (2001: 14,725) - including 940 violent offences (2001: 980), i.e. a percentage of 7.3 % (2001: 6.7 %)

come under the heading of "politically motivated crime - right-wing". Thus, as compared to 2001, the total number of right-wing politically motivated offences dropped by 12.2 %; for right-wing acts of violence, the number dropped by 4.1 per cent.

10,902 (2001: 10,054) of right-wing politically motivated offences were classified as extremist; these included 772 (7.1 %) violent offences (2001: 709, i.e. 7.1 %); this is an increase of offences of right-wing extremist motivation by 8.4 %, and of right-wing extremist act of violence by 8.9 %. Of all crimes with a right-wing extremist background, however, 86.4 % (2001: 84.1 %) were either so-called "propaganda offences" [i.e. dissemination of propaganda by unconstitutional organizations] (7,294; 2001: 6,336) or incitement to hatred and violence against individuals or certain segments of the population (2,122; 2001: 2,121).

The *Central Council of German Sinti and Roma*, during talks held in January 2001, presented the Federal Minister of the Interior with a documentation on the desecration of, and outrages against, KZ (concentration camp) memorial sites in Germany. One of the subjects of these talks was the Central Council's demand for a special "Protection Zone Act" for these memorial sites which, like similar legislation in Poland, the Central Council sees as a possible instrument to fight such outrages effectively and as a grave crime.

199. The fight against right-wing extremism is based on a comprehensive overall concept. Apart from repressive measures, the focus is on preventive approaches, as documented in detail by the Report on the Federal Government's Current and Planned Measures and Activities to Combat Right-Wing Extremism, Xenophobia, Anti-Semitism and Violence presented to the German *Bundestag* on 14 May 2002.

#### Article 7, para. 4

##### *Paragraph 4*

*In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.*

200. Paragraph 4 contains two different obligations. On the one hand, the Contracting Parties, in determining their policy with regard to regional or minority languages, undertake to take account of the needs or wishes expressed by groups using such languages. Since the Charter grants the Contracting Parties the right to make their own decisions regarding the various measures to implement the objectives and principles of the Charter, the provision in paragraph 4 does not imply that the Contracting Parties would, without being able to make their own decisions, have to accept the wishes of the users of such languages with regard to the nature and

scope of the pertinent measures; rather, it means in particular that measures to implement the obligations under the Charter should not be taken against the explicit wish of the users of regional or minority languages. Thus, this provision does not affect measures taken in keeping with the general legal order, provided that these will not jeopardize, or impair, the preservation and development of the given regional or minority language.

201. Sometimes it is difficult for the competent public authorities to establish what actually *are* the wishes of the users of regional or minority languages since, in instances, the needs and wishes expressed by umbrella organizations, regional organizations or independent associations of a language group or by the language users concerned, e.g. parents, differ widely. A single association, union or initiative group cannot generally claim to reflect the view of *all* members of a language group. If the needs and wishes differ, the only choice left to the authorities is to meet them in a reasonable way and within the limits of what is possible.

202. The divergence of views on the protection duties is a topical issue as regards the Romany language of the German Sinti and Roma. During the ratification procedure, the *Central Council of German Sinti and Roma*, with its nine Land Associations, and other associations and institutions affiliated with the Council pleaded for inclusion of the Romany language in the Charter's scope of application and for its protection under Part III of the Charter. The Federal Republic in part complied with this wish and notified the Romany language for protection under Part II of the Charter. **At the time of the Charter's ratification**, it was not possible to notify Romany for protection under Part III since the Bund and the Länder could not, in this respect, assume the required minimum number of 35 obligations. This is due to the dispersed settlement of the German Sinti and Roma and to the fact that knowledge of the Romany language is confined to the members of the traditional minority (refusal to have the language studied by outsiders). Since, however, the prevailing law and the existing administrative practice in Germany meet individual provisions of Part III of the Charter, Germany has opted for a compromise rejected by the Central Council, by notifying the Council of Europe, in a Declaration [of 26 January 1998, cf. Annex 1], of the attained number of obligations (18 for the entire Federal territory, a total of up to 31 for the territories of various Länder), **as a voluntary commitment of the Federal Republic of Germany**, and by including these obligations in the procedure relating to the federal act ratifying the Charter.

203. **After Hesse Land had accepted additional undertakings for Romany, the conditions were met for notifying the Romany language for protection under Part III of the Charter. An Act to this effect entered into force as of 19 September 2002. Romany**

was notified to the Council of Europe for protection under Part III. The *Central Council of German Sinti and Roma* continues to encourage other *Länder* as well to enter into similar obligations. To this end, the *Central Council* and its *Land Associations* had talks with a number of *Länder* and presented their wishes to the latter. At present, none of these *Länder* feels in a position to accept any further undertakings regarding protection of Romany.

204. Associations and tribes of German Sinti, which co-operate within the *Sinti Allianz Deutschland e.V.* ("Sinti Alliance Germany, reg'd"), see themselves as a Sinti ethnic group within the German people, who - without discrimination and, at the same time, without reliance on the protective provisions of the Charter - wish to be integrated and to cultivate the traditional language at the private level, without any governmental action in this sector. These Sinti reject inclusion of the Romany language in the scope of application of the Charter, Part III, providing for promotion of the use of Romany in public life, and in this context point out that this is in keeping with the centuries-old legal order exacting that this language, which is governed by the taboo system, must not be made accessible to anybody outside the Sinti community. Consequently the Sinti language required special protection in order to prevent any abuse in this respect by persons not feeling bound by the traditional legal order. The government side responded to this by explaining that protection and promotion of the Romany language, as pursued by Germany, solely is an offer to this language group and that it is up to every individual concerned to avail him/herself of this offer or not to make any use of it.

205. The second obligation under paragraph 4 encourages the Contracting Parties to establish bodies, if necessary, for advising the authorities on all matters pertaining to regional or minority languages. Within the meaning of the Explanatory Report, this provision is to be taken to mean that establishment of such bodies is *not* required *only in those cases where* they do not already exist. However, the Contracting Parties are only encouraged, and not placed under the obligation, to establish bodies for this purpose.

206. In the Federal Republic of Germany, bodies looking after the interests of regional or minority languages already exist in the form of advisory committees or consultative councils, foundations or a board of trustees (cf. the detailed comments in Part A, paras. 47 - 59, above). Given the considerable differences regarding the situation of the various languages in the regions or *Länder* of the Federal Republic of Germany, a uniform structure for related advisory tasks would not seem a promising approach. Therefore, the *Bund* and the *Länder* share the view that, as a first step, use should be made of the existing bodies and that experience should be gained as

to the ways in which these bodies might help with the practical implementation of the Charter. In this regard, particular mention is to be made of the regular conference on the implementation of the Charter (cf. the comments in Part A, No. 59, above).

Article 7, para. 5

*Paragraph 5*

*The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.*

207. The Contracting Parties are obliged to apply, *mutatis mutandis*, the principles listed in paras. 1 to 4 to non-territorial languages. The nature and scope of these measures designed to give effect to the Charter must be determined in a flexible manner, while bearing in mind the needs and wishes of the users of such languages and respecting their traditions and characteristics. As evidenced by the foregoing sections and by the explanatory comments in Part D below regarding Part III of the Charter, this provision is only of little practical relevance to the situation prevailing in the Federal Republic of Germany.

## **Part D Measures to Promote the Use of Regional or Minority Languages in Public Life in accordance with the Obligations under Part III of the Charter, entered into under Article 2, paragraph 2**

### **D.1 General policy remarks regarding the various Articles of the Charter**

208. For ease of reference, all of the protected languages are covered in the comments below; i.e. in accordance with the [German] Declaration regarding Part II of the Charter [cf. Annex 1], the various obligations being met are listed also for the Romany language in the entire Federal territory, and for Low German in the *Länder* listed in the Declaration.

To begin with, the following general policy remarks referring to the various Articles describe the overall conditions applying to all of the protected languages in all of the *Länder*.

re: **Article 8**

#### **Education**

209. On account of the federal structure of the Federal Republic of Germany, the *Länder* have jurisdiction over educational matters. Therefore, implementation of the provisions of this Article is, in particular, a responsibility of the *Länder*.

210. In the field of education in the *Länder*, promoting the knowledge of the culture, history, languages and religion of the respective minorities/language groups as well as of the majority population is part of the curricula of publicly maintained and private schools.

211. An important role in imparting knowledge of the language groups' culture, in and outside schools, is also played by the state institutions for political education - i.e. the Federal Centre and the *Land* Centres for Political Education (cf. the comments in Part C, Nos. 179 - 184 above).

212. The language groups regard the [education/information] activities carried out so far outside their central settlement areas as insufficient and, in particular, miss a nation-wide survey concerning the five language groups. The Federal Government and the *Länder* endeavour to further improve the available educational and information offers regarding the language groups concerned.

re: **Article 9**

### **Judicial Authorities**

213. Section 184 of the *Organisation of the Courts Act* lays down that the official language in court is German. An exemption applies in the case of the Sorbian language (cf. the comments in No. 426 below).

214. As regards the legal consequences of legal documents, German procedural law does not distinguish between documents drafted in German and those drawn up in any other language. Under Section 142, para. 3, of the *Code of Civil Procedure*, the court may order a translation to be produced of documents drafted in a foreign language. However, the constitutional stipulations regarding fair trial and due process of law (Article 20, para. 3, of the *Basic Law*, confirmed as a constitutional right by Article 2, para. 1, of the *Basic Law*) entail the obligation for courts also to take note of declarations made by parties to a lawsuit in a foreign language. If the court hearing is attended by persons who do not know the German language, an interpreter must be called in (Section 185 of the *Organisation of the Courts Act*).

215. Similarly, during preliminary investigation by the public prosecutor, the accused must be informed, in a language he/she understands, of the offence with which he/she is charged and must be given an opportunity to present his/her view [in that language] on the alleged offence. As soon as it becomes obvious that communication is not possible for language reasons, involvement of an interpreter is mandatory also in this case. Articles 5, para. 2, and 6, para. 3, *litt. a*, of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) also stipulate this right. Article 9 of the Charter does not contain any obligations going beyond the provisions of the ECHR, and thus in Germany is already part of the (established) law in force. Apart from a few exceptions, however, the members of the language groups understand German so that these problems do not arise in practice.

re: **Article 10**

### **Administrative Authorities and Public Services**

216. Under German law, the official language is German. The obligation under Article 10 is confined to areas which are inhabited, traditionally or in substantial numbers, by members of the language groups, and in Germany applies in particular to the settlement areas of the Danish minority, of the Sorbian people and of the North Frisians and Saterland Frisians. The German Sinti and Roma are dispersed more or less throughout Germany, while no major number of them - in quantitative terms



comparable to those of the aforementioned groups - is known to live in one particular place or region. As regards Low German, cf. the comments in No. 42 above.

217. On account of the mostly small number of members of minorities as a percentage of the given local population, it is not possible, in general, to use the minority language in relations with the administrative authorities; rather, such use is confined to special regulations. However, where the legal and practical scope for using the minority or regional languages in relations with administrative authorities does exist, the major part of the members of the language groups scarcely avail themselves of this possibility.

218. However, in the view of the Danish minority, the Sorbs, the Frisians and the speakers of Low German, further widening of the existing practical scope for such use would be desirable because this would increase public awareness as regards the existence of minority/regional languages and would provide additional incentives to the subsequent generation to retain the given language.

219. The language groups suggest that for better minority language communication on the part of the staff of local and regional administrations, local authorities might encourage participation in language courses and that, in the recruitment and professional activity of staff members, their proficiency in the minority/regional language might be particularly taken into account as an additional qualification.

220. For all protected languages, the obligation under Article 10, para. 5, i.e. to allow the use or adoption of family names in the regional or minority languages, is regulated by a federal act as follows:

221. The *Act of 22 July 1997 Ratifying the Council of Europe Framework Convention of 1 February 1995 for the Protection of National Minorities* contains, as its Article 2, the Act to implement Article 11, paragraph 1, of the Framework Convention (*Act on Name Changes by Minorities* (MindNamÄndG)). With the entry into force of the *Act Ratifying the Framework Convention for the Protection of National Minorities* on 23 July 1997, this obligation has thus become applicable law in the Federal Republic of Germany with regard to the members of the Danish minority, the Sorbian people, the Frisian ethnic group and the German Sinti and Roma.

222. The members of national minorities and of other ethnic groups traditionally resident in Germany to whom the Framework Convention and the German law governing names apply, may assume the minority-language version of their names by making a pertinent declaration before the Registrar [of the Civil Registry Office]. With the 13<sup>th</sup> General Regulatory Order Amending the General Regulatory Order to Im-

plement the Act on Civil Status ("Standing Instructions for Registrars and Their Supervisory Authorities with regard to the *Act on Civil Status*") of 2 June 1998 (Supplement to the *Bundesanzeiger* [Official Gazette of the Federal Republic], no. 107), which entered into force on 1 July 1998, account was taken of the Framework Convention by including the provisions of the Act [on Civil Status] in Section 381a of the Standing Instructions for Registrars and having them applied in registry office practice. Adaptation of a name may be effected by translation of the name into a minority language if the name also denotes a specific term and thus is translatable from one language into another. If the name cannot be translated, it may be adapted to the phonetic particularities of the given minority language. Members of national minorities whose former names in the respective minority language were given a German form or were changed to some other name, may again assume those original names. A pertinent declaration before the Registrar suffices for adapting a name to the special features of the given minority language.

223. The *Standing Instructions for Registrars and Their Supervisory Authorities* take account of the orthographic particularities of the names of members of national minorities by providing that the diacritics (graphic accents, hooks, etc.) in names or other words shall be retained unchanged. The change of a person's surname at birth will affect the married name of the person making such declaration only if the spouse also makes such a name-change declaration before the Registrar. Extension of such name changes to the children of the person making the declaration or to their spouses is governed by the provisions of the *Civil Code* of the Federal Republic of Germany.

224. Section 3 of the Act on Name Changes by Minorities [*MindNamÄndG*] provides that no fees shall be charged for acceptance of a declaration to this effect and for its certification or judicial recording [authentication].

225. The number of persons making use of the right to have their names changed is not covered by the statistics of the Civil Registry Offices. There are no provisions laying down any general obligation of Civil Registry Offices to report such information to any registry supervisory bodies.

re: **Article 11**

### **Media**

226. In Germany, general freedom of expression is extensively guaranteed under Article 5, para. 1, 1<sup>st</sup> sentence, of the *Basic Law* and under Article 10 of the European Convention on Human Rights (ECHR). The *Basic Law* safeguards the right freely to express and disseminate one's opinions in speech, writing, and pictures, as well as

the right to withhold one's personal opinion ("negative freedom of expression"). Opinions thus protected are all types and forms of [personal] judgments or of behaviour; the notion of "opinion" must generally be understood in its broadest sense and, in addition to value judgments, also covers allegations of fact where these are a prerequisite for forming opinions. Thus - within, of course, the limits prescribed by Article 5, para. 2, of the *Basic Law* (i.e. violation of the provisions of general laws; legal provisions on the protection of young persons; and the right to inviolability of personal honour) - protection also extends to false, reprehensible and rating expressions of opinion as an input to, and basis for, analysis and discussion. Freedom of expression is accorded to all German nationals and thus, of course, to the members of the language groups protected under the Charter, and to foreigners.

227. The basic right to free speech primarily provides protection against government interference. But in addition, it places the State under the obligation to safeguard this freedom. Article 5, para. 1, 1<sup>st</sup> sentence, of the *Basic Law* also guarantees freedom of information - the right to inform oneself [without hindrance, from generally accessible sources] - as a particular basic right. Such protection extends both to the active procurement of information and to merely receiving information. Especially the Danish minority in Schleswig-Holstein make - transfrontier - use of the broadcasting programmes and press products from the Kingdom of Denmark in their traditional settlement area.

228. The right to freedom of expression is also particularly manifested in the freedom to create and use media (press, broadcasting, and other communications media). In its para. 1, 2<sup>nd</sup> and 3<sup>rd</sup> sentences, Article 5 of the *Basic Law* guarantees freedom of the press and freedom of reporting by means of broadcasts and films, without censorship. Freedom of the press and of broadcasting particularly implies the principle of governmental non-intervention, which prohibits any state interference which is not compatible with the freedom of the press and of broadcasting or which is not warranted by the limitations of such rights as provided under Article 5, para. 2, of the *Basic Law*.

229. For the press, these constitutional guarantees have been developed in detail and confirmed by the judicial decisions (rulings) of the *Federal Constitutional Court* and by the various *Land Press Acts*. This provides the basis for the free and economically autonomous development of the press in the Federal Republic of Germany.

230. Freedom of broadcasting, like freedom of the press, is an essential factor in the public opinion-forming process and in the articulation of the political will. Like the press, broadcasting has institutional autonomy. For compliance with the constitutional

mandate of broadcasting, it will not suffice for the State to refrain from any interference whatsoever and, in all other respects, to leave broadcasting for the social actors to deal with. Rather, the requirement is for some regulatory structure. The Federal Republic of Germany has the so-called dual broadcasting system - i.e. the existence of public-service and private broadcasters side by side - by which the State guarantees that, through the overall offer by all broadcasters, programmes meet the requirements stipulated in the Constitution for balanced diversity, i.e. promoting the individual's freedom to form his/her own opinion and depiction of cultural diversity.

231. The federal structure of Germany assigns responsibility for broadcasting, and thus for ensuring diversity of opinions, to the *Länder*. The legal basis for broadcasting is provided by the *Broadcasting State Treaties* concluded between the *Länder*, which lay down the minimum requirements according to which the *Länder*, within their respective jurisdiction, issued detailed regulations in their *Land Media Acts*. Article 5, para. 1, 2<sup>nd</sup> sentence, of the *Basic Law* (freedom of broadcasting) does not require a *Land* to adopt a specific organizational form of broadcasting. However, the *Land* is obliged to make certain provisions to ensure freedom of broadcasting. As a matter of public interest, broadcasting must be operated above party lines and in full independence and must be protected against any biased intervention. The public-service broadcasters, in particular, must furnish comprehensive information within their overall programme and allow full pluralism of opinions. As regards private broadcasting, the legislator also must ensure that such private operators meet the constitutional requirements and, in particular, that a maximum of balanced diversity is achieved. The existing regulations regarding licensing of broadcasters are based exclusively on objective criteria. The licensing conditions are laid down in the various *Land Media Acts*.

232. In all cases, the applicant must have his/her residence or the domicile of his/her company in the area to which the *Basic Law* applies (in some of the *Länder*, this may also be a location in the EU Member States). Granting of a licence also depends on whether the applicant has the qualification for lawful provision of broadcasting programmes, i.e. meets the financial and legal requirements with regard to programming. Moreover, programmes must be in accordance with the general programming principles as laid down in the *Broadcasting State Treaty concluded between the Länder*; these include, *inter alia*, conformity with the constitutional order and respect for human dignity. In addition, the *Land Media Acts* lay down various requirements to be met by private broadcasters which, however, are also based exclusively on objective criteria.

233. If an application for licensing is refused, an objection may be filed, or an action be brought, in accordance with the general legal provisions.

234. Article 3, paras. 1 and 3, of the *Basic Law* prohibits any discrimination with regard to access to the media so that also the language groups may have access on the same conditions as the majority population. In this regard, particular mention must be made of the supervisory and control bodies which have to safeguard diversity of opinions and ensure compliance with the broadcasting programming principles. The relevant major political, ideological and social groups are granted adequate participation in the supervisory bodies of public-service broadcasters and of the *Land* Supervisory Authorities for Private Broadcasters [*Land* Broadcasting Institutions], i.e. the Broadcasting Board and the Broadcasting Commission/Media Council. Membership of these bodies is so diversified that all socially relevant groups are provided sufficient opportunity to have their say. In addition to representing the interests of their associations or groups, the members of these bodies also contribute comprehensive and multi-faceted views on socially important issues to the deliberations of these bodies.

235. The issue of representation of national minorities on these media boards was the subject of an action brought by the *Central Council of German Sinti and Roma*. Controlling the public-service broadcasters primarily is the broadcasters' internal responsibility and is incumbent on the supervisory bodies, i.e. the Broadcasting Board and the Board of Administration. Responsibility for controlling private broadcasters lies with the *Land* Supervisory Authorities [*Land* Broadcasting Institutions]. According to the judicial decisions of the *Federal Constitutional Court*, the task of these supervisory bodies is not, however, to represent the interests of the groups/organizations delegating the respective members, but rather is to act as a trustee for the public interest and thus to prevent any biased interference and biased programming and to ensure that appropriate and fair account is taken, within the overall programme, of all major political actors and groups. Accordingly, the *Federal Constitutional Court* did not invest any socially relevant group - including, for instance, a national minority - with the right to be included in the membership of supervisory bodies, and consequently did not regard a group's non-inclusion as an act of discrimination.

The Central Council of German Sinti and Roma appealed to the European Court of Human Rights (Eur. C.H.R.) to lodge a formal protest (file ref.: 46665/99) against the decision of the Federal Constitutional Court (BVerfG); the Eur. C.H.R. has not yet heard, and decided on, this case. This was a request to the Court to determine that the complete exclusion of representatives of the German Sinti and Roma from the supervisory bodies for public service broadcasting and from the state supervisory bodies for private broadcasters constituted a violation of freedom of broadcasting as guaranteed by Article 10 of the European Convention on Human Rights (ECHR) and

thus violated freedom from discrimination as defined and guaranteed by Article 14 of the ECHR. Among the reasons given was the view that such exclusion of the Sinti and Roma amounted to unequal treatment as compared with the other recognized national minorities (see No. 236 below). Unequal treatment [of Sinti and Roma] also existed in comparison with Jewish *Land* Associations and communities which - on account of the [state's] "particular responsibility stemming from past" (as recognized also in specific State Treaties) - are represented on the various controlling bodies since such historical responsibility applied also to the Sinti and Roma who in the same way had fallen victim to the holocaust.

236. Some representatives or members of national minorities/language groups were elected to broadcasting bodies. Also, one (female) member of the Television Board of *Zweites Deutsches Fernsehen* (ZDF - Second German Television, or Channel II) belongs to the Danish minority. In accordance with the *Act on Private Broadcasting in Saxony* of 18 January 1996, a Sorbian representative nominated by the associations of the Sorbs is a member of the Assembly of *Sächsische Landesanstalt für privaten Rundfunk und neue Medien* [Saxon Land Institution for Private Broadcasting and New Media]. The Saxon *Landtag* delegated a representative of the Sorbian umbrella organization *Domowina* to the Broadcasting Board of *Mitteldeutscher Rundfunk (mdr)*. In Brandenburg, too, a representative of *Domowina* is a member of the Broadcasting Board of *Ostdeutscher Rundfunk Brandenburg* (ORB) and of the Media Council of *Landesmedienanstalt Berlin-Brandenburg* [Land Supervisory Authority for Private Broadcasters, Berlin-Brandenburg].

237. On account of the actual overall conditions regarding freedom of the press as guaranteed by the Constitution, which provide for a large number of independent press products which, in terms of political orientation or worldview/ideology, compete with each other, no comparable legally regulated supervisory bodies exist in the print media sector.

238. The aforementioned freedoms may, as a matter of principle, also be exercised by the language groups in their respective language.

239. Like in the case of press products, creation of a group's own media in the field of broadcasting (radio and television broadcasting) depends on the size of the protected group and its economic capacity. Where creation of own broadcasting media is not expedient or not feasible, "Open Channels" are usually available. These are used for local and regional dissemination of non-commercial broadcasting items. In this way, individuals, social groups/citizens groups, organizations, associations,

unions and institutions can, independently and on their own responsibility, produce broadcasting items and have them aired. These items must conform to the general programming principles, must not contain any commercial advertisements, must be on a non-profit basis and must not be provided for remuneration.

re: **Article 12**

### **Cultural Activities and Facilities**

240. Promotion of measures required to cultivate and further develop the culture of members of the language groups concerned and to preserve their protected languages and identity is accomplished in Germany through the law in force and the promotional activities of public authorities.

241. In accordance with the distribution of responsibilities within the federal system of Germany, cultural promotion is, on principle, subject to the *Länder's* autonomy in cultural matters. Within the framework of local self-government under the *Statutes enacted by the Länder concerning the organization and powers of local governments* [Local Authority Statutes], e.g. Section 10, para. 2, of the *Local Authority Code of Baden-Wurtemberg Land*, local authorities are called upon to promote the common weal of their inhabitants through the citizenry's self-management. This also covers the requirement for attending to the inhabitants' social and cultural needs. Included in this are the needs of those inhabitants who are members of the language groups protected under the Charter because the definition of "inhabitant" leaves the person's nationality, language, cultural heritage, and religion out of consideration.

242. Of particular significance to the members of these language groups are the right to free development of personality, as guaranteed by Article 2, para. 1, of the *Basic Law*, which *inter alia* leaves the use of the relevant language, maintenance of the relevant autonomous culture, and preservation of the ethnic identity to each individual; and Article 4, paras. 1 and 2, of the *Basic Law*, guaranteeing freedom of faith, conscience, and to profess a religious or philosophical creed, as well as the undisturbed practice of religion.

243. To create the conditions for focused governmental promotion of the culture and thus of the languages of these groups, the State has established bodies where regular exchanges can take place between the political community, public administration and minorities/language groups so that the needs of such groups will be taken account of in governmental promotion. Also, functional areas have been established in public administration, which are in constant touch with the minorities and

have direct responsibility for protection and promotion. The creation of this infrastructure had to take account of the different needs of the various groups, and of the existing scope for government action.

244. The language groups in Germany differ in terms of their regional distribution, their proficiency in the given language, the infrastructure of cultural institutions and associations established and maintained by the groups themselves, and their respective concepts for the maintenance of their cultural and linguistic identity. In instances, this even applies within a given particular language group which is represented by various organizations with different objectives. Also, the respective situation, together with the historic development, has - in conjunction with the varying financial resources of the *Länder*, and taking account of the respective number of the members of national minorities and ethnic groups in a *Land* - had an influence on governmental promotion policies. Accordingly, the reports on the obligations entered into with regard to the various languages are of varying length and detail.

re: **Article 13**

#### **Economic and Social Life**

245. In Germany, freedom to use one's own language - in private and in public - is ensured by Article 2, para. 1, of the *Basic Law*, which guarantees the right to the free development of one's personality. This freedom is also ensured in the context of the freedoms of expression, of the press and of broadcasting as guaranteed under Article 5, para. 1, of the *Basic Law*.

246. In addition to the freedoms guaranteed by the *Basic Law* for the entire territory of Germany, Section 8 of the *Act on the Specification of Rights of the Sorbs (Wends) in the Land of Brandenburg (SWG)* explicitly reaffirmed the right freely to use the Sorbian (Wendish) language. Pursuant to the *Saxon Constitution* and Section 8 of the *Act on the Sorbs' Rights in the Free State of Saxony [SächsSorbG]* and a number of other laws and ordinances, the Sorbs in the Free State of Saxony have the right to communicate, orally and in writing, in their language in private and in public.

247. Use of the minority languages in public, also in the business sphere and social life, is generally accepted by the German population. Much wider use is made of languages other than German by the large numbers of foreigners living in Germany, and this fact does not raise any problems in society - with the exception of the attitude of only a few far-rightist individuals.



248. The undertaking, under Article 13, para. 1, sub-para. (c), to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities has been fully accepted for all of the languages. In the Monitoring Report [MIN-LANG (2002) 4 final], the Committee of Experts generally stated that it had received no information which would enable it to judge whether or not the undertaking was fulfilled (e.g. in No. 168 of the Report). In response it is pointed out that no such practices exist in Germany and consequently no information on this matter can be provided. Accordingly, there is in Germany no need for specific action to implement this undertaking.

249. With regard to the undertaking under Article 13, para. 1, sub-para. (d) - to facilitate and/or encourage the use of regional or minority languages by means other than those specified in sub-paragraphs (a) to (c) - the Committee of Experts in its Monitoring Report [MIN-LANG (2002) 4 final] very often (e.g. in No. 250 of the Report) stated that it had received no information which would enable it to conclude that the undertaking was fulfilled. In response the information is provided that this matter was discussed with the *Länder* during an Implementation Conference on the implementation of the recommendations of the Committee of Experts. The measures taken by Schleswig-Holstein *Land* to implement this undertaking - considered fulfilled by the Committee of Experts (cf. No. 169 of the Monitoring Report) - were considered good policy also by the other *Länder* and have been included in further planning of implementing measures.

250. As regards Article 13, para. 2, sub-para. (c) (ensuring use of the regional or minority language in social care facilities such as hospitals, retirement homes and hostels), the Committee throughout its Monitoring Report [MIN-LANG (2002) 4 final] (e.g. in No. 170) considers a systematic policy approach necessary to ensure fulfilment of the undertaking. For all of the *Länder* which accepted this obligation, it can generally be said that the competent authority sees to it that, as a matter of principle, the possibility to communicate in the given regional or minority languages is offered to persons who so wish in the mentioned publicly funded social care facilities. So far, this has been ensured without any specific measures. As before, no concrete needs have been notified by the relevant persons in need of care. Therefore, in view of this supply-and-demand situation, the competent authorities do not envisage any special additional measures. However, if demand should change, they will reconsider the scope for such measures. Generally, in addition to the specific information provided in respect of the various languages, it is pointed out with regard to the wording in Article 13, para. 2: "in so far as the public authorities are competent", that in the view of the Federal Republic of Germany, the term "competence" means "power of administration" [administrative jurisdiction] which restricts the scope for administrative ac-

tion, especially in the *private* social care sector. An appraisal of the implementation of the given undertaking under the Charter will - what the Monitoring Report failed to do - have to take account of the activities of the churches which, in interaction with the measures that can be taken by public authorities, ensure broadly based and comprehensive implementation.

re: **Article 14**

### **Transfrontier Exchanges**

251. The right to maintain and develop contacts as part of transfrontier exchanges is one of the fundamental freedoms guaranteed by the *Basic Law* and is protected under its Articles 2, para. 1 (general freedom of action; freedom to leave the country) and 11, para. 1 (freedom of movement within the federal territory; freedom to enter the country).

For further details, cf. the comments in Part C, Nos. 147 - 161, above.

## D.2 Implementation of the obligations undertaken with regard to the various languages

### D.2.1 Danish in the Danish speech area in Schleswig-Holstein

#### Article 8

#### Education

252. As regards the school system in general, it is to be noted that the Danish minority have the right, in all of Schleswig-Holstein *Land*, to instruction in the Danish language (Declaration by the Government of the Federal Republic of Germany of 29 March 1955 [Bonn Declaration]). Article 8 of the Constitution of the *Land* of Schleswig-Holstein leaves it to the parents/guardians to decide whether their children should attend a school of a national minority. The pupils coming from the Danish minority are thus given the opportunity to learn and use the Danish language. The details are regulated by the *Schools Act*.

#### Article 8, para. 1

##### Paragraph 1

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

#### Art. 8, para. 1, sub-para. (a) - Pre-School Education -

- (i) *to make available pre-school education in the relevant regional or minority languages; or*
- (ii) *to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
- (iii) *to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or*
- (iv) *if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;*

Schleswig-Holstein has accepted the obligation under sub-paragraph (a) (iv).

253. As part of pre-school education, Danish language offers exist in day-care centres in the Schleswig region of Schleswig-Holstein *Land*.

254. *Dansk Skoleforening for Sydslesvig [Dänischer Schulverein für Südschleswig - Danish Schools Association for South Schleswig]* is the providing body for activities of the Danish minority with regard to nursery schools. During the school year

2002/03, it operated 57 nursery schools and day-nurseries which were attended by 1881 children, of whom 511 were preschoolers. With a few exceptions, all of these children will then go on to a Danish school. These institutions have their own admission regulations.

255. The Danish Schools Association is supported with funds of Schleswig-Holstein *Land*. Subsidies for the educators employed in day-care centres are granted under Section 25, para. 4, of the *Children's Day-Care Centres Act*.

256. There are also some German nursery schools offering the Danish language. Since 1998, Danish has been offered, as part of a Language Encounter Concept, in seven nursery schools by *Arbeitsgemeinschaft Deutsches Schleswig* [Working Group "German Schleswig Region"], one of the four German Border Associations.

Art. 8, para. 1, sub-para. (b) - Primary Education -

- (i) *to make available primary education in the relevant regional or minority languages; or*
- (ii) *to make available a substantial part of primary education in the relevant regional or minority languages; or*
- (iii) *to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- (iv) *to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;*

Schleswig-Holstein has accepted the obligation under sub-paragraph (b) (iv).

257. Under Article 8, para. 4, of the *Land* Constitution, the parents/guardians decide whether their children should attend a school of a national minority.

258. In the 2002/2003 school year, 48 primary schools or comprehensive schools, *Realschulen* [secondary schools, with lower secondary grades (i.e. secondary education stage I)] or secondary modern schools with a primary education section, and a *Gymnasium* are operated by the Danish Schools Association in the Schleswig region of the *Land*. The Danish schools are subsidized with *Land* funds. Under the Schleswig-Holstein Schools Act, the Danish Schools Association had until 1998 been entitled to a subsidy per pupil which, irrespective of actual requirements, was fixed at 100 per cent of the costs incurred, as a *Land* average, for a pupil at a comparable publicly maintained school. Under Article 10 of the Budget Support Act (*Haushaltsbegleitgesetz*) of 23 January 1998, the respective subsidy was fixed on the basis of the cost-per-pupil rates for the year 1998.

259. Article 2 of the 2002 Budget Support Act (*Haushaltsbegleitgesetz*) newly regulated the funding of substitute (private) schools provided by voluntary bodies. This Act provides that, for schools of the Danish minority, without verification of the requirements a subsidy will be paid (per pupil) which corresponds to 100 per cent of the costs incurred, on a *Land* average, for a pupil at a comparable publicly maintained school in 2001, plus an increase in personnel costs corresponding to the percentage by which the salaries of teachers employed in the civil service are annually increased. This regulation will apply in full from the year 2004 onwards. A transitional provision applies for the years 2002 and 2003, which already in 2002 led to an increase in the grant per pupil and will result in a further improvement in 2003.

260. At a number of publicly maintained schools, foreign language teaching was, within the framework of a model project, introduced already at the primary school level. At a number of publicly maintained schools in the Schleswig region of the *Land*, Danish is offered as a foreign language. The target groups are the 3<sup>rd</sup> and 4<sup>th</sup> grades.

261. A Working Group set up in 2002 provides the forum for the dialogue between the *Land* Government, the Minister-President's Commissioner for Minorities and the Danish Schools Association (*Dansk Skoleforening for Sydslesvig*). The task of this inter-departmental working group under the lead responsibility of the *Land* Ministry of Education, Science, Research and Cultural Affairs is to study issues of financial support available to the schools of the Danish minority and to submit suggested solutions (cf. No. 135 of the Monitoring Report [MIN-LANG (2002) 4 final]).

**Art. 8, para. 1, sub-para. (c) - Secondary Education -**

- (i) *to make available secondary education in the relevant regional or minority languages; or*
- (ii) *to make available a substantial part of secondary education in the relevant regional or minority languages; or*
- (iii) *to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- (iv) *to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;*

Schleswig-Holstein has accepted the obligations under sub-paragraph (c) (iii) and (iv).

262. In Schleswig-Holstein, especially in the Schleswig region, many publicly maintained secondary schools of all types offer Danish as a foreign language. Danish is also offered by some schools outside the traditional Danish speech area. In the

2002/03 school year, a total of some 4,200 pupils took part in Danish language instruction offered at publicly maintained schools.

263. In addition, the school system of the Danish minority also comprises secondary modern schools, *Realschulen*, one comprehensive school and one *Gymnasium* (in Flensburg). These schools admit pupils after the "orientation stage" (5<sup>th</sup> and 6<sup>th</sup> grades) which in Danish schools is tied in with primary education; this course of education is completed after the 9<sup>th</sup> or 10<sup>th</sup> grade for secondary modern schools, after the 10<sup>th</sup> grade for *Realschulen* and the comprehensive school, and after the 13<sup>th</sup> grade for the *Gymnasium*. Apart from the compulsory major subject "German", taught at the native language level, the teaching language generally is Danish. In the final-year classes and courses, however, it is ensured that also technical terms, especially in the fields of mathematics/natural sciences and economics, are taught in German so as to prepare pupils sufficiently for their future professional training in German-language enterprises and at university. The final examinations of all schools are recognized in both Germany and Denmark.

**Art. 8, para 1, sub-para. (d) (iii) - Technical and Vocational Education -**

*(iii) to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*

264. At (part-time) vocational schools, Danish is offered as an optional-subject foreign language, as part of general-education courses. At the specialized *Gymnasium*, Danish is taught as an optional foreign language. In addition, Danish is an integral part of the basic training of the Flensburg professional fire brigade.

**Art. 8, para. 1, sub-para. (e) (ii) - University and Other Higher Education -**

*(ii) to provide facilities for the study of these languages as university and higher education subjects; or*

265. Danish is offered as a course of studies in Nordic philology at Kiel University (CAU - *Christian-Albrechts-Universität*), and as a course of studies for the teaching profession, at Flensburg University (UF - *Universität Flensburg*).

266. In addition, the *Dansk Centralbibliotek for Sydslesvig (Dänische Zentralbibliothek für Südschleswig - Central Library for South Schleswig)* in Flensburg has a research unit which prepares scholarly articles/essays on the Danish minority. The general public in the German-Danish border region, and the Danish minority in particular, also make use of the research findings of Danish institutions, e.g. of Danish universi-

ties and especially of the *Institut für Grenzregionsforschung* [Institute for Border Region Research] in Åbenrå/Aabenraa/Apenrade in Denmark.

**Art. 8, para. 1, sub-para. (f) - Adult Education -**

- (ii) *to offer such languages as subjects of adult and continuing education; or*
- (iii) *if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;*

Schleswig-Holstein has accepted the obligations under sub-paragraph (f) (ii) and (iii).

267. Danish language courses are offered by the adult education centres of Schleswig-Holstein *Land* and by *Jarplund Højskole*, the Danish residential adult education college in South Schleswig. In 2002, 412 Danish language courses attended by 4,269 participants were held at 75 adult education centres in Schleswig-Holstein *Land*. For adult education among the Danish minority, 486 courses attended by 5,011 participants were held in fiscal year 2002 in 43 places of the Schleswig region of the *Land*.

**Art. 8, para. 1, sub-para. (g) - Teaching of the History and Culture Education -**

- (g) *to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;*

268. In Schleswig-Holstein, the curricula for primary education and the lower secondary grades [secondary education stage I] - in addition to the curricula for Danish instruction where the regional history, geography and civilization play an important role - provide for a wide scope for dealing also with the problems of minorities. For instance, the curriculum for the 8<sup>th</sup> grade covers the subjects "The German-Danish Conflict over the Schleswig-Holstein Question, 1864" and "The Danes of North Slesvig in Imperial Germany".

269. The materials mentioned in No. 272 below have been patterned closely on the subjects listed in the curricula, and thus substantially support classroom treatment of the Danish language and of specific cultural aspects.

270. The undertakings entered into by Schleswig-Holstein ensure that also persons who do not speak Danish have access to this language.

**Art. 8, para. 1, sub-para. (h) - Basic and Further Training of Teachers -**

- (h) *to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;*

271. In Schleswig-Holstein, further and continuous training is offered for teachers. These latter have a say in the selection of subjects. A specialized adviser for Danish is available to schools in matters of further and continuous training. Teachers of the Danish Schools Association for South Schleswig can take part in follow-up and advanced training offered by the *Institut für Qualitätsentwicklung an Schulen (IQSH - Institute for Quality Development at Schools)*.

272. The teachers of the private schools of the Danish minority are/were trained either in Denmark or in Germany. Their in-service (follow-up) training is either in the hands of institutions of the Danish minority or is provided by Danish institutions. In Schleswig-Holstein, a course of studies in Danish is offered (for details, cf. the comments under paras. 265 - 266 above). The Danish private schools primarily use textbooks published by Danish educational publishing companies, but also educational materials developed by these schools themselves to take account specifically of the Danish minority's situation and history, as well as German textbooks. The development, entailed by the *Bonn/Copenhagen Declarations* of 1955, of transfrontier promotion of minorities on the basis of the reciprocity principle has ensured that for the minorities on both sides of the border - Danes in Germany, and Germans in Denmark - adequate opportunities exist for teacher training and for access to textbooks.

273. With the specific aim of ensuring recruitment of teachers belonging to the Danish minority who are able to teach all subjects included in the curriculum in the Danish language, Section 5, para. 3, of the *Federal Educational Grants Act (BAFöG)* grants members of the Danish minority unrestricted subsidized educational advancement for attending a training institution located in Denmark if such training is not available in Germany. This applies, for instance, to teacher training since in the Federal Republic of Germany the subjects included in the curriculum are, as a rule, taught in the German - but not in the Danish - language. As stated by the Danish Schools Association, recognition, by statutory health insurance funds, as a "regular course of studies" presents difficulties.

**Art. 8, para. 1, sub-para. (i) - Supervisory Bodies -**

- (i) *to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings which will be made public.*

274. For supervision of the measures taken in primary schools, secondary modern schools and *Realschulen* [secondary technical schools], responsibility lies with the supervisory school authorities of the *Kreise* [administrative districts] or *kreisfreie*



*Städte* [non-district municipalities]. For *Gymnasien*, comprehensive schools and vocational schools, responsibility for supervision lies with the *Land* Ministry for Education, Science, Research and Cultural Affairs.

275. Also as regards the schools of the Danish minority, legal supervision [i.e. supervision limited to the question of legality of administrative activities] lies with the Ministry for Education, Science, Research and Cultural Affairs.

276. In the view of the Schleswig-Holstein *Land* Government, supervision is ensured through interaction of school supervision (incumbent on the Ministry of Education), expert (administrative/legal) supervision, and the respective supervisory school authorities [schools offices] of *Kreise* and *kreisfreie Städte* [non-district municipalities]. Current information on the activities of the Danish minority as regards day-nurseries and schools is provided in one of the chapters of the *Land* Government's Minority Report. Once per legislative period - last in December 2002 - the *Land* Government regularly submits this Report on Minorities to the Schleswig-Holstein *Landtag*. Also, a working group consisting of representatives of the Danish Schools Association, the Commissioner for Minorities, staff members of the State Chancellery and of the Ministry for Education, Science, Research and Cultural Affairs was set up in 2002 for a limited period of time. This group's task is to look into issues of financial support available to the schools of the Danish minority and to submit suggested solutions (cf. No. 142 of the Monitoring Report [MIN-LANG (2002) 4 final]). In the autumn of 2003, the *Land* Government submitted to the Schleswig-Holstein *Landtag* a Report on the Implementation of the Charter in Schleswig-Holstein.

#### Article 8, para. 2

##### *Paragraph 2*

*With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.*

277. Danish, a minority language in Germany, is the national language of the Kingdom of Denmark, the northerly neighbour of Schleswig-Holstein. Therefore, the need to learn this language is felt not only among the Danish minority, but by the majority population as well. To meet this need, Schleswig-Holstein *Land* offers courses in Danish as a foreign language at publicly maintained schools of all types. Several of these schools are in the Holstein region of the *Land* - i.e. outside the language area [Schleswig region] of the Danish minority - in the *Kreise* of Ostholstein, Plön and Dithmarschen, and in the Hanseatic City of Lübeck.

278. As regards colleges and universities, the obligation - in the sense of "undertake ... to allow" - is met for the entire territory of the Federal Republic by virtue of Article 5, para. 3, of the *Basic Law* (autonomy of institutions of higher education<sup>#</sup>).

<sup>#</sup> "(3) Art and scholarship, research, and teaching shall be free. The freedom of teaching ..."

## Article 9

### Judicial Authorities

#### *Paragraph 1*

*The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

#### Art. 9, para 1, sub-para. (b) (iii) - Civil Proceedings -

*in civil proceedings:*

(iii) *to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;*

279. With the proviso that documents and evidence drafted in a minority language must be presented in a form obviating misunderstandings or errors with regard to their translation, this obligation is met by the legal situation prevailing in Germany. Therefore, no special measures have been taken.

#### Art. 9, para 1, sub-para. (c) (iii) - Proceedings before Courts concerning Administrative Matters -

*in proceedings before courts concerning administrative matters:*

(iii) *to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;*

280. With regard to this undertaking accepted by Schleswig-Holstein, cf. No. 279 above.

281. As regards this branch of the judiciary, it should be pointed out that administrative courts are obliged to conduct *ex officio* investigations and, where necessary and appropriate, will on their own initiative rely on the services of interpreters. Thus, the members of the language group suffer no prejudice by the use of their language.

#### Art. 9, para. 2, sub-para. (a) - Validity of Legal Documents -

*The Parties undertake:*

(a) *not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or*

282. With regard to this undertaking accepted by Schleswig-Holstein, cf. Nos. 279 and 281 above.

## Article 10

### Administrative Authorities and Public Services

#### *Paragraph 1*

*Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

#### Art. 10, para. 1, sub-para. (a) (v) - Submission of Documents -

(v) *to ensure that users of regional or minority languages may validly submit a document in these languages;*

283. The legal basis for accepting this obligation is Section 82a, para. 2, of the *Land* Administration Act. This discretionary regulation provides for the general possibility to submit applications, petitions, records, deeds or other documents in a foreign language, i.e. a language other than the official language.

284. According to a non-representative survey carried out among subordinate agencies of the Ministry of the Interior of Schleswig-Holstein *Land*, use is made of this possibility, *inter alia*, by land survey offices [cadastral offices] and by the *Land* Statistical Office.

285. As regards the criticism expressed in No. 148 of the Monitoring Report [MIN-LANG (2002) 4 final], the following additional information is provided.

286. So far, no complaints regarding the application of this provision have been submitted to the Schleswig-Holstein Ministry of the Interior. The practical application of this provision would seem to be of minor importance.

287. In the *Land* Government's view, the broader criticism expressed by the Committee [ No. 148 (MIN-LANG (2002) 4 final)] - that the Danish minority has never been encouraged to use Danish in public matters - goes beyond the requirements stipulated in Art. 10, para. 1, sub-para. (a) (v). Nevertheless, in its information brochure "*Sprache ist Vielfalt*" ["Language is diversity"], the *Land* Government pointed out both the respective possibilities and limits ensuing from the Charter. For example, items 12 to 15 of the brochure deal specifically with questions regarding relations with administrative authorities. The brochure was distributed free of charge to all *Land* authorities, *Kreise*, *Ämter*, and local authorities, and to the organizations of the language minorities.

288. With a sticker campaign advertising the language proficiency of its staff members, the *Land* Government seeks to reduce inhibitions regarding use of regional

or minority languages. As part of the keynote theme "*Sprache ist Vielfalt in Schleswig-Holstein*" ["Language is diversity in Schleswig-Holstein"], the campaign was presented in May 2002 by the Minister-President. In the meantime, around 650 stickers have been sent to agencies and other institutions of the *Land*.

289. This criticism is rather difficult to understand also in view of the fact that the Committee had an opportunity to discuss these matters with the City of Flensburg. According to information provided by the City of Flensburg on the current state of affairs (Jan. 2003), little use is made of the possibility to submit applications, certificates and other documents in the Danish language. Almost every department has Danish-speaking staff for translations or oral communication. To reduce inhibitions on the citizens' side, more than fifty staff members have informative signs on their office doors. The same can be said for use of Low German.

290. Given its location in the border zone, this 'stronghold' of Danish in Schleswig-Holstein has for some time already sought to adjust its services to the fact that the staff's knowledge of Danish is of great importance to a client-oriented municipal administration. Danish courses for beginners are offered, and financial grants are available for employees taking part in Danish courses outside the municipal further training facilities. For advanced learners, workshops in Danish have been on offer once per week for a number of years already. Danish is an integral part of the basic training of the Flensburg professional fire brigade. Finally, an EU project (INTERREG III A) for transborder qualification of prospective executive personnel (*Løver 2002*) is carried out with the *Kreise* of Nordfriesland and Schleswig-Flensburg and with *Sønderjylland Amt* with the aim of improving language proficiency on both sides of the border.

#### Article 10, para. 4

##### *Paragraph 4*

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

#### Art. 10, para. 4, sub-para. (c) - Appointment of Public Service Employees having a Knowledge of a Regional or Minority Language -

- (c) *compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

291. With a view to implementing this obligation, an announcement to this effect was made at the *Personalreferentenkonferenz* (PRK - Conference of Personnel Officers) in 1999 and again in 2003. The PRK brings together the personnel officers of

the supreme *Land* authorities at regular meetings with the aim of co-ordinating and harmonizing the essential cross-departmental decisions in the field of personnel management.

292. If a staff member within the *Land* Administration expresses a wish regarding such an appointment, the scope for complying with the request will be examined. So far, however, there have been no requests to this effect at the *Land* Government level.

293. With reference to the criticism expressed in No. 149 of the Monitoring Report [MIN-LANG (2002) 4 final] concerning the lack of a structural approach, the following information is provided:

294. The *Land* Government considers this obligation to be fulfilled. This undertaking means that the wishes of public service employees shall be complied with whenever possible. Essentially the only implementation option open to the *Land* Government therefore is to make the employees concerned aware of this possibility, as was done at Conferences of Personnel Officers (PRK) in 1999 and 2003 (cf. No. 291 above).

295. An example referring to the police forces: Of the overall number of employees (around 800) of the *Polizeidirektion* [regional police headquarters] *Schleswig-Holstein Nord* - responsible for the *Kreise* of Nordfriesland and Schleswig-Flensburg and for the City of Flensburg - at least 200, i.e. around 25 per cent, have a basic knowledge of Danish, allowing them to answer questions and to read documents in that language. The larger agencies, at least, have staff members with a good command of the Danish language; it should be noted in this context that a number of police officers serving with *Schleswig-Holstein Nord* regional police headquarters are ethnic Danes of German nationality.

296. Police forces in general endeavour to improve their staff's language proficiency. For example, two training programmes are funded through the EU promotional programme INTERREG; in the years 2001 - 2003, 350 staff members of the regional police headquarters *Schleswig-Holstein Nord* and *Schleswig-Holstein Süd* attended Danish language courses of several weeks' duration and varying learning intensity levels.

297. In 2000, a parliamentary debate took place on the requirement that decisions on the recruitment of staff for *Land* service positions should, as a matter of principle, include the applicants' knowledge of the regional or minority languages as a qualification criterion. The *Land* Government had welcomed this practice if and where such

language proficiency was required for the specific post. In such cases, knowledge of these languages may be included in the assessment of the applicants' aptitude, qualifications and professional achievements.

298. A survey conducted throughout the *Land* administration showed that so far no cases have become known where knowledge of any of the minority languages Danish, Frisian and Romanes or of the regional language Low German would have been a prerequisite for appointment to a post. In individual cases, however, knowledge of any of these languages was included as a criterion in the selection decision.

299. Flensburg *Finanzamt* [Revenue Office] stated that, in view of the geographic proximity to Denmark, particular care was being taken to accommodate the needs of resident taxpayers from the Danish speech area. Thus, the criteria for selection of staff for the Preliminary Turnover Tax Return office include having a command of the Danish language. It is this unit of Flensburg *Finanzamt* that has the most frequent contacts with Danish companies.

300. Within the area of responsibility of the Ministry for the Environment, Nature Conservation and Agriculture, knowledge of the Frisian language was considered a positive factor in the selection procedure for recruitment of field staff of the Tönning National Park Office. Favourable note is taken of knowledge of the Danish language in the selection of applicants for professorships at Flensburg University. For appointments to professorships for Frisian, Danish or Low Germany studies, adequate knowledge of these languages is, of course, an indispensable prerequisite.

301. Given its location in the border zone, [Flensburg as] the 'stronghold' of Danish in Schleswig-Holstein has for some time already sought to adjust its services to the fact that the staff's knowledge of Danish is of great importance to a client-oriented municipal administration. Danish courses for beginners are offered, and financial grants are available for employees taking part in Danish courses outside the municipal further training facilities. For advanced learners, workshops in Danish have been on offer once per week for a number of years already. Danish is an integral part of the basic training of the Flensburg professional fire brigade. Finally, an EU project (INTERREG III A) for transborder qualification of prospective executive personnel (*Løver 2002*) is carried out with the *Kreise* of Nordfriesland and Schleswig-Flensburg and with Sønderjylland *Amt* with the aim of improving language proficiency on both sides of the border.

Article 10, para. 5

*Paragraph 5*

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

302. Cf. the comments in Part D, Nos. 220 - 225 above.



## Article 11

### Media

#### *Paragraph 1*

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

#### Art. 11, para. 1, sub-para. (b) (ii) - Broadcasting of Radio Programmes -

*(ii) to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

303. As regards use of broadcasting media, a particular situation prevails in the settlement area of the Danish minority in the northern part of Schleswig-Holstein *Land*. As the settlement area borders directly on Denmark, the members of this minority can receive the entire broadcasting programme of the Kingdom of Denmark. Consequently, no special need for developing their own broadcasting media has arisen so far. Nevertheless, the wish has been expressed that, in particular, Danish-language news and information about the Schleswig region of the *Land* be included in the [German] programmes.

304. In 1999 and again in 2003, the Minister-President of Schleswig-Holstein *Land* has encouraged the radio and TV station programme directors of *Norddeutscher Rundfunk (NDR)*, *Zweites Deutsches Fernsehen (ZDF - Second German Television, or Channel II)*, *DeutschlandRadio*, *Radio Schleswig-Holstein (RSH)*, *NORA (NordOstseeRadio)*, *delta radio* and *POWER RADIO Nord* as well as the *Unabhängige Landesanstalt für Rundfunk und neue Medien (ULR - Independent Land Supervisory Authority for Broadcasting)*, the TV stations *RTL* and *SAT1*, the *Gesellschaft zur Förderung audiovisueller Werke in Schleswig-Holstein mbH (MSH - Limited Liability Company for the Promotion of Audiovisual Works in Schleswig-Holstein)* and *Kulturelle Filmförderung [Cultural Film Promotion, Schleswig-Holstein]* to integrate "linguistic particularities which are among the features determining the specificity of our *Land*" in their programmes; intensification of first action already taken in this respect would be welcomed. In the spirit of the Regional/Minority Language Charter, the Minister-President urged that "further avenues should be explored for integrating contributions in the minority languages and in the regional language Low German into their programmes, as a service for the citizens and in support of this element of the culture of Schleswig-Holstein".

305. In addition, the following regulations apply:

- The broadcasting corporation under public law (*Norddeutscher Rundfunk - NDR*) has the legal mandate to report on the cultural diversity and the special features of the respective *Land* and to give its support to the protection of minorities.
- Adequate room must be given in the programme to the North German region, its culture and language.
- Programming principles for private broadcasting: Broadcasting programmes shall contribute (...) to the protection and promotion of minorities (...).
- Protected minorities have access to the media, and scope for participation, on the same conditions as other groups of society. The provisions of the *Land Broadcasting Act* promote programming diversity and the variety of broadcasters.
- The *Land Broadcasting Act* was amended in 1999. It replaced the Assembly of the ULR [Independent *Land* Supervisory Authority for Broadcasting] by a Media Council. Any socially relevant group, organization or association of supraregional standing is entitled to make nominations for the election of the Media Council. *Sydslesvigsk Forening (Südschleswigscher Verein - South Schleswig Association)* does not consider this sufficient.
- In addition, the ULR operates two radio broadcasting "Open Channels" in Schleswig-Holstein. Through these Open Channels, anybody who is not a broadcaster himself/herself, can disseminate his/her own contributions via radio broadcasting.

### 306. Legal Bases:

Inter-State Treaty on *Norddeutscher Rundfunk* [NDR State Treaty] (of 26 February 1992): Section 3, para. 3, Section 5, para. 2, 1<sup>st</sup> sentence, Section 7, para. 2, 3<sup>rd</sup> sentence;

Inter-State Agreement on the Public Corporation *Zweites Deutsches Fernsehen (ZDF)* (of 15 December 2000): Section 5, para. 2;

*Land Broadcasting Act* (of 22 May 2002): Section 17, para. 2, nos. 1 and 2, Section 24, para. 3, Section 34, para. 1, 1<sup>st</sup> - 3<sup>rd</sup> sentences, Section 54, para. 3.

### 307. Facts and Examples:

Both in its *Aktuell* current affairs reporting and in the programmes of the *Heimat, Kultur und Wissenschaft* Desk [Our Region, Culture, and Science] as part of newsfeature and magazine programmes, the radio broadcasting programme of *NDR 1 Welle Nord* reports on events in the German-Danish border region, on books, stage productions and exhibitions, on regional co-operation and economic and political developments.

308. *Radio Schleswig-Holstein* (R.SH) disseminates a daily Danish-language news programme on weekdays (at 17:55) for the Schleswig region of the *Land*. *Radio*

*Schleswig-Holstein* is a private broadcaster (cf. No. 152 of the Monitoring Report [MIN-LANG (2002) 4 final]).

309. In addition, there are a TV model test project of *Norddeutscher Rundfunk (NDR)* in Danish and programmes of the Danish regional TV stations for Sønderjylland (South Jutland, or North Slesvig) on subjects concerning the Danish minority.

310. In Flensburg and the surrounding region it is now possible again to receive, over cable, the broadcasts of the Danish station *Danmarks Radio P2*. This makes it possible, for instance, to listen to Danish-language church services.

**Art. 11, para. 1, sub-para. (c) (ii) - Broadcasting of Television Programmes -**

*(ii) to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

311. In this regard, cf. the comments above in Nos. 303 - 310 above.

312. [deleted: paragraph contained in the 1<sup>st</sup> State Report]

313. *Zweites Deutsches Fernsehen* (ZDF - Second German Television/Channel II), via its regional programmes, also airs broadcasts on the Danish minority on special occasions or when events of particular importance occur.

314. The criticism expressed by the Committee of Experts in the Monitoring Report (No. 153, MIN-LANG (2002) 4 final) prompted the Minister-President to inform, in writing, the directors and managers of public-service and private broadcasting institutions of the Committee's findings (letter of 9 January 2003). At the same time, she encouraged the addressees "to support, to the best of their ability, the presence of minority languages in TV and radio broadcasts, in the print media and in promoting audiovisual works, and to focus their programming on new lines".

315. The supervisory authority ULR provides considerable funds for a project actively supporting both the Danish minority and the Frisians with their own production of TV and radio broadcasts. A pertinent contract was signed with a private media office in December 2002. The contract covers development of a strategy for activating the minorities (the Danes as regards television, and the Frisians as regards radio broadcasting) in order to design and produce contributions for the citizens' media. It is planned to air these programmes on *Offener Kanal Flensburg und Westküste* [Open Channel 'Flensburg and Western Coast']. No provisional results are yet available.

**Art. 11, para. 1, sub-para. (d) - Audio and Audiovisual Works -**

(d) *to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

316. The programming principles embodied in the *Land* Broadcasting Act provide an indirect incentive to public service broadcasting and to private broadcasting: the Act lays down that the broadcasting programmes shall contribute, *inter alia*, to the protection and promotion of minorities.

317. In addition, subsidies may be granted. The relevant provision reads as follows:

"The *Unabhängige Landesanstalt für das Rundfunkwesen* (ULR) is entitled to provide financial support to non-profit organizations with cultural (...) aims, especially in the audiovisual sector (...)."

Additional support is provided by the *Gesellschaft zur Förderung audiovisueller Werke in Schleswig-Holstein mbH* (MSH - Limited Liability Company for the Promotion of Audiovisual Works in Schleswig-Holstein). MSH obtains funds from the *NDR* broadcasting corporation and from *ULR* [the Schleswig-Holstein supervisory authority for private broadcasters]. These funds are used (...) for the promotion of commissioned productions and coproductions in the cinema sector, television and sound broadcasting, which are made by producers who are native to, or resident in, Schleswig-Holstein."

318. Legal Basis:

*Land* Broadcasting Act of 22 May 2002: Section 24, para. 3, Section 53, para. 2, Section 54, para. 3, Section 73, para. 2.

319. Otherwise, it is left to the Danish minority, on the basis of the cultural promotion by the *Land* and the principle of self-government, to decide on pertinent measures and to implement these within the limits of the overall funds available.

320. The Schleswig-Holstein Land Government does not share the view expressed by the Committee of Experts in Nos. 155 and 156 of the Monitoring Report [MIN-LANG (2002) 4 final] that acceptance of this undertaking necessarily calls for specific provisions. The obligation here is "to encourage" and/or "facilitate". With her letter of 9 January 2003 (cf. No. 314 above), the Minister-President provided for encouragement and facilitation also with reference to the production of audiovisual works.

Art. 11, para. 1, sub-para. (e) - Newspaper Articles -

(iii) *to encourage and/or facilitate the publication of newspaper articles in the regional or minority languages on a regular basis;*

321. There is little scope for [state] intervention on account of freedom of the press as guaranteed by the Constitution (in this respect, cf. the comments in Part D, Nos. 226 - 239 above).

322. The Danish minority in the Schleswig region of the *Land* publishes the bilingual (German/Danish) newspaper *Flensburg Avis* (with a circulation of some 6,600 copies). According to a scientific analysis, this newspaper is read every day by 15,000 people in the Schleswig region. A Press Service which is affiliated to *Sydslesvigsk Forening* (SSV - South Schleswig Association) supplies information, in German and Danish, about the Danish minority to the media in Germany and Denmark.

323. In 1999 and again in 2003 in letters addressed, *inter alia*, to the *Zeitungsverlegerverband Schleswig-Holstein e.V.* [Schleswig-Holstein Association of Newspaper Publishers, reg'd], the Minister-President of Schleswig-Holstein *Land* encouraged the addressees to integrate "linguistic particularities which determine the specificity of our *Land*" in their publications; intensification of first action already taken in this respect would be welcomed.

[324 - 332: blank]

Art. 11, para. 1, sub-para. (f) (ii) - Financial Assistance for Audiovisual Productions -

(ii) *to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;*

333. Direct financial assistance by the state is problematic, due to freedom of broadcasting guaranteed by the Constitution (in this respect, cf. the comments in Part D, paras. 226 - 239 above).

334. Promotion may be provided in the following ways:

The *Unabhängige Landesanstalt für das Rundfunkwesen* (ULR) is entitled to provide financial support to non-profit organizations with cultural aims, especially in the audiovisual sector.

Additional support is provided by the *Gesellschaft zur Förderung audiovisueller Werke in Schleswig-Holstein mbH* (MSH - Limited Liability Company for the Promotion of Audiovisual Works in Schleswig-Holstein). MSH obtains funds from the *NDR* broadcasting corporation and from *ULR* [the Schleswig-Holstein supervisory authority for private broadcasters]. These funds are used, *inter alia*, for the promotion of commissioned productions and coproductions in the cinema sector and in television

and sound broadcasting, which are made by producers who are native to, or resident in, Schleswig-Holstein.

335. Legal Basis:

Land Broadcasting Act of 22 May 2002: Sections 53, para. 2, and 73, para. 2

336. The supervisory authority ULR provides considerable funds for a project actively supporting the Danish minority with their own production of TV and radio broadcasts. A pertinent contract was signed with a private media office in December 2002. The contract covers development of a strategy for activating the Danish minority as regards television in order to design and produce contributions for the citizens' media. It is planned to air these programmes on *Offener Kanal Flensburg und Westküste* [Open Channel 'Flensburg and Western Coast']. No provisional results are yet available (referring to No. 58 of the Monitoring Report [MIN-LANG (2002) 4 final]).

#### **Art. 11, para. 2 - Freedom of Direct Reception of Broadcasts, and Freedom of Expression**

##### *Paragraph 2*

*The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

337. Retransmission of existing broadcast programmes over cable systems is regulated in the *Land* Broadcasting Act. For instance, priority is given in cable systems to the "Open Channels" and to the feed-in of locally available programmes, depending on the existing technical capacity. In addition, the *Unabhängige Landesanstalt für das Rundfunkwesen* (ULR) decides on window programmes on the basis of diversity aspects. Thus, equality of minority programmes is ensured.

The aforementioned obligation is included in Sections 50, para. 3, and 50a, para. 2, of the *Land* Broadcasting Act, thus implementing the provisions of the EU Television Directive.\*

Equal treatment is covered, in particular, by Section 50, para. 1, 2<sup>nd</sup> sentence. In the area of the Danish minority in the Schleswig region of the *Land*, it is possible to receive radio and television broadcasts from the neighbouring country Denmark.

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\* full title: "Council Directive on the coordination of certain provisions laid down by law, regulations or administrative action in Member States concerning the pursuit of television broadcasting activities", of 3 October 1989

## Article 12

### Cultural Activities and Facilities

#### *Paragraph 1*

*With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

#### Art. 12, para. 1, sub-para. (c) - Access to Works Produced in Other Languages -

- c) to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

338. The institutions of the Danish minority - such as *Sydslesvigsk Forening (SSF, South Schleswig Association)* and *Dansk Centralbibliotek (Danish Central Library)* - can rely on promotional funds provided by Schleswig-Holstein *Land* for translation, dubbing, post-synchronisation and subtitling into, or in, the Danish language.

#### Art. 12, para. 1, sub-para. (d) - Taking Account of the Regional or Minority Language in Cultural Activities -

- (d) to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*

339. With the help of promotional funds provided by Schleswig-Holstein, the institutions of the Danish minority and/or bodies appointed by them and responsible for the cultural autonomy of the Danish minority ensure that the knowledge and use of the Danish language and Danish culture are appropriately incorporated in their cultural activities.

The exhibits of many museums in the Schleswig region of the *Land* are inscribed in Danish. The City of Flensburg, for instance, provided the information that it had received promotional funds from the EU *Interreg II Programme* for the improvement of German-Danish public sign-boards and information in the museum. Also, a Danish version of a German-language museum guidebook is now available. The Flensburg Shipping Museum already has German and Danish inscriptions and signposts. Other pertinent examples are to be found also in Nordfriesland *Kreis* (the Foundation-owned museum *Roter Haubarg*; the Eiderstedt Region Museum of Local History and Culture in St. Peter-Ording).



**Art. 12, para. 1, sub-para. (e) - Employment of Staff Proficient in the Language(s) Concerned -**

- (e) *to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*

340. Activities regarding the Danish culture and language are, for the major part, offered by Danish minority organizations on the basis of the cultural autonomy of national minorities in Germany, and in part are supported with public funds of Schleswig-Holstein. These subsidies also include funds used for meeting payroll costs. The full-time staff employed in the field of Danish cultural work speak Danish and German; some of them also speak Low German. Subsidizing of this staff provides for implementation of this provision of the Charter.

**Art. 12, para. 1, sub-para. (f) - Participation of Representatives of the Group Speaking the Given Language in Cultural Activities -**

- (f) *to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*

341. As part of the World Exhibition EXPO 2000 [in Hanover], *Sydslesvigsk Forening* [South Schleswig Association] was a partner in the project *Kulturen, Sprachen, Minderheiten: Die dänische Grenzregion - Beispiel einer Konfliktlösung* ("Cultures, Languages, Minorities: The Danish Border Region - An Example of Conflict Management"). Also within the framework of EXPO 2000, a total of more than twenty Danish, German and Frisian libraries had jointly developed a one-week programme as part of the region-specific EXPO events in order to give a picture of the cultural and library scene of the region, which in this form is unique in Germany and Denmark, by organizing many and diversified activities varying locally and in terms of their contents.

342. As a central cultural event, *Schleswig-Holstein-Tag* [a day dedicated to the special character of this *Land*] is organized every two years in different places of this *Land*. The organizations of the Danish minority are also invited to participate in this event and to take part in arranging and organizing it. In 2002, *Schleswig-Holstein-Tag* took place in Bad Segeberg, in the Holstein region of the *Land*. The (language) minorities presented themselves jointly at that event. The 2004 *Schleswig-Holstein-Tag* will take place in Flensburg. As stated by the Board *Landeskuratorium Schleswig-Holstein-Tag*, one of the reasons for selecting Flensburg as the venue was to give the minorities the opportunity to present themselves adequately.

The Danish minority is also invited or encouraged to take part in local cultural events, such as town festivals and town anniversaries, in which different organizers co-operate. Thus, there are various activities in which direct participation by representatives of the Danish language groups in the cultural life of the *Land* is encouraged.

**Art. 12, para. 1, sub-para. (g) - Creation of Archive Bodies -**

(g) *to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*

343. The *Dansk Centralbibliotek* [Danish Central Library] and its affiliated institutions are available for collecting, keeping copies of, or publishing works produced in the Danish language, and for these purposes can rely also on promotional funds provided by Schleswig-Holstein. Stage productions of works produced in Danish are organized and financed, also with the use of promotional funds provided by Schleswig-Holstein, by *Sydslesvigsk Forening* [South Schleswig Association] and its affiliated institutions and by action groups of other associations. On these occasions, Danish state theatres and touring theatre companies are invited to give guest performances. Also the Danish-language amateur theatrical society *Det lille Teater* in Flensburg gives Danish performances.

**Article 12, para. 2**

*Paragraph 2*

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

344. In Germany, cultural activities keeping complying with the law in force are not subject to any permit procedure or restrictions. Thus, the above obligation is already fulfilled by the system of law in the Federal Republic of Germany. The Länder will have to decide, on a case-by-case basis, on more extensive implementation of this obligation by encouraging or providing such activities.

345. Also outside the Danish language area (in the Schleswig region of Schleswig-Holstein *Land*), the offers of Danish cultural activities and facilities are left exclusively to the decision-making of the autonomous cultural providing bodies, especially the organizations of the Danish minority. Thanks to the broad definition of the specified purposes for which the public promotional funds of Schleswig-Holstein

*Land* may be used in the context of the Danish minority's cultural work, it is also possible to stage events outside the immediate language area.

Article 12, para. 3*Paragraph 3*

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

346. This obligation is to be implemented by providing state support for making it possible for cultural groups of the Danish minority - e.g. choirs, orchestras, ensembles, the amateur dramatic group - to give performances abroad where they present and represent the culture and language of the Danish minority of German nationality - and thus part of cultural life in Germany. A beginning has already been made, e.g. with the performance by a vocalist ensemble of the Danish minority during *Deutscher Tag* ["German Day"] in Tinglev/Denmark (with financial support provided from German public promotional funds to the organizer of the event).

347. The instruments for promoting cultural programme activities within the framework of our cultural and educational policies abroad are, on principle, available to *all* groups of society in Germany and, of course, to the national groups speaking a regional or minority language. Consequently, groups can apply for grants for guest-performance tours abroad if they intend to give their performances in a regional language.

For example, in 2003 the Federal Office sponsored a performance of the Roma theatre *Pralipe* in Sevilla/Spain. This theatre group has over the past few years also received support for many guest-performance tours abroad.

Also, a project with the working title "*Platt in den USA*" ["Low German in the U.S."] was under discussion, but ultimately was not realized.

The Foreign Office seeks to achieve an even greater number as before of performances abroad also for the other minority languages. Whether - within the framework of language instruction at schools abroad, and through many cultural activities of German intermediary organizations - additional scope for giving publicity to the regional and minority languages spoken in Germany exists, is a question that will have to be considered on a case-by-case basis.

## Article 13

### Economic and Social Life

#### *Paragraph 1*

*With regard to economic and social activities, the Parties undertake within the whole country:*

- (a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*
- (b) to prohibit the insertion - in internal regulations of companies and private documents - of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*
- (c) to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

348. Schleswig-Holstein has adopted the obligations under paras. (a) and (c). These obligations are in compliance with the established law of the Federal Republic of Germany and thus are fulfilled nation-wide for all regional or minority languages. Pertinent violations of the legal order have not become known. Therefore, no special measures had to be taken by the *Land*.

#### Art. 13, para. 1, sub-para. (d) - Facilitating the Use of the Regional or Minority Language

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- (d) to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.*

349. The majority of the members of the Danish minority use the Danish language in the private sphere. But account must also be taken of the situation in mixed-nationality marriages where German may prevail. Danish is predominantly spoken within the organizations of the Danish minority. Constant use and promotion of the Danish language provide the basis for all minority-related activities. Of particular importance for proficiency in the Danish language are the Danish private schools, especially also for the children from mixed-nationality marriages.

350. There are many and various ways in which the State promotes the learning and use of minority languages (cf. the comments on the various obligations). In particular, efforts are encouraged among the general public to keep these languages alive by using them within the family and in extra-familiar everyday-life situations. In this regard, the cultural value of the minority languages for Germany's cultural life is particularly emphasized so that, on account of the resultant self-esteem and self-assurance, the younger generation will be more willing to adopt these languages and pass them on. The structures established for the administration of matters of their

own concern provide the users of Danish with the practical scope for using their language also in an extra-familiar context.

351. With a view to encouraging the use of such languages, the *Land* published brochures (entitled "*Sprache ist Vielfalt*" ["Language is diversity"]) containing information on the language situation of the speakers of regional or minority languages and on the Charter's implications for the language-related rights of such speakers.

Article 13, para. 2

*Paragraph 2*

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

Art. 13, para. 2, sub-para. (c) - Social Care Facilities -

*(c) to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;*

352. Staff members speaking the Danish language are available in the specialized clinics of the *Land*.

Also, it should be pointed out that direct nursing and other care of persons in need of nursing and care is *not* a public-sector responsibility, but rather is carried out mostly by private-sector and free non-profit institutions. For example, only 8 % of the more than 1,000 approved nursing facilities in Schleswig-Holstein are provided by incorporated public-law institutions. None of these facilities is provided directly by the *Land*. Therefore, it is not possible to lay down any requirements to be met by the various providing bodies as regards the use of the minority language Danish. However, the Ministry with responsibility in this field has until now not been notified of any cases which might give reason to require certain institutions to provide permanently for staff with knowledge of this language.

353. By far the majority of the speakers of Danish in the Schleswig region of the *Land* are members of the Danish minority. The Danish Health Care Service for South Schleswig (*Dansk Sundhedstjeneste for Sydslesvig e.V.*) attends to the social, health-related and charitable matters of the Danish minority. *Dansk Sundhedstjeneste* is a member of the Schleswig-Holstein *Land* Association of *Deutscher Paritätischer Wohlfahrtsverband* [German Non-Denominational Welfare Association]. As a partner of the public health service, its activities also include tasks laid down in the Health Service Act. Affiliated to *Dansk Sundhedstjeneste* are, for instance, a nursing home,

several residential homes for the elderly, and a number of home health care services. The elderly are offered holiday stays at a resthome operated by *Dansk Sundhedstjeneste* in Denmark. In addition, services are offered by a social counselling bureau, voluntary services making home visits to elderly people, and 18 senior citizens' clubs. In the Schleswig region of the *Land*, *Dansk Sundhedstjeneste for Sydslesvig e.V.* works as a home health care service and therefore receives a subsidy as provided under Section 6, para 2, of the *Landespflegegesetz* [*Land Home Care/Nursing Act*]. Fulfilment of the undertaking under Art. 13, para. 2, sub-para. (c), is ensured to a particularly large extent by these offers of *Dansk Sundhetstjeneste*.

Also, the Danish senior citizens are represented on the Advisory Committee for the Elderly of Flensburg City.

A number of the staff of the Psychiatric Clinic in the Schleswig region of the *Land* speak Danish.

At the four *Kreis* hospitals of Nordfriesland*Kreis*, especially in Niebüll, Danish-speaking patients can, at least in part, be received and treated in their own language. The website of the *Kreis* hospitals is also available in Danish ([www.kh-nordfriesland.de](http://www.kh-nordfriesland.de)).

## Article 14 Transfrontier Exchanges

*The Parties undertake:*

### Art. 14, sub-para. (a) - Agreements with Other States -

- (a) *to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*

354. With regard to Danish, this provision is fulfilled by the practical implementation of the Bonn/Copenhagen Declarations of 1955 and the Framework Convention for the Protection of National Minorities which entered into force for the Federal Republic of Germany and for the Kingdom of Denmark. Both countries and Schleswig-Holstein *Land* fund activities for the benefit of the Danish minority, which promote matters of culture, education, information, vocational training and permanent education and increase the scope for transborder contacts.

### Art. 14, sub-para. (b) - Co-operation across Borders -

- (b) *for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

355. The *Verband landwirtschaftlicher Vereine in Südschleswig e.V. (Fælleslandboforeningen for Sydslesvig - Union of Agricultural Associations in South Schleswig, reg'd)* in Harrislee is an institution of the Danish minority in the Schleswig region of the *Land*. The Union receives a subsidy for personnel costs from the Ministry for the Environment, Nature Conservation and Agriculture. The Union is formed by five local associations in various parts of the Schleswig region, which are supported by advisers of the Union. Thus, the Danish consultants serve as a link between farmers of the Danish minority in Schleswig-Holstein and farmers in Denmark.

Also, Flensburg City and the *Kreise* of Schleswig-Flensburg and Nordfriesland, on the German side, and *Sønderjylland Amt* [North Slesvig local authority union], on the Danish side, are partners of the German-Danish Border Region Schleswig/Sønderjylland which was established on 16 September 1997 by an agreement concluded between these territorial authorities. The aim of that Agreement is to provide the basis for long-term and intensive co-operation for enhancing the development of this over-all region in a European context. The priority activities also include education (training and permanent education, as well as language instruction). In this field, the objective



is to disseminate knowledge of the culture of the respective neighbours, so as to overcome cultural barriers. On the German side, transborder cultural projects and events are promoted jointly by the *Kreise* of Nordfriesland and Schleswig-Flensburg, and Flensburg City. Co-operation across borders involves the national minorities, especially the Danish minority in Germany and the German minority in Denmark. Membership of the Regional Council, i.e. the organization's body with both consultative and co-ordinating functions, includes - on the German side - three representatives of *Sydslesvigsk Vælgerforening* (SSV - South Schleswig Association of Voters).

356. In 2000, the Police Directorate of *Schleswig-Holstein Nord*, in conjunction with Denmark, initiated a Further Training Project stretched out over several years. The project is subsidized with funds of the *INTERREG II* Programme. Promotion extends, *inter alia*, to language courses and joint seminars on the culture and history of the two countries.

357. In June 2001, the Schleswig-Holstein *Land* Government, represented by the Minister-President, and Sønderjylland *Amt*, represented by the *Amtsborgmester* [*Amt* mayor], signed a Joint Declaration on regional co-operation between Schleswig-Holstein *Land* and Sønderjylland *Amt*. The national minorities are explicitly mentioned in the preambular paragraphs of the Declaration.



### **D.2.2 Sorbian (Upper Sorbian / *hornjoserbski* and Lower Sorbian (Wendish) / *dolnoserbski*) in the Sorbian speech area in the *Länder* of Saxony [Upper Lusatia] and Brandenburg [Lower Lusatia])**

Obligations regarding the Sorbian language have been accepted by the *Land* of Brandenburg and the Free State of Saxony where the Sorbs have their traditional settlement area.

#### **Article 8 Education**

358. As regards the school system in general, it should be noted that, in the settlement area of the Sorbian people, the respective Constitution and the relevant laws of the two *Länder* guarantee that children's day-care centres and schools may, on principle, be established by voluntary providing bodies; this guarantee, of course, also applies to Sorbian (Wendish) associations. Part of the 31 Sorbian and bilingual children's day-care centres existing in the settlement area are provided by local authorities, and part are provided by *Christlich-Soziales Bildungswerk Ostsachsen e.V.* [Christian-Social Educational Association for Eastern Saxony, reg'd], by *Sorbischer Schulverein e.V.* [Sorbian Schools Association, reg'd], the Catholic Church, *Arbeiterwohlfahrt* [Workers' Welfare Association] and the German Red Cross (DRK). All other educational institutions of the Sorbian settlement area in Saxony which offer instruction in the Sorbian language, especially the schools, are State-provided. A similar structure exists in Brandenburg.

359. It may be assumed that only some 20,000 of the 60,000 Sorbs in the central settlement areas have such a perfect command of Sorbian that they can actively communicate in that language orally and in writing. In terms of geography, the two groups are distributed unevenly. Nearly all of those Sorbs having a very good knowledge of Sorbian live in the area of the schooling district of the Sorbian schools, which have been in existence since the late 1940s, in the Bautzen-Kamenz-Hoyerswerda region. In the other parts of Lusatia, only a small share of the Sorbs - mostly of older age - have a good knowledge of Sorbian.

360. The Saxon *Act on Children's Day-Care Institutions* of 27 November 2001 and the *Children's Day-Care Centres Act* of Brandenburg *Land* of 10 June 1992 form the legal basis for the teaching and cultivation of the Sorbian language and culture at Sorbian and bilingual day-care centres in the German-Sorbian area. The *Schools Act* for the Free State of Saxony of 03 July 1991 guarantees the right of pupils to learn the Sorbian language and, at a number of schools, the right to instruction in selected

subjects, for all grades, in the Sorbian language. Under the *Schools Act* of Brandenburg *Land* of 12 April 1996 (Section 4, para. 5, 2<sup>nd</sup> sentence), advancement of the knowledge and understanding of the Sorbian (Wendish) culture is a special task of schools. In the settlement area of the Sorbs (Wends), pupils have the right to learn Sorbian (Wendish) and, in specified subjects and for grades [age-groups] to be determined, the right to be instructed in the Sorbian language.

Article 8, para. 1

*Paragraph 1*

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

Art. 8, para. 1, sub-para. (a) - Pre-School Education -

- (i) to make available pre-school education in the relevant regional or minority languages; or*
- (ii) to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
- (iii) to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or*

The Free State of **Saxony** has accepted the obligation under sub-paragraph (a) (iii).

361. In Saxony, Sorbian-speaking and bilingual groups are set up in childrens' day-care centres if the parents/guardians so wish. The providing body of the given institution is responsible for implementing the requirements laid down with regard to Sorbian and bilingual groups. In practice, this means that the existing good overall conditions for Sorbian-language education in children's day-care centres are actually utilized to the extent requested by the parents and supported by the providing body. The free decision of parents/guardians is in agreement with the constitutional rights of the Sorbian people.

362. In the Free State of Saxony there are at present (as of June 2003) 12 day-care centres run under the *WITAJ* Project ("witaj": Sorbian for "welcome") and Sorbian day-care centres, 12 German-Sorbian day-care centres with one or several *Witaj* group/s, and about 54 children's day-care centres which keep up the Sorbian culture and the Sorbs' customs/folklore. *Sorbischer Schulverein e.V.* [Sorbian Schools Association] became the voluntary providing body of the children's day-care centre of Sielow in Brandenburg *Land* on 01 March 1998, and of the children's day-care centres in Dörghenhausen and in Rohne (both in the Free State of Saxony) on 01 April 1999 and on 01 July 1999, respectively. In these three children's day-care

centres, 95 children from German-speaking or mixed-language homes are at present initiated into the Sorbian language within the framework of the *WITAJ* model project. These three day-care centres employ 14 Sorbian-speaking educators/teachers.

363. *Christliches Soziales Bildungswerk Sachsen e.V.* [Christian Social Educational Association for Saxony, reg'd] is the providing body for 10 Sorbian and German-Sorbian children's day-care centres. These are attended by a total number of 654 children; of these, 266 form 23 Sorbian groups.

364. The legal framework as regards promotion of pre-school education in the Upper Sorbian language, as called for in No. 428 of the Monitoring Report [MIN-LANG (2002) 4 final] of the Committee of Experts, is already established: Section 2, para. 5, of the Saxon Act on Children's Day-Care Institutions (*SächsKitaG*), which entered into force in 2002, requires the children's day-care centres in the Sorbian settlement area to impart and cultivate the Sorbian language and culture and to preserve Sorbian traditions. Implementation of this mission is secured by the Ordinance on Children's Day-Care Centres in the German-Sorbian Region (*SorbKitaVO*). On the basis of this Ordinance, the Sorbian and bilingual institutions are granted additional funds, especially for additional staffing requirements; in 2002, these funds amounted to a total of 447,853 €. The Ordinance is being [was] amended in 2003. There is no perceived need for expanding promotional funding; a lack of resources has not been ascertained. The question of providing sufficient numbers of qualified teachers was already raised both within the Foundation for the Sorbian People and by various agencies of the Saxon *Land* Administration. These agencies, together with the Sorbian associations, are working on solutions in the field of training and follow-up training.

An Intensive Course 'Sorbian for Nursery-School Teachers' is [was] held in Hoyerswerda in the period 1 October 2002 - 31 July 2003. The course is [was] funded by the Foundation for the Sorbian People through the *WITAJ-Sprachzentrum* [*Witaj* Language Centre]. Participants include[d] four nursery-school teachers whose release from their duties is [was] made possible by the temporary employment of another four nursery-school teachers. Ninety per cent of the costs of employment of the latter are [were] subsidized by the Free State of Saxony.

In addition, the Sorbian associations negotiate with Employment Offices about funding by these Offices for further education measures.

Art. 8, para. 1, sub-para. (a) (iv)

- (iv) *if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;*

This obligation has been accepted by the *Land* of **Brandenburg**.

365. In Brandenburg *Land*, pre-school education is the responsibility of local authorities. Under the *Local Authorities Financing Act*, local governments are allocated funds to support, *inter alia*, institutions and measures promoting pre-school education, e.g. children's homes or day nurseries. Under the pertinent laws, parents are granted extensive participatory rights. Such rights are exercised, in particular, within the Children's Day-Care Centres Committee (Section 7 of the *Children's Day-Care Centres Act*) which "decides on educational and organizational matters of the given day-care centre, especially on the pædagogical concept". This Committee provides a forum which grants substantial rights regarding the conceptual design and pædagogical orientation of children's day-care centres also to Sorbian (Wendish) parents, with a view to focusing educational work also on the cultivation and imparting of the Sorbian (Wendish) language and culture.

366. In Cottbus-Sielow the first pre-school institution with *Sorbischer Schulverein e.V.* [Sorbian Schools Association, reg'd] as its providing body was established. This institution previously had been provided by the respective local authority. The institution was transferred to *Sorbischer Schulverein*; the latter also receives regular subsidies for the maintenance of the establishment and for its staffing. In addition, *Sorbischer Schulverein* has been offered additional support for separate activities for further and advanced training of the educators concerned.

367. In twelve children's day-care centres of Brandenburg *Land*, one of the priority activities is the imparting of the Sorbian (Wendish) language and culture. In many other children's day-care centres operated in the *Spreewald* area (Lübbenau *Amt*, Vetschau), use of the Sorbian (Wendish) language is offered as part of activities to maintain customs/folklore following the yearly cycle of seasons and festivals. The tutoresses introduce children to dances, songs and stories and to picture books covering the same subjects in German and Sorbian (Wendish). Also, these children get a first-hand experience of customs/folklore being kept up by their parents, grandparents and relatives in the clubs and associations dedicated to these activities.

368. The Youth Welfare and Youth Service Office of Oberspreewald-Lausitz *Landkreis* plans to take up cultivation of the Sorbian (Wendish) language and culture as an

introductory approach to the subject of "Inter-Cultural Education in Children's Day-Care Centres".

369. In the view of Brandenburg *Land*, the common budgetary framework for promotion of *Witaj* projects related to day-care facilities in Brandenburg *Land* - as called for by the Committee of Experts in No. 469 of the Monitoring Report [MIN-LANG (2002) 4 final] - is actually secured by the financial structure of children's day care, as established under the Children's Day-Care Centres Act. As education providers, local governments are responsible for ensuring adequate children's day care and guaranteeing offers in line with the actual requirements. If parents want to have a *Witaj* group, they must address this request to the provider responsible in their educational district. As regards provision of children's day care, the authorities obliged to provide such facilities must base their decisions on the parameter stipulated for pedagogical work in Section 10 of the Children's Day-Care Centres Act. However, the authority liable to provide facilities is not obliged to provide staff in addition to the statutory minimum staffing levels.

Also, the budgetary funds at the disposal of the Foundation for the Sorbian People are to be used for promoting the Sorbian language also in children's day-care centres.

Apart from these funds, additional financial resources provided under the *Landesjugendplan* [*Land Youth Plan*] have been used over the past few years to promote involvement of Sorbian native speakers to support the development of children's language proficiency within the framework of the *Witaj* projects.

**Art. 8, para. 1, sub-para. (b) - Primary Education -**

- (i) *to make available primary education in the relevant regional or minority languages; or*
- (ii) *to make available a substantial part of primary education in the relevant regional or minority languages; or*
- (iii) *to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- (iv) *to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;*

Both **Brandenburg** and **Saxony** have accepted the obligation under sub-paragraph (b) (iv).

## 1. Brandenburg

370. At the primary schools in the traditional settlement area of the Sorbs (Wends), Lower Sorbian (Wendish) is offered as a regular subject. At present, some 1,000 pupils at 23 primary schools in the settlement area avail themselves of this offer. The primary schools make efforts to achieve a specific Sorbian profile.

371. Participation in Sorbian (Wendish) classes has much increased over the past few years. Also, the number of participants in Sorbian (Wendish) classes, as a percentage of the total number of pupils, has increased substantially because, in the course of the past three years, the number of participants in Sorbian (Wendish) classes has increased while the number of pupils attending a primary school has dropped. The same goes for secondary education within the meaning of para. 1, sub-para. (c), below.

372. The Education Offices of the *kreisfreie Stadt* [county borough type authority; non-district municipality] of Cottbus and the *Landkreise* of Dahme-Spreewald, Oberspreewald-Lausitz and Spree-Neisse have been repeatedly informed in recent years, last by the Circular of the Brandenburg Ministry for Education, Youth and Sports of 14 June 1996, that - for the right to learn the Sorbian (Wendish) language to be exercised - the choices existing in this respect must, in an appropriate form, be brought to the parents' knowledge at the time of their children's enrolment in an elementary school or at the time of their transfer to another school. A survey carried out at the aforementioned Education Offices has shown that the requirements for exercising the right to take part in Sorbian (Wendish) classes are actually met. The increase in the number of pupils also shows that parents increasingly make use of this right.

373. Contrary to the Committee's perception in Nos 470 - 473 of the Monitoring Report [MIN-LANG (2002) 4 final], Lower Sorbian in the traditional settlement area is already included as an integral part in the curriculum. Classroom instruction for grades 1 to 6 of primary schools is based on a framework plan (curriculum).

374. The Committee's additional demand that Lower Sorbian instruction should also be offered at primary schools outside the traditional Sorbian settlement area, is not justified by the Charter's provisions. Under Article 8, para. 1, the undertakings listed there refer to the "territory in which such languages are used".

The *Land* Government considers this obligation to be entirely fulfilled.



## 2. Free State of Saxony

375. Sorbian is taught as the native language, as a secondary language and as a foreign language (*secondary language*: mainly for pupils from bilingual families or from a bilingual setting; *foreign language*: mainly for pupils from German-speaking families or from a German-speaking setting in the Sorbian settlement area), and as an encounter language [or basic-communication language, or contact language]. As a mother tongue, Sorbian is taught at six Sorbian elementary schools, of which two are in Bautzen *Landkreis*, and four in Kamenz *Landkreis*.

376. At four Sorbian primary schools, Sorbian is taught as a secondary language during the 2002/2003 school year. Another 16 elementary schools in the area covered by the Bautzen Regional Education Office offer Sorbian as a secondary language or as a foreign language. Sorbian also is one of a choice of seven encounter languages (in the 3<sup>rd</sup> and 4<sup>th</sup> grades at primary schools, the encounter language is a compulsory subject covering one hour per week). A survey conducted during the 1995/1996 school year on the pædagogic profiles of primary schools showed that the Sorbian schools - but other primary schools as well - pay particular attention to the cultivation of the Sorbian language and culture. Also in many other primary schools in the German-Sorbian region, the Sorbs' customs and folklore are integrated into school life.

377. As regards the requested follow-up of Sorbian language instruction after completion of pre-school education within the *Witaj* project - cf. No. 429 of the Report of the Committee of Experts [MIN-LANG (2002) 4 final] - it is pointed out that the division of Sorbian language instruction into 'mother tongue' and 'secondary language' instruction is no longer practised at the Sorbian primary schools and some other schools. Rather, classroom instruction is based on the draft of the *Schulartübergreifendes Konzept* [Overarching Concept for All Types of Schools] for bilingual Sorbian-German schools (cf. [http://marvin.sn.schule.de/~ci/download/mv\\_la\\_sorbisch.pdf](http://marvin.sn.schule.de/~ci/download/mv_la_sorbisch.pdf)). At present Sorbian is taught as a foreign language (incl. contact language) at 12 elementary schools.

The Bautzen Regional Schools Office, Division 2, examines the scope for ensuring follow-up education for pupils who have completed a [an Upper Sorbian] pre-school, and on a case-by-case basis may approve such continued education. A decisive factor is the respective number of pupils which, depending on the given community, varies widely. In view of the specific nature of each particular case, laying down a common framework would not seem expedient, or might even be obstructive. As a matter of principle, however, account is taken of the wishes of all families/parents. Considera-

tion is also given, however, to Lower Sorbian instruction offered by neighbouring schools, so as to ensure schooling provision for children of primary school age. As regards commuting that might be required in such cases, efforts are made to find solutions in the interest of the pupils concerned.

It is ensured that the above undertaking will be fulfilled.

**Art. 8, para. 1, sub-para. (c) - Secondary Education -**

- (i) *to make available secondary education in the relevant regional or minority languages; or*
- (ii) *to make available a substantial part of secondary education in the relevant regional or minority languages; or*
- (iii) *to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- (iv) *to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;*

The *Land* of **Brandenburg** and the Free State of **Saxony** have accepted the obligation under sub-paragraph (c) (iv).

**1. Brandenburg**

378. At secondary schools, some 500 pupils at present receive instruction in Lower Sorbian (Wendish). For the major part, this instruction takes the place of the second foreign language; in some cases, however, it is also offered in addition to the foreign languages forming part of the regular curriculum. Three schools offer these Lower Sorbian language classes also to pupils of other schools, whose parents wish their children to take part in such instruction.

379. At one school - *Niedersorbisches Gymnasium* [Lower Sorbian grammar school] in Cottbus - instruction in Lower Sorbian (Wendish) is mandatory. Pupils not wishing to take part in Lower Sorbian instruction have to leave this school and transfer to another secondary-education school.

380. In response to the view expressed by the Committee of Experts in No. 477 of the Monitoring Report [MIN-LANG (2002) 4 final] that it considers this undertaking only partly fulfilled, it is pointed out that the history and culture of the Sorbian people is included in a number of framework curricula for lower secondary grades [secondary education stage I], which were revised last year [2002]. The "plan for the respective stages of school education" (*Stufenplan*), which forms the basis for all framework curricula, states the following pedagogic guidelines for classroom instruction in all

subjects of lower secondary education: "A particular element of the educational mandate of the Brandenburg schools is to impart knowledge of the historical background and the identity of the Sorbs (Wends), and understanding of the Sorbian (Wendish) culture." For classroom instruction, this implies inclusion of matters related to the Sorbian culture, identity and history. This concerns both knowledge of the commonality regarding origin and the different traditions, and community life of the various population groups.

A provision to this effect has been included in the respective framework curricula for the following subjects: political education, history, geography, German, art, music, and performing and visual arts. These provisions refer to subject-specific instruction, cross-subject work, and work combining various subjects.

## 2. Free State of Saxony

381. In the 2002/2003 school year, the *Landkreise* [county-type administrative districts] of Kamenz and Bautzen had six Sorbian secondary technical schools. As of the end of the 2002/2003 school year, the Saxon State Ministry of Education and Culture cancelled its co-funding for the Sorbian *Mittelschule* [secondary technical school] in Crostwitz because for the school year 2003/2004 school year pupils were enrolled for only three classes. These remaining three classes are transferred to the Sorbian *Mittelschule* in Rabitz. Thus, five Sorbian secondary technical schools are retained in the 2003/2004 school year. Four of these schools have classes with Sorbian as a mother tongue as well as classes with Sorbian as a secondary language. In addition, Sorbian is offered as a secondary language at two other secondary technical schools within the area of the Bautzen Regional Education Office. Instruction is based on the current curricula for Saxon secondary technical schools. For pupils for whom Sorbian is the native tongue, instruction is given in the Sorbian language, with the exception of the following subjects: German, mathematics, physics, chemistry and biology (from the 7<sup>th</sup> grade onwards). All other pupils are taught in German. The rules laid down by the Saxon State Ministry of Education and Cultural Affairs with regard to instruction at Sorbian and other schools in the German-Sorbian region, and the specifications regarding the respective approved subject hours have resulted in an increased requirement for teachers covering these subject hours at the Sorbian secondary technical schools.

382. Like all other grammar schools in the Free State of Saxony, *Sorbisches Gymnasium* of Bautzen provides general education which is the prerequisite for entry to higher education [entitlement to university entrance]. This is the only *Gymnasium* where pupils are offered in-depth linguistic and literary education in the Upper Sorbian lan-

guage. The Saxon State Ministry of Education and Cultural Affairs generally allows Sorbian pupils to enrol in a special achievement course [advanced course] in their mother tongue and to take the written *Abitur* [grammar-school graduation] exams in this language. The approval for the introduction, from the 1996/1997 school year onwards, of the advanced-course subject combination Sorbian/natural sciences (biology or chemistry or physics) for pupils speaking Sorbian as their mother tongue offers pupils a significant widening of choices and, at the same time, may be seen as a contribution towards promoting the Sorbian language and culture. Bilingualism is a particularly decisive factor of school life at *Sorbisches Gymnasium*; all pupils learn Sorbian either as their native language or as a secondary language.

383. In addition to *Sorbisches Gymnasium*, two grammar schools in Saxony, within the area of the Bautzen Regional Education Office, offer language instruction in Sorbian as a secondary language.

384. Overall, Sorbian instruction was given in the 2002/2003 school year at 33 schools in Saxony and was attended by some 2,500 pupils, of whom about 850 speak Sorbian as their mother tongue.

385. At Sorbian schools, Sorbian is a compulsory subject. At other schools, participation in Sorbian language lessons is a free decision to be made by the pupils' parents. The basis for this decision is provided in day-care centres or, at the latest, at the time of enrolment in an elementary school. In this respect, it is important that nursery-school teachers, educators and teachers constantly underline the value of the Sorbian language and culture and encourage parents and pupils to devote themselves to these traditional values.

Five of the six Upper Sorbian secondary technical schools have native language classes. In addition to *Sorbisches Gymnasium* in Bautzen, two other grammar schools offer Upper Sorbian language instruction (*Johanneum* and *Lessinggymnasium* in Hoyerswerda).

386. In response to the concern expressed by the Committee of Experts in Nos. 431 and 432 of the Monitoring Report [MIN-LANG (2002) 4 final] with regard to the rationalization measures taken at the Crostwitz *Mittelschule*, it is pointed out that, in the course of the past few school years, the number of pupils enrolled for the 5<sup>th</sup> grade of Crostwitz *Mittelschule* dropped drastically (in the 2001/2002 school year: 17 pupils; 2002/2003: 8 pupils). Consequently, for the 5<sup>th</sup> grade in the school years 2001/02 and 2002/03, the pedagogical mandate of *Mittelschulen* - i.e. to ensure the education provided by both *Realschulen* [secondary technical schools] and *Hauptschulen*

[secondary modern schools] - was in danger of not being fulfilled. The municipality, despite having been requested several times to do so, did not make the required structural changes. Comparable education is offered by Sorbian *Mittelschulen* in the immediate vicinity. Therefore, the Ministry of Culture of the Free State of Saxony found that there was no public need for the 5<sup>th</sup>-grade class of the Sorbian secondary technical school in Crostwitz for the school years 2001/02 and 2002/03 and revoked the participation of the Free State of Saxony in the maintenance of this class. By its decision of 30 July 2001 (5K 912/01), the Dresden Administrative Court refused the temporary injunction, for which Crostwitz Municipality had applied in 2001; the Saxon *Oberverwaltungsgericht* (OVG - Higher Administrative Court) refused leave to appeal against this decision (OVG Decision of 22 August 2001 - 2BS 183/01). For the 2003/04 school year, only a total of seven pupils were enrolled for the 5<sup>th</sup>-grade class. As already mentioned under No. 381 above, the Free State of Saxony, after a balancing of all interests, then decided to cancel its co-funding for the entire school.

387. Attention is drawn in this context to the fact that a lower minimum number of pupils required to maintain a class was, for elementary schools, laid down already in the Ordinance of the Saxon State Ministry of Education and Cultural Affairs of 22 June 1993 on the Work of Sorbian and Other Schools in the German-Sorbian Region.

**Art. 8, para 1, sub-para. (d) - Technical and Vocational Education -**

- (i) *to make available technical and vocational education in the relevant regional or minority languages; or*
- (ii) *to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or*
- (iii) *to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- (iv) *to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;*

The Free State of **Saxony** has accepted the obligation under sub-paragraph (d) (iv).

388. At present, this undertaking is of relevance only at *Fachschule für Sozialwesen* [Specialized Technical School for Occupations in Social Work] of the Bautzen *Berufliches Schulzentrum für Wirtschaft* [Vocational School Centre for Trade and Industry], where a special Sorbian course of study was established for infant-school teachers.

389. In response to the Committee's conclusion that this undertaking was only partially fulfilled, cf. No. 433 of the Monitoring Report [MIN-LANG (2002) 4 final], the

following additional information is provided: in the 2001/02 school year, 251 pupils graduated from the Sorbian *Gymnasium* [grammar school], and 5,895 pupils successfully completed their course of education in the entire German-Sorbian settlement area. These pupils have, in this region alone, a choice of 150 vocational training institutions (without higher education). Among these institutions, the *Fachschule für Sozialwesen* is one that integrates use of the Sorbian language. At the other vocational training institutions, there is neither a demand for instruction in the Sorbian language nor a sufficient number of students having a command of the Sorbian language to establish classes or groups. In this respect, it is ensured that the undertaking is fulfilled to the full extent.

**Art. 8, para. 1, sub-para. (e) - University and Other Higher Education -**

- (i) *to make available university and other higher education in regional or minority languages; or*
- (ii) *to provide facilities for the study of these languages as university and higher education subjects; or*

The obligation under sub-paragraph (e) (ii) has been accepted by the Free State of Saxony.

390. Leipzig University offers a course of Sorbian Studies (Sorabistics) for a Master's degree or for the teaching profession.

391. In addition, research in the field of Sorabistics in the Free State of Saxony and in Brandenburg *Land* is carried out by *Sorbisches Institut* [Sorbian Institute]. The research priorities of the Sorbian Institute are linguistics, empirical cultural research, folklore, and the cultural and social history of the Sorbian people. The Institute is financed with public funds provided through *Stiftung für das sorbische Volk* [Foundation for the Sorbian People].

392. In the field of linguistics, the Institute, after having completed the work on the 15-volume "Sorbian Linguistic Atlas", focuses its research on the [multinational] Slav linguistic atlas. Those involved in the related practical work have a great demand for manuals, dictionaries and textbooks which the Institute develops on a periodical basis. *Sorbisches Institut* also has at its disposal the *Sorbische Zentralbibliothek* [Sorbian Central Library] with some 80,000 volumes (books and journals), and *Sorbisches Kulturarchiv* [Sorbian Cultural Archives] with about 500 running metres of records and files. Like a national library, the Sorbian Central Library collects all Sorbian and Sorabistic editions and continuously publishes a "Sorbian Bibliography". The Archives preserve and explore the essential documents of Sorbian cultural development from more than four centuries. *Sorbisches Institut* combines its scholarly studies with the

support of specific projects in the field of cultural and language promotion. Thus, on the basis of sociolinguistic studies, concepts are developed for focused promotion of the Lower Sorbian language.

393. Other scholarly studies carried out by the Institute deal with everyday life and the living conditions of the Sorbs in the course of their history and at present, their religiousness, their family relations, changes regarding their identity, or bicultural ways of life. Studies on literature, music, plastic and graphic arts, theatre and cultural relations with other civilizations and cultural areas elucidate further main aspects of Sorbian life. The head office of the Sorbian Institute is in Bautzen in Saxony, with a branch in Cottbus (Brandenburg). This branch, which focuses on linguistics, is the first scholarly institution to deal specifically with the Sorbs (Wends) of Lower Lusatia.

Art. 8, para. 1, sub-para. (e) (iii)

*(iii) if, by reason of the role of the State in relation to higher education institutions, subparagraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;*

This obligation has been accepted by the *Land* of **Brandenburg**.

394. The obligation is implemented by an extension course of studies regarding Sorbian (Wendish) offered at Potsdam University. For detailed information, cf. Nos. 399 - 412 below.

395. As regards the Committee's conclusion in No. 478 of its Monitoring Report [MIN-LANG (2002) 4 final] that this undertaking is not fulfilled, it is pointed out that Brandenburg *Land* and the Free State of Saxony have agreed on resources sharing in view of the very small number of students enrolled so far for Sorbian studies for the teaching profession at the two universities of Potsdam and Leipzig. The two *Länder* agreed that in future only Leipzig University will offer a course of study of this type which will also cover the Lower Sorbian language in an appropriate way and will receive material support from Brandenburg *Land*.

We do not share the view of the Committee of Experts that the Sorbian studies programme at Leipzig University does not secure an adequate level of university education in Lower Sorbian. The Brandenburg *Land* Government agreed to this project on the basis of its informed conviction that higher education in the Lower Sorbian language is ensured by this arrangement. There is no information giving reason to assume that this is not the case.

Also, there is nothing in Article 8 to suggest a requirement specifically for a university/college in Brandenburg *Land* to offer Lower Sorbian studies. Sufficient provision in this respect is made by the *Land* helping to ensure Lower Sorbian university studies by co-funding courses of study at universities/colleges outside its territory.

**Art. 8, para. 1, sub-para. (f) (iii) - Adult Education -**

*(iii) if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;*

**1. Brandenburg**

396. The *Schule für niedersorbische Sprache und Kultur* [School for the Lower Sorbian/ Wendish Language and Culture] in Cottbus, which is part of the Cottbus Adult Education Centre, offers a wide range of courses in the Lower Sorbian language and culture. These are both continuing education courses for adults and courses for teachers who teach Lower Sorbian in the traditional settlement area of the Sorbian (Wendish) people, or wish to acquire knowledge of the Lower Sorbian language and culture for teaching another subject.

397. The demand for adult further education continues to increase. In 2001, 2,420 participants attended the various courses offered by the *Schule für niedersorbische Sprache und Kultur* [School for the Lower Sorbian/Wendish Language and Culture] of the Cottbus Adult Education Centre: i.e. 76 language-learning courses and 50 courses on other subjects. The majority of the participants were from the traditional settlement area. About 8 % of the participants were foreign visitors, and around 4 % came from places in Germany outside the Sorbian settlement area.

**2. Free State of Saxony**

398. Sorbian language courses are offered by the adult education centres in the Sorbian settlement area and, upon request, are subsidized by the Foundation for the Sorbian People.

**Art. 8, para. 1, sub-para. (g) - Teaching of the History and Culture Education -**

*(g) to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;*

**1. Brandenburg**



399. Section 4 of the *Schools Act* of Brandenburg *Land* lays down that the ability and readiness of pupils should be enhanced to understand their own culture as well as other cultures, with particular reference to the Sorbian culture.

400. In order to be able to take adequate account of the history and culture of the Sorbs at schools in the traditional settlement area of the Sorbian people, as well as at schools outside that area, teachers are offered courses regarding the history and culture of the Sorbs by the *Schule für niedersorbische Sprache und Kultur* [School for the Lower Sorbian/Wendish Language and Culture] and by *Arbeitsstelle Bildungsentwicklung Cottbus (ABC)* [Cottbus Workshop for Educational Development] which was established by the (Brandenburg) Ministry for Education, Youth and Sports specifically for the Lower Sorbian subject matter. In addition, the framework curricula of Brandenburg *Land* provide for the inclusion of the Sorbs' history and culture in a number of school subjects (e.g. music, arts, politics, "Lifestyle Choices, Moral Philosophy, Study of Religion").

401. The materials mentioned [in Nos. 399 - 412] were patterned closely on the subjects listed in the curricula, and thus provide a concrete aid for dealing with the Sorbian language as well as with specific cultural aspects.

## 2. Free State of Saxony

402. Section 2 of the Saxon *Schools Act* lays down that all schools in the Free State of Saxony shall impart basic knowledge of the Sorbs' history and culture. Accordingly, the culture and history of the Sorbian people have been included in the school curricula.

403. The materials mentioned [in Nos. 399 - 412] were patterned closely on the subjects listed in the curricula, and thus provide a concrete aid for dealing with the Sorbian language as well as with specific cultural aspects.

### Art. 8, para. 1, sub-para. (h) - Basic and Further Training of Teachers -

*(h) to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;*

404. This obligation has been accepted by the Free State of **Saxony** and by the *Land* of **Brandenburg**. Since teacher training is pursued across *Land* borders, the implementation measures are presented here for both of the *Länder* in order to avoid repetition. In this regard, cf. the comments above in No. 394 above.

405. In the Sorbs' settlement area (Free State of Saxony and Brandenburg *Land*), teaching of and in the Sorbian languages (Upper Sorbian and Lower Sorbian/

Wendish) is given at publicly maintained schools. Basic training of Sorbian teachers in Sorbian Studies (Sorabistics) - for the teaching profession - is offered by Leipzig University (in Saxony). This University trains the majority of Sorbian-language teachers. The Ministry for Education, Youth and Sports of Brandenburg *Land*, jointly with Potsdam University (Institute for the Study of Slavic Languages and Literatures, and Centre for Further Education), prepared an extension course of studies regarding Sorbian (Wendish) for lower secondary grades [i.e. secondary education stage I of German schools], which started on 1 April 1998. The aim is to qualify some 20 teachers for teaching Sorbian (Wendish) at schools. A continuation course of studies for acquiring teaching qualification for secondary education stage II is in preparation. For the school subject 'Sorbian (Wendish)', framework plans were developed for primary education, for secondary education stage I, and for the upper secondary grades of *Gymnasien* [grammar schools]. These plans were established by teachers from Brandenburg *Land* in co-operation with a linguist from Magdeburg University. The Commission's work was co-ordinated by the *Land* Institute for Pædagogics and by *Arbeitsstelle Bildungsentwicklung Cottbus* (ABC - Cottbus Workshop for Educational Development).

406. The offers regarding central and regional follow-up/in-service training of Sorbian teachers are essentially demand-oriented at present. The Saxon *Akademie für Lehrerfortbildung* [teacher follow-up training college], for instance, during the study course period September 1998 - February 1999, offered a course on the subject "*Methodische Anregung zur Textarbeit im Sorbischunterricht*" ["Methodology for Working with Texts in Sorbian Classes"] for teaching posts at *Realschulen* [secondary schools, with lower secondary grades (i.e. secondary education stage I)] and *Gymnasien* [grammar schools; schools with upper secondary grades], and a course entitled "*Unterwegs nach Europa - Mehrsprachigkeit statt Einsprachigkeit*" ["On our way to Europe - Polyglotism instead of unilingualism"]. In addition, regional follow-up training offers exist for teachers who teach Sorbian as a foreign language or as the native language, for instance "*Methodische Anregungen zur Textarbeit im Sorbischunterricht für Lehrer, die Sorbisch als Fremdsprache unterrichten*" ["Methodology for Working with Texts in Sorbian Classes, for Teachers who teach Sorbian as a Foreign Language"]. Teachers who teach other subjects in the Sorbian language, can take part in centrally or regionally organized follow-up training in subject-specific and multidisciplinary studies. The regional follow-up training activities offered so far also comprise follow-up training which is advertised and carried out in the Sorbian language. The catalogue of training offered by the Bautzen Regional Education Office covers two courses for teachers of Sorbian primary schools and one course for teachers of Sorbian secondary technical schools, which are also advertised and held in the Sorbian language. For the entire spectrum

of school types, a follow-up training course is offered on the subject of "Sorbian: Re-activation of the Language / In-Class Educational Materials / Textbooks".

407. In May 1992, the independently managed *Arbeitsstelle Bildungsentwicklung Cottbus (ABC)* [Cottbus Workshop for Educational Development] was established at *Niedersorbisches Gymnasium* [Lower Sorbian grammar school] in Cottbus (Brandenburg). As regards follow-up training of Sorbian (Wendish) language teachers and of educators teaching other subjects at *Niedersorbisches Gymnasium*, ABC has the following tasks:

- Sorabistic, including reactivating and advanced, linguistic follow-up training;
- subject-specific didactical follow-up training of teachers;
- follow-up training in the fields of culture, history, customs/folklore and the policy regarding minorities, for Sorbian (Wendish) teachers and interested teachers for other school subjects.

408. For follow-up training of teachers, funds are available to *Arbeitsstelle Bildungsentwicklung Cottbus (ABC)*. In addition, a teachers' instructor specially qualified for giving follow-up training is employed for teachers' follow-up training. ABC and the teachers' instructor, in co-ordination with the Brandenburg *Land* Institute for Pædagogics, independently develop the pertinent follow-up training offers. The courses are usually held once or twice per month and, in compact form, at the start of the summer holidays and occasionally during the spring vacation. In addition, follow-up training is offered for teachers for other school subjects in co-operation with the *Schule für Niedersorbische Sprache und Kultur* [School for the Lower Sorbian Language and Culture] which is part of the Cottbus Adult Education Centre.

409. In response to the suggestion of the Committee of Experts in No. 437 of the Monitoring Report [MIN-LANG (2002) 4 final] that more efforts are needed to provide further training of teachers, the Free State of Saxony points out that every year the pupils of the Bautzen *Sorbisches Gymnasium* are informed about the course of studies for the teaching profession. On these occasions, information is provided on the Sorbian course of studies and express mention is made of the fact that there is a great demand for bilingual Sorbian-German teachers for all approved combinations of subjects. The pupils of this *Gymnasium* are offered conclusion of an educational grant contract with the Bautzen Regional Schools Office for the duration of their university studies. The Free State of Saxony has guaranteed that all bilingual student teachers who successfully complete their studies will be employed at schools. Also, the pupils' parents are regularly informed of these options.

410. It should be pointed out that personal continued education is part of a teacher's official duties. This also includes further education in the language. Teaching

hours will be credited only in the case of approved in-service teacher training that leads to the final qualification "licence to teach, granted for an unlimited period". Language courses for teachers have been offered for three school years already. In the 2003/2004 school year, the Bautzen *Sorbisches Institut*, in co-operation with the *Institut für Sorabistik* of Leipzig University, organizes a one-year specialist further training course for a total number of ten elementary school teachers in the area of the Bautzen Regional Schools Office. The concepts for a series of follow-up training courses covering intensive advanced language instruction have been developed and will be implemented in the near future. For participation in this training, teachers will be released from their classroom duties for the duration of one year, with continued payment of their salaries. In our judgment, the employment offices are not obliged to provide further training for employed teachers.

411. In view of the existing demand for the recruitment of pre-school teachers (cf. Nos. 427 and 428 of the Monitoring Report) and the follow-up training required in this regard, Sorbian associations and institutions have put this matter before the employment office. Since this office comes under the jurisdiction of the *Bund*, it might make amplifying comments from its point of view.

412. As regards the comments of the Committee of Experts in No. 485 of the Monitoring Report [MIN-LANG (2002) 4 final], Brandenburg *Land* provides the additional information that the leader of an expertise seminar for Sorbian (Wendish) at the Cottbus *Studienseminar* [institution for the professional training of teachers] is responsible for the training of trainee teachers during the second [practical and professional] phase of teacher training, which follows after graduation from university/college.

413. [blank]

**Art. 8, para. 1, sub-para. (i) - Supervisory Bodies -**

- (i) *to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings which will be made public.*

**1. Brandenburg**

414. At the Ministry for Education, Youth and Sports, a section has been established (Section for International Matters and Matters of the Sorbs) where an Assistant Head of Section and an executive officer supervise the introduction and further development of Lower Sorbian instruction. In addition, the four Education Offices in the Sorbian

people's traditional settlement area in Brandenburg *Land* have school supervisory officers whose main task is to supervise Lower Sorbian instruction.

415. The *Land* Government informed the Parliament of the implementation measures in response to a parliamentary question put to the Government.

416. In the view of Brandenburg *Land*, the Committee's criticism No. 486 of the Monitoring Report [MIN-LANG (2002) 4 final] - i.e. that there is no supervisory body for monitoring the teaching of Lower Sorbian - is unfounded since, as explained above, appropriate supervisory bodies do exist.

## 2. Free State of Saxony

417. The Saxon State Ministry of Education and Cultural Affairs is responsible for school matters of the Sorbs. In addition, the interests of the various types of Sorbian and German/Sorbian schools in the Sorbian settlement area of the Free State of Saxony are dealt with by a Commissioned Inspector of Schools of the Bautzen Regional Schools Office.

418. A report on the situation - including the educational system - of the Sorbian people in the Free State of Saxony is submitted pursuant to Section 7 of the *Saxon Sorbs Act* by the Saxon State Government to the Saxon *Landtag* [*Land Diet*] at least once per legislative period. The report is published for release to the general public.

419. Supervisory bodies - as called for by the Committee of Experts in No. 438 of the Monitoring Report [MIN-LANG (2002) 4 final] - have been in existence for quite some time already. For example, all divisions of the Bautzen Regional Schools Office have assigned performance of this supervisory function to staff members responsible for schools who have a perfect - oral and written - command of the Sorbian language (i.e. native speakers).

420. The Saxon *Staatsinstitut für Bildung und Schulentwicklung (Comenius-Institut* - State Institute for Education and School Development) has the task of developing a concept for bilingual Sorbian-German schooling. For this purpose, a project group was set up, which closely co-ordinates its work with *Sorbischer Schulverein e.V.* [Serbske šulske towaristwo z.t. - Sorbian Schools Association].

421. The aforementioned bodies submit regular reports to the Saxon Ministry of Education and Culture on the status of the development and evaluation of this concept. Information on the status of the concept-related work and of the Sorbian educa-

tion system is regularly presented on the Internet and in the "Report on the state of the Sorbian People". It is thus ensured that the provision of Article 8, para. 1, sub-para. (i), of the Charter is fulfilled to the full extent.

#### Article 8, para. 2

##### *Paragraph 2*

*With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.*

This obligation has been accepted by the Free State of **Saxony**.

422. Instruction in the Sorbian language outside the traditional settlement area of the Sorbian people in Upper Lusatia in the North-Eastern part of the Free State of Saxony is offered by *Sorbisches Kultur- und Informationszentrum* [Sorbian Cultural and Information Centre] in Berlin. The Centre holds Sorbian courses which are subsidized by the Foundation for the Sorbian People. At the Sorbian Language and Culture Institute of Leipzig University, all courses (other than beginners' courses) are held in Sorbian. In order to enable Sorbian students to stay in contact with the Sorbian language and culture also outside their settlement area, accommodation in Sorbian student hostels is offered in Dresden, Leipzig and Berlin. More extensive implementation of this obligation is not envisaged at present, in view of the small number of members of these language groups living outside the settlement area.

423. As regards the Committee's comment in No. 439 of the Monitoring Report [MIN-LANG (2002) 4 final] that it does not have sufficient information to conclude that this undertaking is fulfilled, it is pointed out that there is no current information indicating any demand for Upper Sorbian instruction in places outside the Sorbian settlement area. In addition it is pointed out that the *Institut für Sorabistik* of Leipzig University offers Sorbian studies as an optional [elective] subject or as a compulsory subject of choice [required elective].

424. As regards colleges and universities, the obligation - in the sense of "undertake ... to allow" - is met for the entire territory of the Federal Republic by virtue of Article 5, para. 3, of the *Basic Law* (autonomy of institutions of higher education)\*.

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\* "(3) Art and scholarship, research, and teaching shall be free. The freedom of teaching ..."

## Article 9 Judicial Authorities

### *Paragraph 1*

*The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

425. As regards the Committee's suggestion in Nos. 446, 488 and 491 of the Monitoring Report [MIN-LANG (2002) 4 final] that use of the Upper Sorbian language in court procedures should be encouraged and facilitated, we maintain that the existing legal framework ensures complete fulfilment of the undertakings entered into. The relevant obligations under the Charter grant the individual the right to use the Sorbian language if he/she so wishes, and in this case the state does indeed guarantee their implementation; these provisions do not, however, call for active encouragement of the individual's use of the Sorbian language.

### Art. 9, para. 1, sub-para. (a) - Criminal Proceedings -

*in criminal proceedings:*

- (ii) to guarantee the accused the right to use his/her regional or minority language; and/or*
- (iii) to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or*

These obligations have been accepted by the Free State of **Saxony** and by the *Land* of **Brandenburg**. The implementation measures are presented here for both of these *Länder*.

426. Special provisions governing use in court with regard to the Sorbian language are laid down in the Treaty between the Federal Republic of Germany and the German Democratic Republic on the Establishment of German Unity (*Unification Treaty*) of 31 August 1990, which explicitly provides that the Sorbs shall - continue to - have the right to speak Sorbian in court in their home *Kreise* and that this right shall remain unaffected by Section 184 of the *Organisation of the Courts Act* (Annex-I, Chapter III, Subject Area A, Section III 1.r of the *Unification Treaty* of 31 August 1990). This provision is implemented in the *Länder* of Saxony and Brandenburg.

427. The signs indicating the courts in the traditional settlement area [Lower Lusatia] of the Sorbian (Wendish) people in **Brandenburg** are bilingual. If Sorbians wish to litigate

in their own language - which they are entitled to do under the *Unification Treaty* and the *Land Constitution* - translators will be called in. So far, however, no case has become known where a Sorb invoked this right in a court of Brandenburg *Land*.

In the Sorbian settlement area [Upper Lusatia] of the Free State of **Saxony**, all courts have bilingual signs. In addition, the Saxon Higher Administrative Court also uses German-Sorbian letterhead stationery. In every court in the Sorbian settlement area of the Free State of Saxony, at least one staff member has a command of the Sorbian language so that citizens can also state their case in Sorbian. This right is actually being made use of.

The costs incurred for any required services of interpreters or translators are part of the regular costs of the proceedings and thus are not charged as an extra item.

**Art. 9, para 1, sub-para. (b) - Civil Proceedings -**

*in civil proceedings:*

- (ii) *to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
- (iii) *to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;*

The obligations under sub-paragraph (b) (ii) and (iii) have been accepted by the Free State of **Saxony**; also, the obligation under (iii) has been adopted by **Brandenburg Land**.

428. In this regard, cf. the comments in Nos. 426 - 427 above.

**Art. 9, para 1, sub-para. (c) - Proceedings before Courts concerning Administrative Matters -**

*in proceedings before courts concerning administrative matters:*

- (ii) *to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
- (iii) *to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;*

**Art. 9, para 1, sub-para. (d) - Expense -**

- (d) *to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.*

The obligations under sub-paragraph (c) (ii) and (iii) and under sub-paragraph (d) have been explicitly accepted by the Free State of **Saxony**; also, the obligation under sub-paragraph (c) (iii) has been adopted by **Brandenburg Land**.



429. In this regard, cf. the comments in Nos. 426 - 427 above.

430. As regards this branch of the judiciary, it must be pointed out that administrative courts are obliged to conduct *ex officio* investigations and, where necessary and appropriate, will on their own initiative rely on the services of interpreters. Thus, the members of a given language group suffer no prejudice by the use of their language.

Art. 9, para. 2, sub-para. (a) - Validity of Legal Documents -

*Paragraph 2*

*The Parties undertake:*

*(a) not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or*

431. Cf. the preceding comments as regards implementation of this obligation - which has been accepted by Free State of **Saxony** and by **Brandenburg Land**.

432. For the *Land* of Brandenburg, the following should be pointed out:

Under Section 23, para. 5, of the *Administrative Procedure Act* of Brandenburg *Land*, a legal document is not invalid at law solely because it is drafted in the Sorbian language. Rather, a translation must be made of it. It is not known how many legal documents drafted in Lower Sorbian (Wendish) exist in Brandenburg and in what form they have so far been used in legal relations. However, no case has become known where such documents were used in relations with judicial authorities.

## Article 10

### Administrative Authorities and Public Services

433. As regards the Committee's general suggestion in Nos. 447 - 452 and 494 - 496 [MIN-LANG (2002) 4 final] that the authorities should launch measures to facilitate the use of Upper Sorbian in administrative procedures, we maintain that the existing legal framework ensures complete fulfilment of the undertakings entered into. The relevant obligations under the Charter grant the individual the right to use the Sorbian language if he/she so wishes, and in this case the state does indeed guarantee their implementation; these provisions do not, however, call for active encouragement of the individual's use of the Sorbian language.

#### Paragraph 1

*Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

#### Art. 10, para. 1, sub-para. (a) - Applications, and Submission of Documents -

- (iv) *to ensure that users of regional or minority languages may submit oral or written applications in these languages; or*
- (v) *to ensure that users of regional or minority languages may validly submit a document in these languages;*

The obligations under sub-paragraph (a) (iv) and (v) have been accepted by the Free State of **Saxony** and by the *Land* of **Brandenburg**.

434. In the German-Sorbian areas, both German and the Sorbian language are admitted in relations with the authorities and administrations of the *Land* and local governments. This right is expressly stipulated in Sections 9 and 11 of the *Act on the Sorbs' Rights in the Free State of Saxony (Saxon Sorbs Act)* of 20 January 1999 and in Section 23 of the *Administrative Procedure Act* of Brandenburg *Land*. These provisions provide for the general possibility to submit applications, petitions, records, deeds or other documents in the Sorbian language.

The translation of such applications etc. into the German language is taken care of by the authority concerned. No costs for translations are charged to the citizen. It is not known to what extent use is made of the facilities granted under this provision. In this regard, no statistical data are collected.

435. As regards the Committee's comment in No. 494 of its Monitoring Report [MIN-LANG (2002) 4 final] that the Committee of Experts must conclude that the undertaking is not fulfilled in practice regarding oral applications, Brandenburg *Land*

points out that so far no case has become known where a user of the Sorbian language would have been hindered from using the Sorbian language. Therefore, the *Land* takes the view that the undertaking is fulfilled since this option does exist.

436. With regard to the use of the Sorbian language, the Free State of Saxony, in connection with Article 10, points out that public authorities, especially local administrations in the German-Sorbian settlement area, are fully aware of the obligation to allow use of both German and Sorbian as the official language. Therefore, appropriate considerations and efforts are already underway to achieve progress as regards use of the Sorbian language. In this context, reference is made to the letter of 20 November 2002 addressed by the State Minister of the Interior to the Federal Minister of the Interior.

437. In the view of the Saxon State Ministry of the Interior, the constitutional provisions of Articles 33, paras. 2\* and 3\*\*, and 3, para. 3, of the Basic Law preclude general inclusion of knowledge of the Sorbian language as a qualification criterion for employment with public authorities in the Sorbian settlement area. The performance principle requires equal eligibility to public office on the basis of aptitude, qualifications and professional ability. The candidate's origin and/or his/her belonging to a particular ethnic group must not be a determining factor of selection and consequently, as a matter of principle, may not be used as a discretionary criterion for selection among candidates who otherwise have the same qualifications. In a very restricted number of cases, an exception may be made if so required for the post to be filled. This restriction does not collide with the international obligations applicable to the Free State of Saxony under the provisions of the European Charter for Regional or Minority Languages. As evidenced by the Declaration by the Federal Republic of Germany in Preparation of the Ratification of this Charter (Federal Law Gazette 1998 II, p. 1134 - cf. Annex 1 to the present Report), the obligation under Art. 10, para. 4, sub-para. (b), of the Charter - recruitment and training of official/public service employees having a knowledge of the minority language - was not accepted for any of the regional or minority languages spoken in Germany.

438. Accordingly, the State Ministry of the Interior considers it admissible to recognize knowledge of the Sorbian language as a proper qualification if the post of a contact person within the meaning of Section 11 of the Saxon Sorbs Act (*SächsSorbsG* -

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\* "(2) All Germans are equally eligible for any public office according to their aptitude, qualifications and professional achievements."

\*\* "(3) The enjoyment of civil rights, eligibility for public office, and rights acquired in the public service shall not depend on a person's religious denomination. Nobody may suffer disadvantage by reason of their adherence or non-adherence to a denomination or their other convictions."

Act on the Sorbs' Rights in the Free State of Saxony)<sup>\*</sup> is to be filled, because command of the Sorbian language is part of the core competence required for such a post. Also, to a certain extent, it is considered admissible to include command of the Sorbian language as a desirable additional qualification in job advertisements for a post where its holder will have contact with personal callers. However, in view of the fact that Sorbian is spoken as a foreign language by a very small part of the non-Sorbian population, this approach entails the risk that, in violation of the equality principle [prohibition of discrimination], non-Sorbian applicants would factually be placed at a disadvantage on account of their national origin. Therefore, command of the Sorbian language could not be used throughout the *Land's* territory as an additional criterion in the selection-related decisions. Also, it is pointed out that even the designation of a Sorbian contact person is subject to feasibility, especially as regards the available number of Sorbian-speaking applicants who in all other respects have the required qualifications.

439. A number of the subordinate agencies of the State Ministry of the Interior - especially those in regular contact with personal callers - already have Sorbian-speaking contact persons. The State Ministry of the Interior will make sure that the authorities/agencies within its remit will once more be explicitly informed of the possibility to include knowledge of the Sorbian language as a criterion for the selection of job applicants, and will be encouraged to make the widest use possible of this option. In addition, the State Ministry will pass on, to the authorities concerned, the request that their citizens should, in an appropriate way, be informed of the fact that Sorbian-speaking staff is available and can be contacted.

440. The State Ministry of the Interior is quite willing to follow up on the request for greater provision of further education for Sorbian language acquisition. The *Akademie für öffentliche Verwaltung* [Academy of Public Administration], which comes within the remit of this Ministry, will make a survey of the requirements for such further education within the *Land's* public administration. The *Fachhochschule der Sächsischen Verwaltung* [College of Saxony's Public Administration], which is responsible for training of public servants of the higher immediate service, will be informed that - upon request, especially by the recruiting local authorities in the Sorbian settlement area - the Sorbian language should be included in the optional language courses offered to their staff.

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\* "Section 11 - Contact Persons of Public Authorities  
(1) In the Sorbian settlement area, the public authorities of the Free State of Saxony and the agencies of public-law corporations, statutory institutions and public law foundations under its supervision should, wherever possible, designate as contact person a staff member having command of the Sorbian language."

441. Recruitment and further training of the staff of local public service come within the organizational jurisdiction of local governments. The State Ministry of the Interior will write to the local government associations of the *Land* to inform them of the desired approach in this respect and of the existing legal scope for meeting such wishes.

Article 10, para. 2

*Paragraph 2*

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

**Art. 10, para. 2, sub-paras. (a) and (b) - Use of a Regional or Minority Language, and Applications to Local and Regional Authorities -**

- (a) the use of regional or minority languages within the framework of the regional or local authority;*
- (b) the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

The obligations under sub-paragraphs (a) and (b) have been accepted by the Free State of **Saxony**; also, the obligation under sub-paragraph (b) has been entered into by **Brandenburg Land**.

442. In this regard, cf. the comments in Nos. 433 - 441 above. Also, it should be noted that within local administrations, the staff and directors of various sections speak the Sorbian language. Some of them have direct responsibility for Sorbian matters. Within the local authorities of the traditional settlement area of the Sorbian (Wendish) people in Brandenburg Land, most public notices are bilingual; for official letters of these authorities, bilingual letterhead stationery is used.

443. In the exclusively Sorbian communities, or communities with a Sorbian majority, in the Free State of Saxony, the Sorbian language prevails in public life. This also goes for administrative authorities and meetings of local/municipal councils. At the same time it is ensured, e.g. by bilingual notices on the bulletin board, that also citizens who only speak German are included in community life. In these places, in particular, civil marriages are increasingly contracted in the Sorbian language.

444. In all places where the Sorbs form the (mostly small) minority within the local population, only hesitant use is made of the legal and practical scope for using the Sorbian language in relations with the administration.

445. Even where sufficient numbers of staff members of *Kreis* and local authorities have proficiency in the Sorbian language, these capabilities are seldom used by the Sorbian population. As a rule, Sorbian citizens prefer to use the German language in their relations with administrative authorities because they thus want to preclude any misunderstanding in the administration's assessment of the matter put before it. To give some examples:

446. In the city of Cottbus, the correspondence between the *Commissioner for Sorbian (Wendish) Matters* and the Sorbian institutions and associations as well as citizens belonging to the Sorbian people takes place, for the major part, in the Lower Sorbian language. Although this provides the basis for handling such petitions in Sorbian, no citizen has so far made a written submission in the Lower Sorbian language to the municipal authorities.

447. In Oberspreewald-Lausitz *Landkreis*, the Lower Sorbian language is very seldom used in relations with administrative authorities although the actual conditions for such use exist, given that the staff of the authorities concerned usually have a command of the Lower Sorbian language. For the *Landkreise* of Spree-Neisse and Dahme-Spreewald, no cases have been reported where citizens contacted administrative authorities in the Lower Sorbian language.

448. As regards further measures of encouragement as suggested by the Committee of Experts, cf. the introductory remark in No. 433 above.

Art. 10, para 2, sub-para. (g) - Place-names -

(g) *the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

This obligation has been accepted by the Free State of **Saxony** and by the *Land* of **Brandenburg**.

449. In the Sorbian settlement area, there are - for the major part - bilingual signs for places, towns, *Landkreise* [rural county-type administrative districts], etc. and for public buildings, institutions, streets, lanes and roads, squares and bridges. This is explicitly laid down in Section 10 of the *Act on the Sorbs' Rights in the Free State of Saxony* (Saxon Sorbs Act) and in Section 11 of the *Act to regulate the substance of the Sorbs' (Wends') rights in the Land of Brandenburg* (Act on the Specification of the Rights of the Sorbs (Wends)).

450. The requirement for bilingual inscriptions, as laid down in Section 11 of the *Act to regulate the substance of the Sorbs' (Wends) rights in the Land of Brandenburg*, also covers the arrangement, design and posting of traffic signs/road signs pursuant to the *German Road Traffic Regulations* [StVO]. Where local authorities, as public construction agencies, are responsible for putting up traffic signs/road signs, such responsibility refers to Sign 432\* (indicating direction to destinations within built-up areas and to locations of considerable traffic importance) and to Sign 437\* (indicating road or street names).

451. Often the Sorbian/Wendish names of towns and villages are also used on the letterhead stationery of the local authorities concerned.

452. As regards the Committee's suggestion in No. 497 [MIN-LANG (2002) 4 final] that municipalities should be encouraged to become a part of the Sorbian settlement area, Brandenburg *Land* points out that the traditional settlement area of the Sorbian people is defined by Section 3, para. 2, of the *Sorben-Wenden-Gesetz* (SWG - Act on the Specification of the Rights of the Sorbs (Wends)). The Administrative Regulation of 29 May 1997 issued by the Ministry of Science, Research and Cultural Affairs on the implementation of the SWG assigns to local authorities the task of verifying whether the legal requirements are met for a municipality to be considered part of the traditional settlement area. The reason for this tasking was that the SWG makes inclusion in the category of 'municipality within the traditional settlement area' dependent on the existence of continuity of the Sorbian language and culture, and that the municipalities, in view of their familiarity with local conditions, are in a better position than the *Land* Government to assess the existence of Sorbian traditions in their area; the *Land* Government might possibly overlook such evidence. If such linguistic and cultural elements are ascertained to exist, the respective municipality is, *ex lege*, considered a part of the traditional settlement area, without having any say in the matter. Thus, the decision that a municipality falls under this category is not a matter or discretion and choice on the part of the given municipality, but only refers to the determination that the relevant legal requirements and conditions are met. Moreover, decisions by local governments are entirely subject to supervisory control over local authorities and thus can be corrected. So far, however, the local government supervisory authorities have not been informed of any cases where municipalities would, contrary to law, have denied their being a part of the traditional settlement area.

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\* as defined in the *German Road Traffic Regulations*

The *Land* Government therefore assumes that the SWG (Sorbs/Wends Act) gives a correct definition of the Sorbian settlement area and that consequently bilingual signposting is guaranteed throughout the Sorbian settlement area.

Article 10, para. 3

*Paragraph 3*

*With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*

Art. 10, para. 3, sub-paras. (b) and (c) - Applications in a Regional or Minority Language with regard to Public Services -

*Paragraph 3*

- (b) *to allow users of regional or minority languages to submit a request and receive a reply in these languages; or*
- (c) *to allow users of regional or minority languages to submit a request in these languages.*

The obligations under sub-paragraphs (b) and (c) have been assumed by the Free State of **Saxony** and the *Land* of **Brandenburg**.

453. For detailed information, cf. the preceding comments.

Article 10, para. 4

*Paragraph 4*

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

Art. 10, para. 4, sub-para. (a) - Translation or Interpretation -

- (a) *translation or interpretation as may be required;*

This obligation has been accepted by the *Land* of **Brandenburg**.

454. In this regard, cf. the comments in Nos. 433 - 441 above.

Art. 10, para. 4, sub-para. (c) - Appointment of Public Service Employees having a Knowledge of a Regional or Minority Language -

- (c) *compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

This obligation has been accepted by the Free State of **Saxony** and by the *Land* of **Brandenburg**.



455. So far, this provision has not yet been implemented in the sense of introducing pertinent *Land* legislation providing that public sector workers having a knowledge of the Sorbian/Wendish language shall be appointed, at their request, to posts in the Sorbian people's traditional settlement area. However, the *Land* Government and *Land* Administration, within the limits of what is possible, always strive to meet any wishes expressed by *Land* public officials as regards their employment. Accordingly, no case has yet become known where a public official having a command of the Sorbian/Wendish language expressed the wish to be appointed in the traditional settlement area of the Sorbian people and where this wish was not complied with.

456. As regards the comments of the Committee of Experts in Nos. 454 and 502 of the Monitoring Report [MIN-LANG (2002) 4 final] that the information available to the Committee was not sufficient to conclude that this undertaking was fulfilled, both *Länder* once more point out that wishes expressed by public officials as regards their employment or transfer are met within the limits of budgetary law and public service law regulations, and that the accepted undertaking is established applicable law which is binding on public administration. Therefore, we see no need for enacting any further legislation. Given that so far no requests to this effect have been made by members of the Sorbian language group and that there has been no case where such a request would have been denied, additional information is neither available nor, as we see it, required for assessing the implementation of this undertaking.

Article 10, para. 5

*Paragraph 5*

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

457. This obligation has been explicitly accepted by the Free State of **Saxony** and by the *Land* of **Brandenburg**. For detailed information, cf. the comments in Nos. 220 - 225 above.

## Article 11 Media

### Paragraph 1

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

### Art. 11, para. 1, sub-para. (b) (ii) - Broadcasting of Radio Programmes -

*(ii) to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

458. In the traditional settlement areas of the Sorbian people in the Free State of Saxony and in Brandenburg *Land*, public-service broadcasting has developed an extensive programme in the two Sorbian languages. The programme is devoted, in particular, to the fields of information, culture and education. 'Culture' is understood in the largest sense of the word; this thematic section also covers reports on traditions/ folklore and on the life of societies and associations, reviews of stage productions and of books, and talks with Sorbian authors and other persons engaged in the cultural sector. In addition, there are news, commentaries, topical reports, especially on current affairs in the region, and religious contributions. The musical sector focuses on Sorbian folk songs, but also covers modern Sorbian popular songs and Sorbian rock and pop.

### 1. Brandenburg

459. Under Article 4 of the *Act on Ostdeutscher Rundfunk Brandenburg*, the programme of *Ostdeutscher Rundfunk Brandenburg (ORB)*, like that of *Mitteldeutscher Rundfunk (mdr)*, has to take account of the cultural diversity of Brandenburg *Land* and of the Sorbian culture and language.

460. Within the framework of the reorganization of broadcasting in Berlin and Brandenburg, these two *Länder* concluded the Inter-State Treaty on the Establishment of a Joint Broadcasting Corporation for the *Länder* of Berlin and Brandenburg of 25 June 2002 [RBB Inter-State Treaty]. The *Rundfunk Berlin-Brandenburg (RBB)* unites the *Ostdeutscher Rundfunk Brandenburg (ORB)* and *Sender Freies Berlin (SFB)*. The new Broadcasting Treaty entered into force as of 17 March 2003.

Under Section 4, para. 2, sub-para. 2, of the RBB Treaty, the programmes of *Rundfunk Berlin-Brandenburg* take account of the regional [cultural] diversity in the *Länder* of Berlin and Brandenburg, and of the language and culture of the Sorbian (Wendish) people. Under Section 14, para. 1, no. 20, of the RBB Broadcasting Treaty, a member of the associations of the Sorbs (Wends) in Brandenburg is represented on the

Broadcasting Board of the RBB so that the Sorbs' interests are safeguarded within this body. In this respect, the legal situation is the same as under the ORB Act and ensures that the new programmes will continue to take account of the Sorbian language.

461. As regards further information on measures of encouragement for the broadcasting of radio programmes in Lower Sorbian by private stations, as requested by the Committee of Experts in No. 504 of the Monitoring Report [MIN-LANG (2002) 4 final], Brandenburg *Land* points out that private broadcasters are, to a large extent, free to lay down their own programming; outside very narrowly defined limits, the *Land* has little scope for both direct intervention and indirect influence. Consequently, this provision of the Charter obliges the *Land* to encourage the broadcasting of programmes in the [Sorbian] language only to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field. Against this background, this undertaking must be fulfilled essentially by public service broadcasting. As regards private broadcasters, the *Land* Government must confine its intervention to general efforts to create an opinion-forming climate well-disposed towards minorities and aimed at fostering the regional or minority languages.

## 2. Free State of Saxony

462. Under Section 6, para. 3, of the [Saxon] *Act to implement the Inter-State Treaty on Mitteldeutscher Rundfunk (mdr)* of 27 June 1991, broadcasts of the *mdr* must take account of the interests of *all* segments of the population – including the minorities. With its *Sorbisches Studio* in Bautzen, *Mitteldeutscher Rundfunk (mdr)* broadcasts a daily radio programme in Upper Sorbian on Mondays through Saturdays, for three hours during the early morning programme, and on Sundays, around noon, for one and a half hours, and occasionally live transmissions as well. In addition, a 2-hour youth programme entitled "*Radio Satkula*" is aired every Monday evening. It covers news, reports, modern Sorbian and international music, and other reporting items. The programme is developed and presented by Sorbian youngsters. It is re-run on *Ostdeutscher Rundfunk Brandenburg* (ORB) the following day. Leaving special broadcasts aside, this amounts to an airtime of 21.5 hours per week in the Upper Sorbian language.

463. In addition, *Landesfunkhaus Sachsen* [*Land* Broadcasting Centre Saxony] of the *mdr* airs a half-hour double-tone (German and Upper Sorbian) television programme at 20.15 p.m. every four weeks on Wednesdays. Also, every Sunday, a double-tone transmission of the short children's programme "*Sandman*" can be received in the

Upper Sorbian language. These are not programmes dealing with Sorbian subjects, but are translations of the regular programmes into a Sorbian version.

464. As regards the Committee's request, in No. 457 of the Monitoring Report [MIN-LANG (2002) 4 final], for additional information with regard to private broadcasters, reference is made to the comments in Nos. 461 - 462 and 236 above. It is pointed out that, under the appropriate legal provisions, a Sorbian representative is nominated to the Assembly of *Sächsische Landesanstalt für privaten Rundfunk und neue Medien* [Saxon Land Institution for Private Broadcasting and New Media].

Art. 11, para. 1, sub-para. (c) (ii) - Broadcasting of Television Programmes -

(ii) *to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

465. As regards the Committee's request, in Nos. 457 and 505 of the Monitoring Report [MIN-LANG (2002) 4 final], for additional information with regard to private television programmes, reference is made to the comments in Nos. 458 - 464 and 236 above.

1. Brandenburg

466. ORB (*Ostdeutscher Rundfunk Brandenburg*) Television airs the only regular Sorbian-language programme in Germany, which is entitled "*Łužyca - Sorbisches aus der Lausitz*" ["Sorbian matters from Lusatia"]. Since April 1992, a regular monthly air-time has been assigned to this programme, namely every third Saturday of the month, at 13.30 p.m. There are re-runs on the respective subsequent Wednesday, at about 23.30 p.m. This is a 30-minute magazine programme in Lower Sorbian, with German subtitling. This magazine programme aims at presenting the Sorbian language, culture, tradition, everyday life and problems. The aim is to foster the Sorbs' emotional ties with their homeland and their national self-assurance. Examples of this are reports on traditions in the handicrafts and on folk arts and crafts which in future might die out. Also, efforts are made to prevent any reduction in the younger generation's respect and esteem for the Sorbian language.

2. Free State of Saxony

467. *Mitteldeutscher Rundfunk (mdr)* has repeatedly been requested by the Saxon State Government to start regular broadcasting of television programmes in the Sorbian language. Since September 2001, the TV station *mdr* airs a "tele-window" programme, "*Wuhlradko*", in the Sorbian language and on Sorbian subjects on every

first Saturday of the month. The programme is re-run on the following Tuesday in the morning.

468. [deleted: paragraph contained in the 1<sup>st</sup> State Report]

Art. 11, para. 1, sub-para. (d) - Audio and Audiovisual Works -

(d) *to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

This obligation has been accepted by the Free State of **Saxony** and by the *Land* of **Brandenburg**.

469. Special attention is given to the cultivation of Sorbian music and the study and revival of the musical heritage. This is, in part, achieved by presenting a wide range of carefully selected music in the radio programme. In addition, *Mitteldeutscher Rundfunk (mdr)*, in Saxony, and *Rundfunk Berlin-Brandenburg (RBB)* produce their own Sorbian recordings since Sorbian music is scarcely offered on the market. About 80 to 100 titles are recorded per year. This production also comprises efforts to research the inventory of Sorbian folk songs, giving suggestions and assistance to interpreters, groups and vocalist ensembles with regard to their musical arrangements, promoting talented Sorbian musicians, for instance by organizing a yearly concert of talented young artists, as well as tape-recordings of musical events, and help given by RBB with the publication of sound recording media.

470. A number of Sorbian film productions are offered on video-cassettes. Most of them are children's movies (for the major part, adopted from Czech animated cartoons), videos for schools, e.g. for history classes, and films about the Sorbs or Sorbian topics. Most of these videos are in Upper Sorbian; a few are also edited in Lower Sorbian; in most cases, information films are provided as multilingual versions. About three to five videos are published per year.

471. Under the present arrangements, production of sound recordings and videos is commissioned by the Foundation for the Sorbian People [Za<sup>o</sup>žba za serbski lud]. A Media Commission decides on the works and/or projects to be contracted out.

472. The Internet also provides information on the Sorbs, which *inter alia* was contributed or is edited by *Sorbisches Institut Bautzen* or by *Domowina*. This information is published in the German, Upper and Lower Sorbian, and English languages.

473. *Rundfunk Berlin Brandenburg (RBB)* is obligated, in compliance with its programming mandate, to include production companies in Brandenburg *Land* in its contract

award process. To a considerable extent, marketers from the traditional settlement area of the Sorbian people benefit from this regulation. Also, RBB is obligated to operate a radio and television studio in the Lower Sorbian language area in Cottbus.

474. Section 5, para. 3 of the RBB Inter-State Treaty allows the RBB to purchase broadcasting productions of other providers, provided that such productions are not purchased or produced for the main purpose of commercial exploitation. This applies irrespective of whether or not these productions are in the Lower Sorbian language. Various efforts are made in the field of film promotion with the aim of facilitating the production and distribution of audio and audiovisual works and to encourage film-makers in this sense.

These measures are addressed to the cinema sector in general and, of course, are also open to producers whose projects are realized in regional or minority languages. Both in the past and in future, particular importance is attached in the film promotion field to cultural diversity. The Film Subsidies Directives do not contain any restrictions regarding promotion of films in the Lower Sorbian language. The same principles are applied to projects in regional or minority languages as to German-language projects, and such projects are not subject to any specific separate restrictions. The fact that so far no film in the region's language has been subsidized is primarily due to the reason that promotion of a film in the Lower Sorbian language has as yet not been applied for. In addition, there are companies which produce and commercially sell phonograms and audiovisual works in the Sorbian language with promotional funds provided by the Foundation for the Sorbian People which is subsidized by the *Bund* [Federal Government] and the *Land*. No turnover figures are available.

Art. 11, para. 1, sub-para. (e) (i) - Newspaper -

- (i) *to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or*

This obligation has been accepted by the Free State of **Saxony** and by the *Land* of **Brandenburg**.

475. There is little scope for state intervention on account of freedom of the press as guaranteed by the Constitution (in this respect, cf. the comments on Article 11 in Part D, Nos. 226 - 239 above).

476. For the Sorbian people, the following Sorbian-language print media are published on a regular basis:

- *Serbske Nowiny (Sorbische Zeitung - Sorbian Newspaper)* - 2,100 copies  
A daily in Upper Sorbian, published on Mondays through Fridays as an evening paper; on Fridays: including specific supplements, e.g. literature/arts, youngsters' supplement, sports supplement (*Sokołske listy*)  
Circulation: Mondays through Thursdays: 1,650 copies; Fridays 2,100 copies
- *Nowy Casnik (Neue Zeitung - New Weekly)* - 1,100 copies  
A weekly in Lower Sorbian, with a German-language portion; published on Saturdays
- *Rozhlad (Umschau - Outlook)* - 610 copies  
A monthly periodical for Sorbian culture, language, literature and art, with articles in the Upper and Lower Sorbian languages
- *Serbska Šula (Sorbische Schule - Sorbian School)* - 210 copies  
Educational journal, with articles in the Upper and Lower Sorbian languages; 6 editions per year
- *Płomjo / Płomje (Flamme - Flame)* - 1,800 / 850 copies  
Children's and youngsters' journal  
Płomjo: Upper Sorbian edition - 1,800 copies  
Płomje: Lower Sorbian edition - 850 copies
- *Katolski Posoł (Katholischer Bote - Catholic Herald)* - 2,360 copies  
Upper Sorbian weekly of the Catholic Sorbs
- *Pomhaj Bóh (Gott hilf - Help God)* - 800 copies  
Protestant monthly in Upper Sorbian

Art. 11, para. 1, sub-para. (f) (ii) - Financial Assistance for Audiovisual Productions -

(ii) *to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;*

This obligation has been accepted by the Free State of **Saxony**.

477. Direct financial assistance by the state is problematic, due to freedom of broadcasting as guaranteed by the Constitution (in this respect, cf. the comments on Article 11 in Part D, Nos. 226 - 239 above).

478. For detailed information, cf. the comments in Nos. 469 - 474 above.

479. In response to the Committee's question in No. 460 of the Monitoring Report [MIN-LANG (2002) 4 final], it is reported that the major part of audiovisual works in the Upper Sorbian language are subsidized by the Foundation for the Sorbian People, by the publishing house *Domowina-Verlag GmbH* and the *WITAJ-Sprachzentrum* [Witaj

Language Centre]. Examples of works, as requested by the Committee of Experts, are as follows:

**Overview of film productions in the Upper Sorbian language commissioned by, or on behalf, of the Foundation for the Sorbian People (from 1994 onwards)**

title	production year	no. of copies
<b>Animated cartoons for children - dubbed versions of existing cartoon films produced, in particular, by the Czech Television Corporation - licence agreement:</b>		
Matej a Šoľćikec [Matej and Miss Sholchik]	1994	200
Powědky wo soninje Amalce [Stories about the (forest) fairy Amalka]	1995	200
Dyrdomdeje čmjełakow [Adventures of the bumble-bees]	1995	200
Čapkowe činki [Pranks of the Water Sprite]	1996	200
Micka z Kocorkowa [The kitten from Catville]	1997	200
Puće fórmana Štrympički [The ways of carter Shtrympichka]	1997	200
<b>"Sandman" - a short bedtime programme aired by <i>mdr</i> for children in the Upper Sorbian language; licensing for publication has been obtained</b>		
Naš pěskowčik [Our Sandman]	2001	300
<b>Fairy-tale movies for children:</b>		
Jasna a Krasna ["Jasna and Krasna" ("The Wise One and Little Beauty"), a film about Water Sprite's daughters]	1999	400
Lutki ["Little Folks" (brownies), a film about the legendary people of midgets in the Lusatian heath]	2000	400
Tři pjeršćenje [Three Rings]	2002	200
At the end of 2003, another movie will come out; its title is		
Potajnstwo stareho młyna [The Mystery of the Old Mill]	2003	400



**Slavic peoples in the region between the Oder and Elbe rivers - a 12-volume historic series on the Sorbs' history, in the Upper Sorbian, Lower Sorbian and German languages**

Zasydlenje (I. dźěl) (Settlement - Part I)	1995	200
Hrodžišća (II. dźěl) (Castle ramparts - Part II)	1996	200
Kolonizacija (III. dźěl) (Colonization - Part III)	1996	200
Dobychwanje kraja (IV. dźěl) (Land reclamation - Part IV)	1997	100
Město (V. dźěl) (The town - Part V)	1997	100
Reformacija a pismowstwo (VI. dźěl) (Reformation and Literature - Part VI)	1998	150
Zažne rozswětlerstwo (VII. dźěl) (The early Age of Enlightenment - Part VII)	1998	150
Narodne wozrodženje (VIII. dźěl) (National rebirth - Part VIII)	1999	150
Młodoserbske hibanje (IX. dźěl) (Young Sorbian Movement - Part IX)	2000	150
Weimarska republika (X. dźěl) (The Weimar Republic - Part X)	2001	200
Serbja w nacionalsocializmje (XI. dźěl) (The Sorbs under National Socialism (Nazi era) - Part XI)	2002	200
Serbja po 2. swětowej wójnje (XII. dźěl) (The Sorbs after World War II - Part XII)	to be completed in 2003/04	

**Videos on the Sorbs' cultural history, on leading figures of Sorbian cultural history - in the Sorbian and German languages**

Škrě - Jan Skala ["Sparks - Jan Skala"]	1992	20
Doma w Serbach - Belkotec swójba ["At home with the Sorbs - The Belkot Family"]	1993	120
Dwěle a nadźija - Jurij Brězan ["Doubts and Hope" ("A length of time"), a film about the Sorbian writer Jurij Brězan]	1996	100

### General information films about the Sorbs' customs, way of life, and culture - in the Sorbian and German languages

Zymske nałožki we Łužicy ( <i>Winterbräuche in der Lausitz</i> - "Traditional Winter Customs in Lusatia")	1992	120
W katolskich Serbach ( <i>Bei den katholischen Sorben</i> - "A visit to the Catholic Sorbs")	1995	400

### Development of Sorbian-language products in the New Media sector

#### CD ROM

First Sorbian-language computer game, "Billy"	1998	300
The first Sorbian adventure computer game for children, "Krabat" *	2001	500
Visual and acoustic game for learning the Sorbian language, "Teo, Leo & Manda"	2002	500
multi-media CD [with Sorbian music for young people], "sorbspirit"	2001	1.000

480. It should also be pointed out that, while Brandenburg *Land* has not explicitly adopted this obligation, the existing measures to provide financial support for audio-visual works also extend to productions in the Lower Sorbian language. Express mention will be made of this fact when the subsidizing principles for film promotion will be established.

### Art. 11, para. 2 - Freedom of Direct Reception of Broadcasts, and Freedom of Expression

#### *Paragraph 2*

*The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

\* *Krabat* is a Sorbian legendary figure

This obligation has been accepted by the Free State of **Saxony** and by the *Land* of **Brandenburg**.

481. As regards the fundamental conditions governing freedom of expression and reception of broadcasts, cf. the detailed comments in Part D above on Article 11, Nos. 226 - 239.

482. Also, it should be pointed out that Sorbian, as a Slavic language, is related to Polish and to Czech and that, on account of the Sorbs' settlement area being close to the borders with Poland and the Czech Republic, Polish and Czech radio and television broadcasts can be received within the limits of technical feasibility. Transmission and direct reception of radio and television broadcasts in Lower Sorbian (and Low German) have been explicitly regulated, with due regard to the availability of technical capabilities, on the basis of the retransmission provisions of Sections 37 and 38 of the *Inter-State Treaty between the Länder of Berlin and Brandenburg on Co-operation in the Field of Broadcasting* (Inter-State Treaty on Media Services - MStV) as amended on 21 December 1998.

## Article 12

### Cultural Activities and Facilities

#### *Paragraph 1*

*With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

- (a) to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*
- (b) to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- (c) to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- (d) to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*
- (e) to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*
- (f) to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*
- (g) to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*
- (h) if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.*

The obligations under sub-paragraphs (a) to (h) have been accepted by the Free State of **Saxony** and by the *Land* of **Brandenburg**; since the pertinent activities are pursued across *Land* borders, the implementation measures are presented for both of these *Länder*.

483. The Sorbs have their traditional settlement area in the Free State of Saxony [Upper Lusatia] and in Brandenburg *Land* [Lower Lusatia]. In order to avoid separate promotional policies in Saxony and Brandenburg, these two *Länder* have, mutually and with the *Bund* [Federal Government], agreed a common promotion policy. A mani-

festation of this policy is the *Foundation for the Sorbian People* (*Za<sup>3</sup>o<sup>z</sup>ba za serbski lud*) (for details, cf. the comments above in Part A, Nos. 68 - 75).

484. The *Deutsch-Sorbisches Volkstheater* (*Němsko-Serbske ludowe dźiwadlo* - German-Sorbian Popular Theatre), Bautzen, is subsidized as part of project promotion by the Foundation. In addition to institutional promotion [basic funding of institutions], project-oriented promotion by the Foundation covers a wide range of subjects, for instance production of movies and sound recordings, projects related to the cultivation of culture, traditions and folklore, competitions for various age groups and fields of interest.

485. Support is given not only by the Foundation or, for other activities, by the *Länder* but also by the local authorities and *Landkreise* [rural county-type administrative districts] in the traditional settlement area. This is the case, in particular, as regards promotion of traditional festivals carried out, and of customs observed, by Sorbian associations. Cultural groups and associations are actively fostered and supported by local authorities. Maintenance of Sorbian customs is an integral part of almost all local mass events in the traditional settlement area of the Sorbian people. In most cases, these customs are also kept up and practised by the Sorbs' fellow-citizens belonging to the majority population.

486. Another priority of cultural promotion at the local government level is educational work. It is especially due to the work of the museums provided by local self-administration bodies that items of the Sorbian cultural heritage are collected, made accessible to the public, and presented and explained in lectures, guided tours, etc. Also, many centres displaying pieces of local customs and traditions (so-called *Heimatstuben*), which are supported by local authorities within the framework of project promotion, preserve the Sorbian cultural heritage and make others familiar with it.

487. With a view to conveying the Sorbian people's cultural values or traditions and way of life in an authentic way, the association "*Sorbischer Kulturtourismus e.V.*" (*Zwjazk za serbski kulturny turizm z.t.* - Sorbian Cultural Tourism, reg'd association) formed in 1996. With its projects, *inter alia* development of a Sorbian Cultural Route, it intends, without aiming at superficial commercialization for tourism purposes, to make Sorbian institutions, museums and local traditional centres (*Heimatstuben*) accessible to tourism on a greater scale. This requires close co-operation with many individuals and institutions. The *Sorbian Affairs Commissioners* of the Free State of Saxony and of Brandenburg *Land* are to be involved as well. There is close co-operation with the Working Group "*Serbske pomniki - Sorbische Denkmale*" [Sorbian Architectural Monuments], which also aims at preserving Sorbian cultural monuments.

As regards the various obligations, the following clarifying and additional points are made:

Art. 12, para. 1, sub-para. (a)

- (a) *to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*

488. The *Foundation for the Sorbian People* fulfils its purpose by promoting individual projects and by supporting institutions dedicated to specific aspects of maintaining the Sorbian culture, e.g. *Domowina* Publishing House. The Foundation is taking great care to achieve inclusion of all forms of cultural expression and artistic creation. In particular, great store is set not only by providing the basis for preserving traditional cultural assets but also by ensuring that more recent forms of Sorbian cultural expression get their due, e.g. by promoting young artists and authors or supporting innovative art forms.

Art. 12, para. 1, sub-para. (b) and (c)

- (b) *to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- (c) *to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

489. *Sorbisches Institut* (Serbski institut Budyšin - Sorbian Institute) in Bautzen [Saxony] - which operates a branch in Cottbus [Brandenburg], a scholarly institution dealing specifically with the Lower Sorbian language - devotes its work not only to preserving the knowledge of the linguistic heritage, but also to adjusting the development of this language to modern-life aspects. This ensures continuing translatability of texts from one language into the other. However, the Sorbian Institute does not make its own translations but, instead, only provides the scholarly prerequisites for this.

The most important Sorbian-language newspaper in Brandenburg, *Nowy Casnik* ("New Weekly"), regularly publishes articles in German as well. The newspaper's use of both languages results in greater effectiveness.

Art. 12, para. 1, sub-para. (d)

- (d) *to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*

490. The inclusion of Sorbian cultural activities in the work of regional cultural providing bodies is ensured. Under the *Saxon Sorbs Act* and the *Brandenburg Act on the Specification of the Rights of the Sorbs (Wends)*, the local self-administration bodies are obligated to take account of the Sorbian language and culture in their cultural policy/project planning, and implement this mandate by supporting cultural activities of associations and of other cultural actors and by including them in their own cultural projects.

Also, regional cultural activities play a prominent role in the tourist industry, in particular.

Art. 12, para. 1, sub-para. (e)

*(e) to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*

491. The Foundation for the Sorbian People disposes of staff members having a good command of the Sorbian language.

492. In all other respects, the Foundation's structure ensures that Sorbs can exercise a decisive influence on the allocation of the Foundation's funds. The Director of the Foundation cannot be elected against the majority of the Sorbian (Wendish) representatives on the Foundation Board (*Stiftungsrat*). The majority of representatives on the Foundation Commission [a committee of the Foundation Board] are Sorbs. To replace the original unincorporated foundation of 1991, the new, legally autonomous Foundation has now been established.

493. *[blank]*

Art. 12, para. 1, sub-para. (f)

*(f) to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*

494. Cf. the comments on the preceding sub-paragraphs.

Art. 12, para. 1, sub-para. (g)

*(g) to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*

495. Preservation of the Sorbian (Wendish) cultural heritage is the responsibility of the *Foundation for the Sorbian People*. Scholarly assessment and analysis, which also includes the preservation of testimonies of past times, is incumbent on *Sorbisches Institut* in Bautzen, which operates a branch in Cottbus, dealing specifically with the Lower Sorbian language and culture.

Art. 12, para. 1, sub-para. (h)

*(h) if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.*

496. The work of *Sorbisches Institut* includes work on recent linguistic developments, especially as regards technical terms, and on specific technical languages, such as business/economic terminology and administrative language. It is ensured that the Lower Sorbian language will remain open also with regard to modern linguistic developments and will be able to follow and integrate these developments.

Article 12, para. 2

*Paragraph 2*

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

This obligation has been accepted by **Brandenburg Land** and the Free State of **Saxony**.

497. In the Federal Republic of Germany, cultural activities complying with the law in force are not subject to any permit procedure or restrictions. Thus, the above obligation is already fulfilled by the system of law in the Federal Republic of Germany.

498. Thanks to the broad definition of the specified purposes for which the respective public promotional funds may be used in the context of the cultural work of the Sorbian people, it is also possible to offer activities outside the immediate language area.

499. In response to the Committee's request in Nos. 463 and 510 of the Monitoring Report [MIN-LANG (2002) 4 final] for more information on the implementation of this undertaking, it is reported that there are only few speakers of the Sorbian language outside the traditional settlement area. On account of the generous legal regulation in Section 3, para. 2, of the SWG [Act on the Specification of the Rights of the



Sorbs (Wends)], the traditional settlement area in Lusatia is considered to include also those areas with only very sparse Sorbian cultural and language traditions; these areas are covered by Art. 12, para. 1. Outside Lusatia, there are only few Sorbs who settled there in the course of internal migration and could benefit from cultural projects designed to present Sorbian culture outside Lusatia.

500. In their cultural presentation activities, the *Land* of Brandenburg and the Free State of Saxony endeavour to accentuate the Sorbian element. In Berlin, for example, at the Representation of *Land* Saxony to the Federation, a presentation was given within the framework of the *Woche der sorbischen Kultur* [Sorbian Culture Week]; this year [? 2003], similar activities are planned in the form of readings in the honour of the Sorbian writer Mato Kossyk at the Representation of *Land* Brandenburg to the Federation. Exhibitions of the works of visual artists are regularly organized in the rooms of the Brandenburg Ministry of Science, Research and Cultural Affairs in Potsdam; this included, for example, the Sorbian artist Fred Pötsche, winner of the Cisinski Prize. A Sorbian dance group gave performances on the occasion of the festivities organized every year on the 'Day of German Unity' [3<sup>rd</sup> of October].

501. Examples of activities pursued outside the traditional Sorbian settlement area are:

- The publishing house *Domowina-Verlag GmbH* regularly presents itself at the Leipzig Book Fair.
- The Sorbian National Ensemble presents its programme in many places of the Federal Republic of Germany.
- Also, Sorbian Internet sites provide possibilities for worldwide individual communication.
- Students have Sorbian youth groups in Leipzig, Berlin, Dresden and Görlitz.
- In Leipzig, the *Institut für Sorabistik* of Leipzig University can also be considered a cultural institution within the meaning of the Charter.
- The Foundation for the Sorbian People presented its travelling exhibition on the Sorbs in several places in Germany.

### Article 12, para. 3

#### *Paragraph 3*

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

502. The work of the *Foundation for the Sorbian People* ensures that due account is taken of transborder co-operation, especially with the Slav neighbours. Under Article 2, para. 2, no. 5, of the *State Treaty establishing the Foundation*, the promotion of projects serving to enhance international understanding and co-operation with other ethnic groups and minorities in Europe and to cultivate the historically evolved relations of the Sorbs with their Slav neighbours is considered part of fulfilling the objectives of the Foundation.

The following are examples of transfrontier cultural policy:

### 1. Brandenburg

503. Transborder cultural co-operation, especially with Poland, makes appropriate provision for the Sorbian culture in the sense that Sorbian artists, writers, etc. are regularly involved in jointly organized cultural events ("Poets' Steamer", transfrontier seminars, colloquies, etc.). Transborder co-operation is, in addition, an element of the declared endowment objective of the Foundation for the Sorbian People which is also subsidized with *Land* funds.

### 2. Free State of Saxony

504. The Free State of Saxony presented itself at the so-called *Sächsische Tage* ["Saxon Days" festival] in Wrocław/Breslau (Poland) in June 1998. This event involved the *Serbski Muzej Budyšin* [Sorbian Museum in Bautzen], with a special exhibition dedicated to Sorbian traditions and customs, and the *Deutsch-Sorbisches Volkstheater* [*Němsko-Serbske ludowe dźiwadło* - German-Sorbian Popular Theatre] with a performance in the Sorbian language.

Sorbian matters are included in the work of the Saxon-Czech and the Saxon-Slovak working group, respectively.

505. In response to the criticism expressed by the Committee of Experts in Nos. 464 and 511 [MIN-LANG (2002) 4 final] that the federal authorities, in pursuing their cultural policy abroad, do not make any special provision in this respect, the following information is provided:

The instruments for promoting cultural programme activities within the framework of our cultural and educational policies abroad are, on principle, available to *all* groups of society in Germany and, of course, to the national groups speaking a regional or minority language. Consequently, groups can apply for grants for guest-performance tours abroad if they intend to give their performances in a regional language.

For example, in 2003 the Federal Office sponsored a performance of the Roma theatre *Pralipe* in Sevilla/Spain. This theatre group has over the past few years also received support for many guest-performance tours abroad.

Also, a project with the working title "*Platt in den USA*" ["Low German in the U.S."] was under discussion, but ultimately was not realized.

The Foreign Office seeks to achieve an even greater number as before of performances abroad also for the other minority languages. Whether - within the framework of language instruction at schools abroad, and through many cultural activities of German intermediary organizations - additional scope for giving publicity to the regional and minority languages spoken in Germany exists, is a question that will have to be considered on a case-by-case basis.

## Article 13 Economic and Social Life

### *Paragraph 1*

*With regard to economic and social activities, the Parties undertake within the whole country:*

- (a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*
- (b) to prohibit the insertion - in internal regulations of companies and private documents - of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*
- (c) to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

506. The obligations under sub-paragraphs **(a)** and **(c)** have been accepted by the Free State of **Saxony** and **Brandenburg Land**. These obligations are in compliance with the established law of the Federal Republic of Germany and thus are fulfilled nation-wide for all regional or minority languages. Pertinent violations of the legal order have not become known. Therefore, no special measures had to be taken by these *Länder*.

507. As regards the statement of the Committee of Experts in Nos. 466 and 513 of the Monitoring Report [MIN-LANG (2002) 4 final] that it could not conclude that this undertaking was fulfilled, reference is made to the general observations in No. 248 above with regard to Article 13.

### Art. 13, para. 1, sub-para. (d) - Facilitating the Use of the Regional or Minority Language

- (d) to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.*

This obligation has been accepted by **Brandenburg Land** and the Free State of **Saxony**.

508. As regards the statement of the Committee of Experts in Nos. 467 and 514 of the Monitoring Report [MIN-LANG (2002) 4 final] that it could not conclude that this undertaking was fulfilled, reference is made to the general observations in No. 249 above with regard to Article 13.

In addition, it is pointed out that, under the provisions of the Saxon Sorbs Act (*Sächs-SorbG*), tax-related matters submitted in Sorbian, either orally or in writing, can be treated at all times. The Revenue Offices of Bautzen, Bischofswerda and Hoyers-

werda, also in 2001, did not encounter any problems in this respect. The Revenue Offices of Bautzen and Hoyerswerda, both located in the Sorbian settlement area, have bilingual signposting for their premises in both the German and the Sorbian languages. Also, the letterheads of these Offices are bilingual.

Also, private and local-government initiatives aimed at strengthening village community life are promoted through the Kamenz *Amt für Ländliche Neuordnung* (ALN - Office for Management of Rural Environment). In this context, it emerged that the Sorbian villages have a relatively intact community life. Already within the framework of the EU Community Initiative LEADER II, which supported regional activities aimed at the integrated development of rural areas, one of the designated zones of subsidized development was the "settlement area of the Sorbs - north eastern part". The follow-up programme LEADER Plus [LEADER+] also deals with projects in a programme-supported area covering the Sorbian settlement area of the Catholic Sorbs and of Sorbs living in the environs of Bautzen and partly of Hoyerswerda.

Regarding the LEADER+ area of subsidized development "Upper Lusatia Heath and Pond Landscape", in the period 2002 - 2006: The guiding concept for the project particularly underlines the bilingualism of this region as a "gateway to Eastern Europe".

Krabat e.V.: The registered association *Krabat e.V.* pursues, among others, the aim of supporting awareness-raising with regard to the Sorbian cultural heritage and promoting the Sorbian language as well as contacts with Slav peoples. The project "*Auf den Spuren des Krabat*" ["Following the trail of Krabat" <sup>\*)</sup>] is linked to a regional development process with intensive common elements regarding projects and implementation. At the same time, it is aimed at networking tourism and other capabilities of this region. The essential basis of these activities is the region's location in the Sorbian settlement area and the resultant capabilities in terms of the specific cultural area, cultural history, economic and social life. The conceptual stages of this work and the implementation process were supported also with funds allocated under the Directive of the Saxon State Ministry of the Interior to Promote Creation of Regional Development and Action Concepts for Spatial Planning Model Projects.

509. Use of the Sorbian language in private depends, to a large extent, on the Sorbian people themselves, especially on whether the language is passed on to their children. In the central settlements with a large share, or even the majority, of Sorbs, this is practised to a much greater extent than by Sorbian families in larger places and towns where they constitute a dispersed minority. In the case of the Sorbs, too, the existence of many mixed-nationality marriages has an influence on the language spoken within the family and on the extent to which Sorbian is passed on to the

\* Krabat is a Sorbian legendary figure

children, and thus attendance of Sorbian schools is of particular importance to these children. Use of the Sorbian language in public is rendered difficult by the fact that the German-Sorbian settlement area is not generally bilingual but that, as a rule, only the Sorbs have a command of both languages. Therefore, apart from a number of exceptions, greater use is being made of German than of the Sorbian language in public and also in church.

510. There are many and various ways in which the state promotes the learning and use of minority languages (cf. the comments on the various obligations). In particular, efforts are encouraged among the general public to keep these languages alive by using them within the family and in extra-familiar everyday-life situations. In this regard, the cultural value of the minority languages for Germany's cultural life is particularly emphasized so that, on the basis of the resultant self-esteem and self-assurance, the younger generation will be more inclined to adopt these languages and pass them on. On account of the structures established for the administration of matters of their own concern, the users of Sorbian are provided with the practical means for using their language also in an extra-familiar context.

511. Brandenburg *Land* provides the additional information that the competent courts (labour courts, social courts) endeavour to make it possible for Sorbian-speaking citizens to submit their requests in this language. At least some of the staff of these courts have a command of the Sorbian language. If, however, any difficulties arise in receiving applications, an interpreter will be called in.

Speaking this language is an important additional criterion in recruitment selection. Also the other public agencies see to it that Sorbian-speaking citizens will not encounter any problems in their dealings with administrative authorities.

Article 13, para. 2

*Paragraph 2*

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

Art. 13, para. 2, sub-para. (c) - Social Care Facilities -

- (c) *to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;*

This obligation has been accepted by the Free State of **Saxony**.

512. As regards the statement of the Committee of Experts in No. 468 of the Monitoring Report [MIN-LANG (2002) 4 final] encouraging the authorities to take the necessary measures to increase recruitment of bilingual staff, reference is made to the comments in No. 250 above in respect of Article 13.

513. Social care facilities in the bilingual region also employ Sorbian staff who are able to speak Sorbian with Sorbs in need of care. Schweinerden in Kamenz *Landkreis* has the Catholic Sorbian nursing home for elderly people, "St. Ludmila". In December 2002, the nursing home was replaced by a new building in Crostwitz. The providing body for this home also offers pastoral care and cultivates the Sorbian traditions and customs.

However, recruitment of bilingual staff is not pursued expressly by social care facilities.

514. In the view of the Free State of Saxony, general compliance with the stipulations of this provision with regard to hospitals is, in terms of material and organizational requirements, neither expedient nor feasible. Such compliance could only be achieved by employing bilingual staff, and this is inconceivable in view of the wide spectrum of specialization of hospital staff. It can be taken for granted that the Sorbian population has a command of the German language and that consequently no communication problems will arise. Therefore, from the point of view of hospital planning, generalized provision of services in the minority language will not be possible in hospitals.

Should any concrete need for action emerge, it is possible, at short notice, to get together with the providing body of the given hospital in order to find a solution that will take account of the needs of the patients concerned.





### D.2.3 North Frisian in the North Frisian speech area in Schleswig-Holstein

Preliminary remarks:

515. As regards the implementation deficits noted by the Committee of Experts in its Monitoring Report [MIN-LANG (2002) 4 final], the *Land* Government takes the view that assumption of such deficits derives, at least in part, from divergent assessments of the actual conditions in the North Frisian speech area and on the island of Heligoland. In this regard, the *Land* Government wishes to clarify that the pertinent requirements do not apply uniformly to Nordfriesland *Kreis*, but to the more narrowly defined speech area. Cf. the comments in Nos. 31 and 32 above.

516. In the *Land* Government's view, the Committee also takes too little account of the fact that the basic requirement for fulfilment of the education-related obligations by the *Land* - i.e. the parents' wish for Frisian instruction for their children - does *de facto* not exist. As the *Friesenrat* [Frisian Council] sees it, this is due to the fact that Frisian is not recognized as an "official classroom subject and therefore can be chosen by pupils only as an additional subject and, in many cases, only at times outside the main school hours. In the *Land* Government's view, the existence of various different dialects hampers implementation of undertakings, especially since - as noted quite rightly by the Committee - the work related to Frisian concentrates, with the exception of Föhr-Land, on learning Frisian as a foreign language. This inevitably results in a small number of young people who are willing to study one of the Frisian dialects.

## Article 8 Education

### *Paragraph 1*

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

### Art. 8, para. 1, sub-para. (a) - Pre-School Education -

- (i) *to make available pre-school education in the relevant regional or minority languages; or*
- (ii) *to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
- (iii) *to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or*
- (iv) *if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;*

Schleswig-Holstein has accepted the obligations under sub-paragraphs (a) (iii) and (iv).

517. In the *Land* of Schleswig-Holstein, the legal basis for providing the possibility to learn one's own language in the settlement area of the Frisian ethnic group is Article 5, para. 2, of the Schleswig-Holstein *Land* Constitution, under which, *inter alia*, also the Frisian ethnic group have a right to protection and promotion.

518. In the period 1993 - 1996, at the initiative of the *Gremium für Fragen der friesischen Volksgruppe beim Schleswig-Holsteinischen Landtag* [Body set up by the Schleswig-Holstein *Landtag* for Matters of the Frisian Ethnic Group], tests were run in Schleswig-Holstein nursery schools in Süderende on the island of Föhr and in Risum-Lindholm to find out whether it is possible, on a sustained basis, to revitalize the Frisian language already in a nursery-school context. On the basis of the findings obtained from the Model Test "*Erwerb friesischer Sprachkompetenz innerhalb und außerhalb der Schule*" ["Acquisition of Frisian Language Proficiency in School and Informal Education"], the Frisian language has, in the meantime, been introduced in other nursery schools in Nordfriesland *Kreis*.

As stated by *Friesenrat Sektion Nord* [Frisian Council Section North], there are 14 nursery schools offering Frisian language activities. These offers range from half an hour per week of instruction by external Frisian staff to whole-day Frisian work performed by trained nursery-school teachers. The majority of nursery schools offer Frisian activities on one or two day/s per week. Attendance of Frisian courses in nursery schools is voluntary.

519. Contrary to the Committee's conclusion that this undertaking was only partly fulfilled and with regard to its recommendation that further measures be taken in the financial and legal areas, cf. No. 173 of the Monitoring Report [MIN-LANG (2002) 4 final], Schleswig-Holstein considers this undertaking fulfilled.

520. Pertinent offers are made even in those places where parents do not request pre-school Frisian instruction. One problem does, however, exist as regards the lack of Frisian-speaking nursery-school teachers. However, the providing bodies concerned strive to include such persons during the recruitment process. In addition, a working panel of nursery-school teachers has been set up, which is supported, *inter alia*, by primary-school teachers and by the Frisian Council. In the *Land* Government's view, it consequently cannot be said that a legal framework is lacking as regards pre-school education.

521. [blank]

522. [blank]

Art. 8, para. 1, sub-para. (b) - Primary Education -

- (i) *to make available primary education in the relevant regional or minority languages; or*
- (ii) *to make available a substantial part of primary education in the relevant regional or minority languages; or*
- (iii) *to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- (iv) *to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;*

The *Land* of Schleswig-Holstein has accepted the obligation under sub-paragraph (b) (iv).

523. Frisian is taught at many publicly maintained schools in the North Frisian speech area and at a number of schools of the Danish minority. These are mainly primary schools. As a rule, this instruction is offered as a voluntary optional-subject course for the 3<sup>rd</sup> and 4<sup>th</sup> grades. However, this course is competing with foreign-language instruction (mainly English, but also Danish). The willingness of parents to let their children take part in Frisian classes also depends on whether, and how much, multilingual instruction is offered to their children.

524. As regards the Committee's comment that it does not consider this undertaking fulfilled and its recommendation in No. 174 of the Monitoring Report [MIN-LANG (2002) 4 final] that the authorities should make the teaching of North Frisian an integral part of the curriculum at least to those pupils whose families so request, it must be pointed out that in the school year 2002/03, a total number of 1,473 pupils had Frisian instruction by a total of 29 teachers at 25 schools of all types. Since 1987/88, the number of pupils participating in such instruction has almost doubled. At three other schools of the *Dänischer Schulverein* [*Dansk Skoleforening for Sydslesvig* - Danish Schools Association], Frisian is taught by a total number of 4 teachers. Against this background, the *Land* Government cannot understand the Committee's critical view of the fact that Frisian is offered in the form of mostly voluntary foreign-language instruction. The practice of offering Frisian mainly as a foreign-language subject is due to the fact that Frisian is mostly no longer used as a language in daily life. The Frisian Council reports, however, that around 20 per cent of those inhabitants of Nordfriesland who identify themselves as Frisians use this language every day. The tendency of many parents to base their schooling decisions on pragmatic considerations also results in the fact, regretted by the Committee of Experts, that Frisian courses compete with foreign-language instruction which is also offered at primary schools. Enforcing mandatory instruction, against the parents' declared wish, is alien to the

nature and spirit of the Charter. Therefore, Schleswig-Holstein considers this obligation fulfilled.

**Art. 8, para. 1, sub-para. (c) - Secondary Education -**

- (i) to make available secondary education in the relevant regional or minority languages; or
- (ii) to make available a substantial part of secondary education in the relevant regional or minority languages; or
- (iii) to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
- (iv) to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;

The *Land* of Schleswig-Holstein has accepted the obligation under sub-paragraph (c) (iv).

525. *[deleted: paragraph contained in the 1<sup>st</sup> State Report]*

526. The Committee of Experts considers the undertaking not fulfilled and, in No. 175 of its Monitoring Report [MIN-LANG (2002) 4 final], encourages the establishment of a legal framework and the allocation of adequate resources to secure the implementation of this undertaking. In the Committee's view, *Realschulen* [secondary technical schools] in the Frisian speech area do not offer any Frisian instruction at all; and *Gymnasien* [grammar schools] provide such courses only in their upper classes [second stage of secondary education].

Schleswig-Holstein considers this obligation to be fulfilled. Frisian is taught at the *Gymnasien* in Wyk auf Föhr and Niebüll, at the combined *Realschulen* of Wyk, Neukirchen, Amrum and Heligoland, at the elementary and secondary modern schools of Niebüll, Föhr-Ost, Föhr-West, Keitum/Morsum, List, Hörnum, St. Nicolai/Westerland, Westerland-Nord, Fahretoft, Husum, Emmelsbüll, and at the Westerland *Förderschule* [special school: school providing special tuition for children with learning difficulties]. The following Frisian dialects are taught: *Mooring* (*Frasch, Freesk*), *Fering* [dialect spoken on the island of Föhr/Feer], *Sölring* [dialect spoken on the island of Sylt/Söl], *Öömrang* [dialect spoken on the island of Amrum/Oomram] and *Halunder* [dialect spoken on the island of Heligoland]. Schools of the Danish minority that offer Frisian instruction are those in Keitum (Sylt), Bredstedt and Risum. The only school using Frisian, in addition to Danish and German, as a language of tuition is the *Risum Skole/Risem Schölj* (school in Risum) where Frisian instruction is mandatory. The following example is given to make quite clear that the cause of the problem is not the lack of resources: at the Neukirchen *Realschule*, which also has primary and secondary modern classes, no use at all was made of the available resources because no pupils had enrolled for the planned

courses. So far, in all cases where Frisian instruction was requested, adequate resources have been allocated.

**Art. 8, para 1, sub-para. (d) - Technical and Vocational Education -**

- (i) *to make available technical and vocational education in the relevant regional or minority languages; or*
- (ii) *to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or*
- (iii) *to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- (iv) *to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;*

527. The obligation flowing from Article 8, para. 1, sub-para. (d), has so far not been accepted by Schleswig-Holstein *Land*. Nevertheless, it should be pointed out that, as of 01 February 2003, Frisian is offered as a 'compulsory subject of choice' [required elective], covering up to four hours/week, at the *Fachschule für Sozialpädagogik* [College for Social Pædagogics] in Niebüll (a vocational training school for tutors/educators). To this effect, an agreement was concluded between the *Berufliche Schule* [part-time vocational school] of Nordfriesland *Kreis* in Niebüll and the *Friesenrat Sektion Nord e.V.* [Frisian Council Section North]. Initially, Frisian instruction is to be provided under a joint project of the two parties.

**Art. 8, para. 1, sub-para. (e) - University and Other Higher Education -**

- (ii) *to provide facilities for the study of these languages as university and higher education subjects; or*

528. Frisian is offered as a subject forming part of the course of studies for the teaching profession for primary and secondary modern schools and *Realschulen* at Flensburg University (UF - *Universität Flensburg*). The Kiel University (Christian-Albrechts-Universität - CAU) offers "Frisian philology" as a post-graduate study subject, both as a major and minor, for the Master's degree and doctor's degree. In addition, Frisian studies are offered to students training to become teachers at *Realschulen* or *Gymnasien*. Under the Teacher Examination Regulations which entered into force at the end of 1999, both universities include Frisian in the course of studies for the teaching profession, i.e. as a complementary subject (18 - 20 hours/week per semester) or as an extension subject (e.g. 40 hours/week per semester for teachers of primary and secondary modern schools) and, from the 2001/02 winter semester onwards and, upon individual request, as a second subject for teachers at primary and secondary modern schools.

529. The courses on offer at Flensburg University are supported by an associate professorship and lectureships covering 15 hours/week per semester. The associate professorship, amounting to 6 hours/week per semester is held by the Director of the *Nordfriisk Instituut* (NFI - North Frisian Institute) in Bredstedt. In compensation for the resultant loss of scholarly work capacity, the NFI receives a yearly compensatory payment. Kiel University has a grade C3 professorship covering eight hours/week per semester. Kiel University did not fill the post of an *Akademischer Rat* [a member of the established academic staff of German universities] which fell vacant in 2002 when its last holder retired.

530. For the 2002/03 winter semester, a total number of 15 students were enrolled for the subject "teaching profession, Frisian" at the *Friesisches Seminar* [Frisian Institute] of Flensburg University; at Kiel University, five such students were enrolled. For the Master's course of studies, 9 students majored in Frisian, and 28 students took Frisian as a minor.

531. *Nordfriesische Wörterbuchstelle* (North Frisian Dictionary Institute) at Kiel University (CAU) has been in existence since 1950 and, since 1978, with "Frisian philology" as a study subject, has been the only university institution for scholarly research on the Frisian language in the Federal Republic of Germany. The professor for Frisian at Kiel University also is the Director of *Nordfriesische Wörterbuchstelle*. This Institute has regular contacts with the Frisian Academy of Leeuwarden [in the Netherlands Province of Friesland], with the *Mertens Instituut* of the Royal Netherlands Academy of Sciences, with the professorial chairs for Frisian in Groningen and at the two Amsterdam universities, and with *Nordfriisk Instituut* (NFI) [North Frisian Institute] in Bredstedt/Bräist [Germany].

532. As regards the comment of the Committee of Experts in No. 177 of the Monitoring Report [MIN-LANG (2002) 4 final] urging authorities to ensure that sufficient university-level study of Frisian is preserved, reference is made to the comments in Nos. 528, 529 and 531 above.

533. In future, the universities of Kiel and Flensburg and the *Nordfriisk Instituut* plan to co-operate still more closely and to set priorities as regards research on, and scholarly work for the promotion of, the Frisian language in Schleswig-Holstein. Kiel University is responsible for linguistic research, development of an electronic language database, and the training of linguists and Frisian teachers for *Gymnasien* [grammar schools] and *Realschulen* [secondary technical schools]. Flensburg University is responsible for research on language acquisition, literature and regional culture, for didactics concerning the Frisian language and the region's history and geography,

and for the training of teachers for elementary and secondary modern schools and *Realschulen*. The tasks of the *Nordfriisk Instituut* (NFI) in Bredstedt/Bräist include research on linguistic practice, the region's history, geography and culture; scholarly support for the work concerned with practical language use; awareness-raising in respect of, and documentation on, the Frisian language; and literature and the region's culture.

**Art. 8, para. 1, sub-para. (f) (iii) - Adult Education -**

*(iii) if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;*

534. In 2002, three Frisian language courses attended by 41 participants were held at two adult education centres in Nordfriesland *Kreis*.

535. In addition, the accepted obligation is also implemented with the work of *Nordfriisk Instituut* [North Frisian Institute] and of other Frisian organizations which in part are *Land*-subsidized. As part of their cultural work, the local Frisian organizations also offer language courses for adults.

536. A survey conducted by the *Nordfriisk Instituut* (NFI) showed that more than 200 people attended Frisian language courses in Nordfriesland *Kreis* and on the island of Heligoland during the 2002/03 winter semester. NFI said that particular interest in such courses was shown by parents whose children had Frisian as a classroom subject.

**Art. 8, para. 1, sub-para. (g) - Teaching of the History and Culture Education -**

*(g) to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;*

537. Under the federal structure of the Federal Republic of Germany, implementation of this provision is primarily incumbent on the *Länder*. Within the educational system of the *Länder*, promoting the knowledge of the culture, history, languages and religion of the respective minorities/language groups as well as of the majority population is part of the curricula of publicly maintained and private schools. An important role in imparting knowledge of the culture of the language groups, in and outside schools, is also played by the state institutions for political education (i.e. the Federal Centre and the *Land* Centres for Political Education). For detailed information on the aforementioned institutions, cf. the comments in Nos. 179 - 184 in Part C above.

538. The curricula of publicly maintained schools provide for many ways of dealing with minority matters in class. Classes for German, Danish, history, arts and music, and textile handicrafts allow encounters with the Frisian language and culture.

Examples are:

Curriculum "German": "Study of the languages and speech communities in Schleswig-Holstein", or study of the various cultures and languages of the *Land*.

Curriculum "music": to sing, arrange and play Christmas carols of various forms and contents (e.g. traditional German, Low German, Frisian, foreign Christmas carols).

539. The materials mentioned in Nos. 540 - 543 below have been patterned closely on the subjects listed in the curricula, and thus provide a concrete aid for dealing with both the North Frisian language and specific cultural aspects.

Art. 8, para. 1, sub-para. (h) - Basic and Further Training of Teachers -

(h) *to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;*

540. The *Land* Government provided the legal framework for the professional and further training of teachers. The IQSH [Institute for Quality Development at Schools] set up a training group for Frisian at the *Regionalseminar Nord* [Northern Region Teacher Training College] so that every student teacher who so wishes can be trained for teaching the subject 'Frisian'. Problems arise in this respect from the fact that the North Frisian language exists in the form of various different dialects. In view of the requirements laid down in the Training Regulations for the second stage of teacher training, it is not always possible to meet the applicants' wishes regarding specific locations so that trainee teachers must be expected to provide transfer from one dialect to another.

In co-operation with the IQSH, further training courses are organized for Frisian teachers, and schools are involved in the organization of cultural events in Nordfriesland *qua* language region. In this context, classroom visits followed by conferences have been planned and carried out for many years already.

The teachers' work is supported by advisory and further education activities. For this purpose, a '*Land* specialist adviser for Frisian' was appointed. This work is also supported by the provision of classroom materials (*Fryske Taal Rotonde*) which were prepared in close co-operation with, and with funding provided by, the *Friesenrat* [Frisian Council], and by now are available for several dialects of the North Frisian language.



Also, the learning workshop established at the Nis-Albrecht-Johannsen School in Risum-Lindholm significantly contributes to the enhancement of classroom instruction. In co-operation with the IQSH, this workshop on a continuous basis develops new materials - e.g. texts, work sheets, search games, puzzles, songs and video recordings for the teachers employed in Nordfriesland *Kreis*. These materials are available to all teachers.

541. For many years already, one of the most important tasks of *Nordfriisk Instituut* (NFI) has been to help school teachers with Frisian classroom instruction. This includes information on new publications dealing with didactics and teaching methodology, and the collection, compilation and evaluation of teaching material and its distribution.

542. This work is continued in the Frisian 'learning workshop' where educational materials, translations of children's books into Frisian, games and audiovisual media are available to pupils' groups and for follow-up training of teachers. For many years, Frisian teachers have regularly met in a Working Group. In order to make the results of the work of the 'learning workshop' available to as many teachers as possible, two approaches to providing information were adopted. On the one hand, specific opening hours were laid down for teachers while it is also possible to fix dates of one's own choice. On the other hand, the meetings of Frisian teachers, which were instituted and are organized by the *IPTS* [Institute for Practical and Theoretical School Matters] (now: *IQSH* - Institute for Quality Development at Schools), are used for presenting and disseminating the newly developed aids and materials. This ensures that all Frisian teachers will be supplied continuously with new information and media.

543. *Nordfriisk Instituut* (NFI) [North Frisian Institute, in Bredstedt] developed a wide range of material for designing and organizing school activities. It remains to be seen what the impact of the use of these new materials will be.

544. As regards the possibility for teachers to take a supplementary exam in Frisian, cf. the comments in No. 528 above.

545. In No. 180 of the Monitoring Report [MIN-LANG (2002) 4 final], the Committee of Experts expresses the opinion that additional efforts are needed for complete fulfilment of this undertaking. The Committee encourages the authorities to ensure that appropriate facilities for teacher training are in place to meet the needs for education in North Frisian.

The *Land* Government considers this obligation to be entirely implemented. It has provided the legal framework for the professional and further training of teachers. In

view of the guaranteed free choice of subjects of university study and the right freely to choose one's place of work<sup>\*</sup>, the *Land* Government cannot control the choices made by students. Moreover, the potential number of students opting for Frisian as a teaching subject is small on account of the demographic structure. The IQSH [Institute for Quality Development at Schools] set up a training group for Frisian at the *Regionalseminar Nord* [Northern Region Teacher Training College] so that every student teacher who so wishes can be trained for teaching the subject 'Frisian' (cf. No. 240 [? 540] above). Problems arise in this respect from the fact that the North Frisian language exists in the form of various different dialects, and in some cases use of a given dialect is confined to one particular island of the North Frisian group of islands. In view of the requirements laid down in the Training Regulations for the second stage of teacher training, it is not always possible to meet the applicants' wishes regarding specific locations so that trainee teachers must be expected to provide transfer from one dialect to another. Also, the expenditure of time and funds required for training on the North Frisian islands raises quite a few difficulties. Nevertheless, a grammar school teacher in training will start her second phase of teacher training for the subject 'Frisian' on the island of Sylt in August 2003.

546. The teachers' work is supported by advisory and further education activities. For this purpose, a '*Land* specialist adviser for Frisian' was appointed. This work is also supported by the provision of classroom materials (*Fryske Taal Rotonde*) which were prepared under a commission and with funding provided by the *Friesenrat* [Frisian Council], and by now are available for several dialects of the North Frisian language.

**Art. 8, para. 1, sub-para. (i) - Supervisory Bodies -**

- (i) *to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings which will be made public.*

547. Responsibility for supervision of the measures taken in primary schools, secondary modern schools and *Realschulen* [secondary technical schools] lies with the supervisory school authorities of the *Kreise* [administrative districts] and *kreisfreie Städte* [non-district municipalities]. The Ministry for Education, Science, Research and Cultural Affairs of Schleswig-Holstein *Land* is responsible for the supervision of *Gymnasien* [grammar schools] and comprehensive schools.

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<sup>\*</sup> Basic Law, Article 12

548. As regards the Committee's comment encouraging the authorities to improve the supervision of the measures taken in the field of teaching, cf. No. 181 of the Monitoring Report [MIN-LANG (2002) 4 final], Schleswig-Holstein considers this undertaking fulfilled. In addition to responsibility for school inspection concerning *Gymnasien* [grammar schools] and comprehensive schools, the Ministry of Education also has a section responsible for classroom promotion of Frisian at schools of all types. Moreover, the Ministry co-operates with a public official responsible for expert supervision. The school supervisory bodies, i.e. the Education Offices of Nordfriesland and Pinneberg (for Heligoland), watch over Frisian. To this end, the Nordfriesland Education Office every year presents a survey showing how many pupils attended how many courses at what schools. Surveys of this kind are not carried out for any other subject.

549. In all other respects, the comments on Danish also apply to North Frisian *mutatis mutandis*. In the view of the Schleswig-Holstein *Land* Government, supervision is ensured through interaction of school inspection (incumbent on the Ministry of Education), expert [administrative/legal] supervision, and the respective supervisory school authorities [education offices] of *Kreise* and *kreisfreie Städte* [non-district municipalities]. Information on the activities of the Frisian ethnic group as regards nursery schools and regular schools is provided in one of the chapters of the *Land* Government's 'Minorities Report'. Once per legislative period - last in December 2002 - the *Land* Government submits its Report on Minorities to the Schleswig-Holstein *Landtag*.

#### Article 8, para. 2

##### *Paragraph 2*

*With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.*

550. As regards colleges and universities, this obligation - in the sense of "undertake ... to allow" - is met for the entire territory of the Federal Republic by virtue of Article 5, para. 3, of the *Basic Law* (autonomy of institutions of higher education).

551. Regarding the need for further information, as pointed out by the Committee of Experts in No. 182 of the Monitoring Report [MIN-LANG (2002) 4 final], it is reported that Frisian instruction is given at Klaus-Groth-Schule Husum. While the town of Husum is located in Nordfriesland, it is not part of the more narrowly defined North Frisian speech area.

## **Article 9**

### **Judicial Authorities**

#### *Paragraph 1*

*The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

#### Art. 9, para 1, sub-para. (b) (iii) - Civil Proceedings -

*(iii) to allow documents and evidence to be produced in the regional or minority languages,  
if necessary by the use of interpreters and translations;*

552. With the proviso that documents and evidence drafted in a minority language must be presented in a form obviating misunderstandings or errors with regard to their translation, this obligation is met by the legal situation prevailing in Germany. Therefore, no special measures have been taken.

#### Art. 9, para 1, sub-para. (c) (iii) - Proceedings before Courts concerning Administrative Matters -

*in proceedings before courts concerning administrative matters:*

*(iii) to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;*

553. In this regard, cf. the comments in No. 552 above.

554. As regards this branch of the judiciary, it must be pointed out that administrative courts are obliged to conduct *ex officio* investigations and, where necessary and appropriate, will on their own initiative rely on the services of interpreters. Thus, the members of a given language group suffer no prejudice by the use of their language.

#### Art. 9, para. 2, sub-para. (a) - Validity of Legal Documents -

*The Parties undertake:*

*(a) not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or*

555. In this regard, cf. the comments in No. 552 above.

**Article 10****Administrative Authorities and Public Services***Paragraph 1*

*Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

**Art. 10, para. 1, sub-para. (a) (v) - Submission of Documents -**

*(v) to ensure that users of regional or minority languages may validly submit a document in these languages;*

556. The legal basis for assuming this obligation is Section 82a, para. 2, of the *Land* Administration Act. This discretionary regulation provides for the general possibility to submit applications, petitions, records, deeds or other documents in a foreign language, i.e. a language other than the official language.

557. According to a non-representative survey carried out among subordinate agencies of the Ministry of the Interior of Schleswig-Holstein *Land*, use is made of this possibility, *inter alia*, by land survey offices [cadastral offices] and by the *Land* Statistical Office.

558. In No. 186 of the Monitoring Report [MIN-LANG (2002) 4 final], the Committee of Experts expresses the opinion that additional efforts should be made with a view to creating the conditions encouraging users of North Frisian to use their language before the administrative authorities. Schleswig-Holstein points out that the fact that only little use is made of the option to submit documents in the North Frisian language would seem basically due to the extremely small number of such documents.

559. In the *Land* Government's view, the broader criticism expressed by the Committee that the North Frisian minority has never been encouraged to use North Frisian in public matters - goes beyond the requirements stipulated in Art. 10, para. 1, sub-para. (a) (v). Nevertheless, in its information brochure "*Sprache ist Vielfalt*" ["Language is diversity"], the *Land* Government pointed out both the respective possibilities and limits ensuing from the Charter. For example, items 12 to 15 of this brochure deal specifically with questions regarding relations with administrative authorities. The brochure was distributed free of charge to all *Land* authorities, *Kreise*, *Ämter*, and local authorities, and to the organizations of the language minorities. A reprint is planned to be published.

560. It should also be pointed out that the Committee' view that the majority of the North Frisian community is bilingual (standard German/North Frisian) - cf. No. 185 of the Monitoring Report [MIN-LANG (2002) 4 final] - is not correct (see Nos. 31, 32 and 515

above). In addition, it is pointed out that the Frisian ethnic group also includes a larger group whose language of everyday use is not Frisian, but Low German.

#### Article 10, para. 2

##### *Paragraph 2*

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

#### Art. 10, para. 2, sub-para. (a) - Use of a Regional or Minority Language -

*(a) the use of regional or minority languages within the framework of the regional or local authority;*

561. Schleswig-Holstein has not explicitly adopted this obligation. However, a large number of staff members of the *Ämter* [local authority unions] and local authorities of Nordfriesland *Kreis* have a good knowledge of the North Frisian language. As a result, some public service employees, especially in the island communities, deal in Frisian with personal callers during office hours if the callers so wish. The spoken message in the wait loop of the telephone system of the Nordfriesland *Kreis* Administration is given in four languages (German, Frisian, Danish, and Low German).

#### Art. 10, para. 2, sub-para. (f) - Use by Local Authorities of the Minority Language in Debates in Their Assemblies -

*(f) the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

562. Schleswig-Holstein has not explicitly adopted this obligation. However, on the North Frisian islands and in Bökingharde *Amt*, local council meetings are often held in the Frisian language, provided that no local councillor or visitor attending a meeting objects to such use.

#### Art. 10, para 2, sub-para. (g) - Place-names -

*(g) the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

563. Under the Second Act to Implement the European Charter for Regional or Minority Languages, which entered into force on 19 September 2002 [cf. Annex 1 to this report], Schleswig-Holstein accepted this obligation for the North Frisian language.

This undertaking is implemented by the possibility to put up bilingual place-name signs (German/Frisian) in the North Frisian speech area (sign 310, under the Road Traffic Regulations [Highway Code]). The legal basis is provided by a Decree of the

Schleswig-Holstein *Land* Ministry of Economics, Labour and Transport of 20 August 1997). Interested municipalities in Nordfriesland *Kreis* can submit applications to this effect. By 31 December 2002, applications had been filed by ten local governments (Borgsum/*Borigsem* on the island of Föhr/*Feer*; Bredstedt/*Bräist*; Dagebüll/*Doogebel*; Kampen/*Kaamp* on the island of Sylt/*Söl*; Nebel/*Neebel* on the island of Amrum/*Oomram*; Niebüll/*Naibel*; Norddorf/*Noorsaarep* on the island of Amrum/*Oomram*; Risum-Lindholm/*Risem-Lonham*; Süderende/*Söleraanj* on the island of Föhr/*Feer*; and Utersum/*Ödersem* on Föhr/*Feer*). The Frisian ethnic group, Nordfriesland *Kreis*, and the local authorities belonging to this *Kreis* have been informed of this option, *inter alia* in the *Land* Government's brochure entitled "*Sprache ist Vielfalt*" ["Language is diversity"] (cf. Item 19 of this brochure).

In January 2003, under a decision on a specific case, the Ministry of Economics, Labour and Transport approved bilingual or Frisian-language signposting also with regard to direction signs (sign 386-50, under the Road Traffic Regulations) for the Frisian cultural centre *Andersen-Hüs* in Risum-Lindholm.

#### Article 10, para. 4

##### *Paragraph 4*

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

#### Art. 10, para. 4, sub-para. (c) - Appointment of Public Service Employees having a Knowledge of a Regional or Minority Language -

- (c) *compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

564. With a view to implementing this obligation, an announcement to this effect was made at the *Personalreferentenkonferenz* (PRK - Conference of Personnel Officers) in 1999 and again in 2003. The PRK brings together the personnel officers of the supreme *Land* authorities at regular meetings with the aim of co-ordinating and harmonizing the essential cross-departmental decisions in the field of personnel management.

565. If a staff member within the *Land* Administration expresses a wish regarding such an appointment, the scope for complying with the request will be examined. So far, however, there have been no requests to this effect at the *Land* Government level.

566. In No. 188 of the Monitoring Report [MIN-LANG (2002) 4 final], the Committee of Experts gave the lack of information on positive practice or a structural approach as

the reason for not being able to conclude that the undertaking[s were/] was fulfilled. Schleswig-Holstein cannot share this view and points out that, in 2000, a parliamentary debate took place on the requirement that decisions on the recruitment of staff for *Land* public service positions should, as a matter of principle, include the applicants' knowledge of the regional or minority languages as a qualification criterion. The *Land* Government had welcomed this practice if and where such language proficiency was required for the specific post. In such cases, knowledge of these languages may be included in the assessment of the aptitude, qualifications and professional achievements of the applicants for such posts.

567. A survey conducted throughout the *Land* administration showed that so far no cases have become known where knowledge of any of the minority languages Danish, Frisian and Romanes or of the regional language Low German would have been a prerequisite for appointment to a post. In individual cases, however, knowledge of any of these languages was included as a criterion in the selection decision.

568. Within the area of responsibility of the Ministry for the Environment, Nature Conservation and Agriculture, knowledge of the Frisian language was considered a positive factor in the selection procedure for recruitment of field staff of the Tönning National Park Office. For appointments to professorships for Frisian, Danish or Low German studies, adequate knowledge of these languages is, of course, an indispensable prerequisite.

569. Within the Husum Police Headquarters, which is responsible for Nordfriesland *Kreis*, some 5 % of the staff speak the Frisian language at least so well that they are able to converse in this language with the citizens of their community. These officers also indicate their language proficiency on signs on their office doors and on lapel stickers.

#### Article 10, para. 5

##### *Paragraph 5*

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

570. In this regard, cf. the comments in Nos. 220 - 225 above.



## Article 11 Media

### Paragraph 1

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

### Art. 11, para. 1, sub-para. (b) (ii) - Broadcasting of Radio Programmes -

*(ii) to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

571. In 1999 and again in 2003, the Minister-President of Schleswig-Holstein *Land* encouraged the radio and TV station programme directors of *Norddeutscher Rundfunk (NDR)*, *Zweites Deutsches Fernsehen (ZDF - Second German Television, or Channel II)*, *DeutschlandRadio*, *Radio Schleswig-Holstein (R.SH)*, *NORA (NordOstseeRadio)*, *delta radio* and *POWER RADIO Nord* as well as the *Unabhängige Landesanstalt für Rundfunk und neue Medien (ULR - Independent Land Supervisory Authority for Broadcasting)*, the TV stations *RTL* and *SAT1*, the *Gesellschaft zur Förderung audiovisueller Werke in Schleswig-Holstein mbH (MSH - Limited Liability Company for the Promotion of Audiovisual Works in Schleswig Holstein)* and *Kulturelle Filmförderung* [registered association Cultural Film Promotion, Schleswig-Holstein] that "further avenues should be explored for integrating contributions in the minority languages and in the regional language Low German into their programmes, as a service for the citizens and in support of this element of the culture of Schleswig-Holstein".

572. In addition, the following provisions have been laid down:

- The broadcasting corporation under public law (*Norddeutscher Rundfunk - NDR*) has the legal mandate to report on the cultural diversity and the special features of the respective *Land* and to give its support to the protection of minorities.
- Adequate room must be given in the programme to the North German region, its culture and language.
- Programming principles for private broadcasting: "Broadcasting programmes shall contribute (...) to the protection and promotion of minorities (...)."
- Protected minorities have access to the media, and scope for participation, on the same conditions as other groups of society. The provisions of the *Land Broadcasting Act* promote programming diversity and the variety of broadcasters.
- The *Land Broadcasting Act* was amended in 1999. Under this amendment, the previous Assembly of the supervisory authority *ULR* [Schleswig-Holstein *Land* broadcasting institution for private broadcasters] was replaced by a Media Council. Any so-

cially relevant group, organization or association of supraregional standing is entitled to make nominations for the election of the Media Council.

- In addition, the ULR operates two radio broadcasting "Open Channels" in Schleswig-Holstein. Through these Open Channels, anybody who is not a broadcaster him/herself, can disseminate his/her own contributions via radio broadcasting.

573. Legal Bases:

Inter-State Treaty on *Norddeutscher Rundfunk* [NDR State Treaty] (of 26 February 1992): Section 3, para. 3; Section 5, para. 2, 1<sup>st</sup> sentence; Section 7, para. 2, 3<sup>rd</sup> sentence;

Inter-State Agreement on the Public Corporation *Zweites Deutsches Fernsehen (ZDF)* (of 15 December 2000): Section 5, para. 2;

*Land Broadcasting Act* (of 22 May 2002): Section 17, para. 2, nos. 1 and 2; Section 24, para. 3; Section 34, para. 1, 1<sup>st</sup> - 3<sup>rd</sup> sentences; Section 54, para. 3.

574. Facts and Examples:

Once per week, the radio programme of *NDR 1 - Welle Nord* has, since 1989, aired a 1-hour evening broadcast about Schleswig-Holstein, which also includes about 3 ½ minutes in the Frisian language ("*Freesk for enarken*") - this is a sub-regional broadcast for Nordfriesland *Kreis*. Also, there are regular 1-hour feature broadcasts in the Frisian language (e.g. on 1 December 1999: "*A nuardfresken eran an üüb sia*" - "The North Frisians and the Sea").

At irregular intervals, R.SH [Schleswig-Holstein Radio] airs a 1-hour special single-subject broadcast in the Frisian language at 19.00 hours, in the sub-regional transmission area of the entire West coast and the Flensburg/Schleswig area.

From October 1999 until December 2000, a programme of *Radio Friislon* was broadcast by *Offener Kanal Westküste* (Heide/Husum) on every first Monday of the month (at 15.00 - 15.30) and was repeated on every third Monday at the same time. *Radio Friislon* is open to the diversity of languages spoken in Nordfriesland, the 'land of languages', and especially to the Frisian language with its various dialects. The programme was produced by *Nordfriisk Instituut* (NFI), in co-operation with the "*ferian för en nuurdfresk radio (ffnr)*" [Association for a North Frisian Radio Station]. The broadcasting station NDR provided its contributions to this programme free of cost. The presenters of *Radio Friislon* were trained by *NDR 1 - Welle Nord*. So far, a total of eight Frisian-speaking staff members received such training.

575. The view expressed by the Committee of Experts in Nos. 190 - 192 of the Monitoring Report [MIN-LANG (2002) 4 final] - i.e. that the obligation is not yet fulfilled - prompted the Minister-President to inform, in writing, the directors and managers of public-service and private broadcasting institutions of the Committee's findings [letter

of 9 January 2003]. At the same time, she once more encouraged the addressees "to support, to the best of their ability, the presence of minority languages in TV and radio broadcasts, in the print media and in promoting audiovisual works, and to focus their programming on new lines".

576. The supervisory authority ULR provides considerable funds for a project actively supporting both the Danish minority and the Frisians with their own production of TV and radio broadcasts. A pertinent contract was signed with a private media office in December 2002. The contract covers development of a strategy for activating the minorities (the Danes as regards television, and the Frisians as regards radio broadcasting) in order to design and produce contributions for the citizens' media. It is planned to air these programmes on *Offener Kanal Flensburg und Westküste* [Open Channel 'Flensburg and Western Coast']. No provisional results are yet available.

577. A big success was the Frisian story-telling competition "*Ferteel iinjens*" ["Tell a tale"] advertised in 2001 by the radio station NDR jointly with the *Nordfriisk Instituut* (NFI), Nordfriesland Savings Bank and Bredstedt Savings and Loan Bank, which drew contributions from 75 interested participants. The winners' stories were presented at a large public event in Niebüll and also aired on *NDR Welle Nord*.

578. The private broadcasting station *Radio Schleswig-Holstein* (R.SH) aired several magazine programmes in the Frisian language, mainly on current affairs.

579. In 1999 and 2000, the *Nordfriisk Instituut*, in co-operation with the *ferien för en nuardfresk radioo* [*ffnr* - Association for a North Frisian Radio Station] produced a monthly magazine programme of "*Radio Friislon*". The aim was to show that it is possible to produce extensive, attractive Frisian-language programmes. The magazine programmes were recorded on CD's and also aired by *Offener Kanal Westküste* [Open Channel West Coast]. However, this station does not cover all parts of the Frisian speech area. Because of the costs involved, the ULR has so far not been able to comply with the wish for remedying this situation.

580. For the production of Frisian video films, a studio was set up in 2001, with project funds provided by the Federation, in the assembly building of *Friiske Foriining* [Frisian Association] in Stedesand. The project was sponsored by the *Nordfriisk Instituut* in co-operation with the Frisian youth group *Rökefloose* and was completed by mid-2002.

581. The private media bureau Riecken, formerly in Kiel, since 1 February 2003 in Rausdorf near Trittau, lately has made itself a name with its productions. Under a

commission by the *Friesischer Radioverein* (ffnr - Association for a North Frisian Radio Station), Frisian-language documentary films have been made since the summer of 2002 on a two-monthly basis. So far, the following films were produced or have been shown on TV or at the cinema:

*Delegasjon üt Berlin än Kil tu besäk bai e nordfriiske* [A delegation from Berlin and Kiel visits the North Frisians] (around 10 minutes)

*100 iir Nordfriesischer Verein* [The 100<sup>th</sup> anniversary of the North Frisian Association] (around 2 minutes)

*Wat deet Berlin for e nordfriiske? - Friiske önj e bundesdäiswoolkampf 2002* [What does Berlin do for the North Frisians - Frisian in the *Bundestag* election campaign 2002] (18 minutes)

*Apätj unti dilätj? - E tukamst foon e nordfriiske spräke* [Upwards or downwards? - The future of the North Frisian language] (20 minutes)

Short versions of all of these films are available on the Internet ([www.ffnr.de](http://www.ffnr.de)), and full-length versions are shown by *Offener Kanal Flensburg*, at public screen showings in Nordfriesland, and on video cassettes for sale.

In addition to this, the media bureau produces, for the *ffnr*, monthly Frisian-language Internet radio items of about 4-minutes' length and entitled "*Radio Redbad*". These are reports, reflecting the point of view of the Frisian ethnic group, on subjects such as culture and minorities policy.

**Art. 11, para. 1, sub-para. (c) (ii) - Broadcasting of Television Programmes -**

(ii) *to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

582. In this regard, cf. the comments in Nos. 571 - 581 above.

583. The *Schleswig-Holstein-Magazin* - which is aired daily, except on Sundays - often includes broadcasts on the Frisian tradition and culture, e.g. "*Jahrhundertstory*" ["Story of the Century"]. The regional programmes of *Zweites Deutsches Fernsehen* (ZDF - Second German Television) also air broadcasts on the Frisian language as part of current affairs reporting or with reference to events of particular significance.

**Art. 11, para. 1, sub-para. (d) - Audio and Audiovisual Works -**

(d) *to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

584. The programming principles laid down for public service broadcasting and for private broadcasting provide an indirect incentive: Broadcasting programmes shall

contribute (...) to the protection and promotion of minorities (...). In addition, subsidies may be granted. The relevant provision reads as follows:

"The *Unabhängige Landesanstalt für Rundfunk und neue Medien* (ULR) is entitled to provide financial support to non-profit organizations with cultural (...) aims, especially in the audiovisual sector (...)."

Additional support is provided by the *Gesellschaft zur Förderung audiovisueller Werke in Schleswig-Holstein mbH* (MSH - Limited Liability Company for the Promotion of Audiovisual Works in Schleswig-Holstein). MSH obtains funds from the NDR broadcasting corporation and from ULR [the Schleswig-Holstein supervisory authority for private broadcasters]. These funds are used for the promotion of commissioned productions and coproductions in the cinema sector, television and sound broadcasting.

In 2001 the Riecken media bureau, in co-operation with R.SH, produced four 1-hour radio programmes in the Frisian language as part of a MSH-sponsored measure.

585. Legal Basis:

*Land* Broadcasting Act of 22 May 2002: Section 24, para. 3; Section 53, para. 2; Section 73, para. 2

586. Otherwise, it is left to the (linguistic) minorities, on the basis of the cultural promotion by the *Land* and of the principle of self-government, to decide on pertinent measures and to implement these within the limits of the overall funds available. In addition, four 1-hour magazine programmes entitled "*Friesische Perspektiven*" were produced for *Radio Schleswig-Holstein* (R.SH). These programmes were promoted by MHS.

Art. 11, para. 1, sub-para. (e) (ii) - Newspaper Articles -

(ii) *to encourage and/or facilitate the publication of newspaper articles in the regional or minority languages on a regular basis;*

587. There is little scope for [state] intervention on account of freedom of the press as guaranteed by the Constitution (in this respect, cf. the general explanations in Nos. 226 - 239 above).

588. However, the *Verband der Zeitungsverlage Norddeutschland e.V.* [Association of Newspaper Publishers for Northern Germany] takes the protection of minorities and of linguistic groups very seriously. For this reason, and thanks to editorial work offered free of charge by the *Nordfriisk Instituut* (NFI) and on account of requests to this effect by readers, reports in the Frisian language have become an integral part of a number of newspapers in the North Frisian speech area.

589. In addition, in 1999 and again in 2003 in letters addressed, *inter alia*, to the *Zeitungsverlegerverband Schleswig-Holstein e.V.* [Schleswig-Holstein Association of Newspaper Publishers, reg'd], the Minister-President of Schleswig-Holstein *Land* encouraged the addressees to integrate "linguistic particularities which determine the specificity of our *Land*" in their publications; intensification of first action already taken in this respect would be welcomed.

590. In the North Frisian speech area, the following daily newspapers carry journalistic texts in the Frisian language once per month (1/2 page): *Der Insel-Bote* [Island Herald], *Husumer Nachrichten* [Husum News], *Nordfriesland Tageblatt* [Nordfriesland Newspaper] and *Sylter Rundschau* [Sylt Review]. The texts are written or edited by the *Nordfriisk Instituut* (NFI).

Also, North Frisian articles are published at irregular intervals in *Nordfriesland* (monthly journal, ed. by NFI), *Flensburg Avis*, *Der Helgoländer* (a monthly for the island of Heligoland), and *Sylt Aktuell* (a weekly publication for the island of Sylt).

The following monolingual newspapers are published in Frisian: *En krumpen üt e Wiringhiird* (published by *Nordfriesischer Verein der Wiedingharde* three to four times a year at irregular intervals), *Nais aw frasch* [Frisian News] (published by *Friiske Foriining* two to three times a year at irregular intervals) and *Di Mooringer Krädjer* (published about two times per year at irregular intervals).

591. In No. 195 of the Monitoring Report [MIN-LANG (2002) 4 final], the Committee of Experts states that further information is needed for an assessment of whether this undertaking is fulfilled. In this regard, it is pointed that the Minister-President, by letter of 9 January 2003 (cf. No. 314 above), also informed the *Verband der Zeitungsverlage Deutschland e.V.* [Association of Newspaper Publishers for Germany] in Kiel of the Committee's findings, stressed the need for further efforts and encouraged the *Verband* "to support, to the best of [their] ability, the presence of minority and regional languages in TV and radio broadcasts, in the print media and in the context of promoting audiovisual works, and to focus their programming on new lines".

**Art. 11, para. 1, sub-para. (f) (ii) - Financial Assistance for Audiovisual Productions -**

(ii) *to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;*

592. Direct financial assistance by the State is problematic, due to the freedom of broadcasting as guaranteed by the Constitution (in this respect, cf. the comments in Part D, No. 230 above).

593. Subsidies may be granted, however. The relevant provision reads as follows:  
 "The *Unabhängige Landesanstalt für Rundfunk und neue Medien* (ULR) is entitled to provide financial support to non-profit organizations with cultural (...) aims, especially in the audiovisual sector (...)."

Additional support is provided by the *Gesellschaft zur Förderung audiovisueller Werke in Schleswig-Holstein mbH* (MSH - Limited Liability Company for the Promotion of Audiovisual Works in Schleswig-Holstein). MSH obtains funds from the NDR broadcasting corporation and from ULR [the Schleswig-Holstein supervisory authority for private broadcasters]. These funds are used for the promotion of commissioned productions and coproductions in the cinema sector, television and sound broadcasting.

Legal Basis:

*Land* Broadcasting Act of 22 May 2002: Section 24, para. 3; Section 53, para. 2; Section 54, para. 3; Section 73, para. 2.

594. As regards the Committee's request for examples of cases where financial assistance has been provided - cf. No. 196 of the Monitoring Report [MIN-LANG (2002) 4 final] - it is reported that only very little use is made by eligible producers of the existing possibilities for obtaining promotional funding, although producers are aware of such possibilities. *Kulturelle Filmförderung Schleswig-Holstein e.V.* [Cultural Film Promotion, Schleswig-Holstein] reported that, since 2000, no eligible producer had applied for financial assistance to productions in the Frisian language. Therefore it is not possible at present to give any examples.

### **Art. 11, para. 2 - Freedom of Direct Reception of Broadcasts, and Freedom of Expression**

#### *Paragraph 2*

*The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

For the relevant implementation measures, cf. the detailed comments on paragraph 1 of Article 11, above.

## Article 12

### Cultural Activities and Facilities

#### Paragraph 1

*With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

#### Art. 12, para. 1, sub-para. (a) - Types of Expression, and Access to Works -

(a) *to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*

595. The aim of this obligation is to promote initiatives which are typical of the forms of cultural expression specific to regional or minority languages. As in the case of other obligations under Article 12, implementation of this obligation is accomplished indirectly through *Land* promotional measures for Frisian institutions.

596. The local Frisian associations engage in many and various cultural activities. *Inter alia*, they offer language courses for adults, organize events for children, support Frisian stage productions, maintain traditional costume societies, and on 21 February [St. Peter's Day] of every year, organize the traditional local festival called "*Biikebrennen*" [a bonfire to expel winter]. Some of these projects are supported with public funds.

597. Of great importance to the cultivation of the Frisian language, culture and history is the *Nordfriisk Instituut* (NFI, *Nordfriesisches Institut* - North Frisian Institute) in Bredstedt, as a central scholarly institution in Nordfriesland. The Institute sees its role as a bridge between theory and practice, between scholarly work and non-specialist research. In particular, its scholarly and journalistic activities cover the languages, history, and study of the geography and civilization of Nordfriesland. It has a specialized library and archives, and organizes seminars, courses, workshops and lectures. The Institute's providing body is the association *Verein Nordfriesisches Institut*, with a membership of about 850. The work of the Institute is funded with substantial subsidies provided by Schleswig-Holstein *Land*. Funding is also provided by local authorities and by the Danish minority. In addition, own resources are available in the form of membership dues, donations and sales revenues.

598. In addition, funds from the *Land* Budget - institutional funding and project funds - including the annual interest earnings of the projected foundation "*Friesenstiftung*", which also can be used for pertinent measures to implement this obligation,



are made available to the *Friesenrat Sektion Nord e.V.* [*Frasche Rädj* - Frisian Council, Nordfriesland Section].

In 1993, the Secretariat of *Nordfriesischer Verein e.V.* [North Frisian Association, reg'd] was moved to "Andersen-Hüs" in Klockries, in Risum-Lindholm (*Risem-Lonham*) *Gemeinde*. This Uthland-Frisian farmstead, which is a scheduled monument, was thoroughly renovated with funding provided by the *Land*.

599. The Federal Republic of Germany has not explicitly adopted this obligation. However, general promotion of the cultural interests of the Frisian ethnic group is provided within the framework of project-oriented promotion.

**Art. 12, para. 1, sub-para. (b) - Access to Works in the (Minority) Languages -**

(b) *to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

600. The institutions of the Frisian ethnic group, especially *Nordfriisk Instituut* (NFI - North Frisian Institute) in Bredstedt/*Bräist*, can make use of promotional funds of Schleswig-Holstein *Land* for the translation, dubbing, post-synchronisation and subtitling of works into, or in, the Frisian language. Through its own publishing house and in co-operation with other publishers, the NFI publishes journals and books in the German and Frisian languages.

601. In addition, project funds from the *Land* budget and the annual interest earnings of the projected foundation "*Friesenstiftung*", which can be used for projects and publications of all Frisian associations and unions, are made available to the *Friesenrat Sektion Nord e.V.* [*Frasche Rädj* - Frisian Council, Nordfriesland Section]. Such use includes translation, dubbing, post-synchronisation and subtitling of works into, or in, the Frisian language.

602. In the past, *Nordfriisk Instituut* (NFI), working with Frisian associations and the *Nordfriesische Wörterbuchstelle* [North Frisian Dictionary Institute] of Kiel University, fostered the different means of access, in other languages, to works produced in the North Frisian language. Thus, extracts of Frisian-language publications were translated into other languages (German, Danish, English, Dutch/Flemish, West Frisian). Several books were published as bilingual (Frisian-German) editions.

603. The Frisian-language film "*Klaar Kiming*" ["Clear Visual Horizon"] was subtitled in German, English and Danish. Occasionally, Frisian-language radio broadcasts are dubbed or translated into German. Standard-German translations are provided for

audio cassettes of Frisian songs. Frisian dictionaries always give the German and, in part, also the Danish or English equivalents, so as to facilitate access to the North Frisian language.

**Art. 12, para. 1, sub-para. (c) - Access to Works Produced in Other Languages -**

- (c) *to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

In this regard, cf. the comments in Nos. 600 - 603 above.

604. In 2002, the Riecken media bureau, under a commission of the North Frisian Institute (NFI), dubbed two series of ten West Frisian animated cartoons each (*Boor Buulu*), of about 50-minutes' length, in *Mooringer frasch* [Frisian of the Bökingharde region] and in *Fering* [Föhr/Feer Frisian]. The sponsoring NFI receives substantial *Land* subsidies. The dubbed video films meet with an enthusiastic response by nursery schools, regular schools and Frisian nurseries.

**Art. 12, para. 1, sub-para. (d) - Taking Account of the Regional or Minority Language in Cultural Activities -**

- (d) *to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*

605. With promotional funds provided by Schleswig-Holstein, the institutions of the Frisian ethnic group and/or its appointed bodies for the cultural self-management of the Frisian ethnic group ensure that appropriate allowance is made for incorporating the knowledge and use of the North Frisian language and the Frisian culture in their cultural activities.

606. Many museums in Nordfriesland *Kreis* have multilingual inscriptions, including the Frisian language. In view of the diversity of languages used in Nordfriesland, it is not possible, with regard to multilingual inscriptions, to make a recommendation that would fit all institutions involved. Account must be taken of place-specific interests and regional case-by-case decisions.

**Art. 12, para. 1, sub-para. (e) - Employment of Staff Proficient in the Language(s) Concerned -**

- (e) *to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional*

*or minority language concerned, as well as of the language(s) of the rest of the population;*

607. Activities regarding the Frisian culture and language are offered, for the major part, by institutions, e.g. *Nordfriisk Instituut* (NFI, North Frisian Institute), and associations of the Frisian ethnic group, which are subsidized by Schleswig-Holstein *Land*. In addition, federal and *Land* funds can be allocated for project promotion on a case-by-case basis. State-provided subsidies can also include funds for covering personnel expenses.

**Art. 12, para. 1, sub-para. (f) - Participation of Representatives of the Group Speaking the Given Language in Cultural Activities -**

*(f) to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*

608. Every two years, Schleswig-Holstein *Land* organizes the *Schleswig-Holstein-Tag* [a "day" dedicated to the special character of the *Land*] as a central cultural event. The organizations and associations of the Frisian ethnic group are also invited to participate in this event and to take part in arranging and organizing it. Through *Schleswig-Holsteinischer Heimatbund* (SHHB) [Schleswig-Holstein Union for Local and Regional Traditions], *Nordfriesischer Verein e.V.* [North Frisian Association, reg'd] - its present chairman is a member of the executive board of SHHB - is represented on the *Land-kuratorium Schleswig-Holstein-Tag*. By letter of 6 June 2003, the Minister-President's Commissioner for Minorities suggested to the festival's organizing body, *Landeskuratorium Schleswig-Holstein-Tag*, that *Friesenrat Sektion Nord e.V.* should be invited to membership on the *Kuratorium* in order to cover the entire spectrum of the Frisian ethnic group.

609. Within the framework of [the Hanover World Exposition] EXPO 2000, a total of more than twenty Danish and German libraries and the Frisian library of *Nordfriisk Instituut* (NFI) jointly developed a one-week programme as part of the regional EXPO events in order to give a picture of the region's cultural and library scene which in this form is unique in Germany and Denmark, by organizing many and various activities featuring various places and subjects.

**Art. 12, para. 1, sub-para. (g) - Creation of Archive Bodies -**

*(g) to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*

610. The *Land*-subsidized *Nordfriisk Instituut* (NFI, North Frisian Institute) in Bredstedt has a specialized library and archives available for the collection, storage or publication of works produced in the Frisian language.

Art. 12, para. 1, sub-para. (h) - Translation and Terminological Research Services -

*(h) if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.*

611. In Schleswig-Holstein, implementation of this obligation is indirectly achieved by promotional funds provided by the *Land* to the *Nordfriisk Instituut* (NFI, North Frisian Institute) and to other Frisian organizations. For further details, cf. also the comments above on Article 8.

612. Of the total number of nine North Frisian local idioms\*, three - which are spoken by less than 150 persons - are acutely threatened by extinction. The other six local idioms are not only used orally but also exist in written form. Their orthography for the major part is based on uniform rules. The first book in the North Frisian language was published in 1809. Since then, a large body of Frisian-language literature has been created, which covers several hundreds of books and, in addition, several thousands of literary items in a variety of publications. This ensures that the Frisian language also meets the requirements expected of a modern means of communication.

Article 12, para. 2

*Paragraph 2*

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

613. In the Federal Republic of Germany, cultural activities conforming with the law in force are not subject to any permit procedure or restrictions. Thus, the above obligation is already fulfilled by the system of law in the Federal Republic of Germany. More extensive implementation of this obligation by encouraging or providing such activities will have to be decided by the *Länder* on a case-by-case

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\* inter alia, **Sölring** (Frisian spoken on the island of Sylt/Söl); **Fering-Öömrang** (Frisian spoken on the islands of Föhr/Feer and Amrum/Oomram); **Halunder** (Frisian spoken on the island of Heligoland); **Wiringhiirder freesk** (Frisian spoken in the Wiedingharde region); **Mooringer frasch** (Frisian spoken in the Bökingharde region, around Niebüll/Naibel); **Noordergooshiirder fräisch** (Frisian spoken in the Norder Goesharde region); **Halifreesk** (Frisian spoken on the holms)

basis. Cultural events and activities are offered, if there is a demand for them, outside the Frisian language area (Nordfriesland *Kreis*).

614. Participation in the *Schleswig-Holstein-Tag*, which is held every two years in varying places of Schleswig-Holstein, also includes associations and groups dressed in traditional costumes from Nordfriesland. The *Landeskuratorium Schleswig-Holstein-Tag* and the *Land* Government welcome the fullest participation possible of associations, clubs and unions from the entire *Land*.

Article 12, para. 3

*Paragraph 3*

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

615. Frisians do not only live in Schleswig-Holstein, but also in the Saterland of Lower Saxony and in the Netherlands province of Friesland. The joint umbrella organization of the West, East and North Frisians is *Interfräsche Rädj* [*Interfriesischer Rat* - Inter-Frisian Council]. It has 27 members - nine each from its three Friesland Sections [i.e. Sections North, East, and West]. The Inter-Frisian Council has the legal form of an association. The association's headquarters is in the town of Leer in Ostfriesland [in Lower Saxony]. Under its Articles of Association, the objectives of the Inter-Frisian Council include the preservation, promotion and presentation of the Frisian culture and the development and maintenance of contacts with Frisians outside West, North and East Friesland.

The *Friesenrat Sektion Nord e.V.* [*Frasche Rädj* / Frisian Council - Section North, i.e. Nordfriesland] is supported with funds of Schleswig-Holstein *Land*.

616. For measures relating to Germany's cultural policy abroad, cf. No. 505 above.

## Article 13

### Economic and Social Life

#### Paragraph 1

*With regard to economic and social activities, the Parties undertake within the whole country:*

- (a) *to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*
- (b) *to prohibit the insertion - in internal regulations of companies and private documents - of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*
- (c) *to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

617. The obligations under sub-paragraphs (a) and (c) have been accepted by the *Land*. These obligations are in compliance with the established law of the Federal Republic of Germany and thus are fulfilled nation-wide for all regional or minority languages. Therefore, no special measures had to be taken by the *Länder*.

In this regard, cf. also the comments in Nos. 245 - 248 above.

#### Art. 13, para. 1, sub-para. (d) - Facilitating the Use of the Regional or Minority Language

- (d) *to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.*

618. In Germany, freedom to use one's own language - in private and in public - is ensured by Article 2, para. 1, of the *Basic Law*, which guarantees the right to free development of one's personality. Use of minority languages in public is generally accepted by the German population. No reservations exist in this respect.

619. The North Frisian language still is, to a major extent, the language spoken within the family and the language for communication in public, especially among the Frisians living on the islands and in the northern continental region (extending from the German-Danish border to the town of Bredstedt/*Bräist*). In mixed-language marriages, German and Frisian are increasingly being used as languages of equal rank.

620. There are many and various ways in which the state promotes the learning and use of minority languages (cf. the comments on the various obligations). In particular, efforts are encouraged among the general public to keep these languages alive by using them within the family and in extra-familiar everyday-life situations. In this regard, the cultural value of minority languages for Germany's cultural life is particularly emphasized so that, on the basis of the resultant self-esteem and self-assurance, the younger generation will be more willing to adopt these languages and pass them on.

## Article 14

### Transfrontier Exchanges

The Parties undertake:

- (a) *to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*

621. As regards the Frisian language, this obligation is fulfilled by promotion of Frisian also in the Kingdom of The Netherlands where, in Friesland Province, the largest of the surviving Frisian language groups live and are protected by the state. In both countries, state-sponsored support in the Netherlands and in Germany has in both countries helped to establish structures fostering contacts between the users of the same language - i.e. Frisian, in a wider sense - in the fields mentioned in sub-para. (a) of Art. 14.

622. In 1999, the previous working group *Interfrasche Rädj (Interfriesischer Rat - Inter-Frisian Council)*, which since 1925 had been the joint organization of West, East and North Friesland, was transformed into a registered association to act as the umbrella organization of the West, East and North Frisians. It is composed of members from all three Friesland regions, and organizes the *Friesenkongress* [Frisians' Congress] in a three-year sequence. The North Frisian organizations work together within the *Frasche Rädj, Sektion Nord e.V.* (Frisian Council - Section North (Nord-friesland)) which is supported with funds provided by Schleswig-Holstein *Land*.

623. *[deleted: paragraph contained in the 1<sup>st</sup> State Report]*

624. As regards the comment of the Committee of Experts in No. 213 of the Monitoring Report [MIN-LANG (2002) 4 final] that the undertaking was not fulfilled, reference is made to on-going talks between the *Friesenrat Sektion Nord e.V.* and the Schleswig-Holstein *Land* Government about the conclusion of a cultural agreement between Schleswig-Holstein *Land* and the Netherlands. However, these negotiations are in their initial stages, and their eventual outcome is still open.

625. In No. 214 of its Monitoring Report [MIN-LANG (2002) 4 final], the Committee of Experts stated that, while the measures reported by Germany would comply with the undertaking in option (b) of Art. 14, this option had not been chosen by the Federal Republic for North Frisian. This raises the question as to the feasibility of exchanging pertinent obligations since the Charter does not provide for such adjustments. In this respect, cf. the comments in No. 116 above.

## D.2.4 Saterland Frisian (*Seelterfräisk*)\* in the Sater Frisian speech area (*Seelterlound*) in Lower Saxony

### Article 8 Education

#### Paragraph 1

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

#### Art. 8, para. 1, sub-para. (a) - Pre-School Education -

- (i) to make available pre-school education in the relevant regional or minority languages; or*
- (ii) to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
- (iii) to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or*
- (iv) if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;*

Lower Saxony has entered into the obligation under sub-paragraph (a) (iv).

626. In response to the recommendation made by the Committee of Experts in No. 215 of the Monitoring Report [MIN-LANG (2002) 4 final] that a legal framework be established and adequate resources be allocated, Lower Saxony provides the following information:

The Lower Saxony Children's Day-Care Centres Act (*KitaG*) gives the providing bodies of children's day-care centres (municipalities, private providing bodies) the option to set pedagogic priorities of their own choice in their day-care centres. In the Saterland, the providing bodies concerned make use of this option, as evidenced by the marked progress made in the cultivation of Sater Frisian thanks to the activities pursued at the local level: regular meetings of the voluntary helpers for exchanges of experience; organization of festivals focusing on Sater Frisian customs; and various further education activities for specialized staff and voluntary helpers. In addition, nursery-school children who take part in group activities aimed at imparting knowledge of Sater Frisian, will, at the end of a nursery-school year, receive a certificate designed to provide a positive feedback and an incentive to continue participation in such activities.

\* spoken in three slightly different local varieties: the idioms of (the villages of) *Strukelje/Strücklingen*, *Roomelse/Ramsloh* and *Schäddell/Scharrel*



**Art. 8, para. 1, sub-para. (e) (ii) - University and Other Higher Education -**

(ii) *to provide facilities for the study of these languages as university and higher education subjects; or*

627. Lower Saxony does not offer specific Frisian teacher training to supplement the course of studies offered in Schleswig-Holstein.

628. Research on the Saterland Frisian history, culture and language generally is of more recent date. Sater Frisian has not been handed down as a written language. A known work is a collection of Sater Frisian proverbs, dating from the year 1901. It was only after World War II that the first spelling rules were laid down for this language. In 1980, a "Saterland Frisian Dictionary" was published; a revised and significantly enlarged second edition is in preparation. Further publications are compilations of texts, such as "*Saterfriesisches Volksleben*" ["Sater Frisian Folkloric Life"] and "*Saterfriesische Stimmen*" ["Sater Frisian Voices"].

629. In response to the recommendation made by the Committee of Experts in No. 216 of the Monitoring Report [MIN-LANG (2002) 4 final] that research into, and facilities for studying, the language should be ensured, Lower Saxony provides the following information:

At Oldenburg University, Dr. Marron Fort pursues research on, and teaching of, the Sater Frisian language and has published definitive works on this subject, including a Sater Frisian dictionary with a grammatical outline. Despite his long-time commitment to this scholarly work, there is not much demand by students for such studies. In a target agreement discussion, it was suggested - with reference to the Charter - that such teaching offers should be maintained after Dr. Fort's retirement on 31 October 2003.

However, the university's management attached greater importance to other priorities, especially since the lack of demand did not, as the management asserted, point to any concrete requirements to be met in this respect.

Professor Stellmacher, of Göttingen University, directs his teaching and research activities to both the Low German and the Sater Frisian languages.

630. The *Land* considers the undertaking fulfilled since no restrictions are applied and universities can, on the basis of their autonomy, offer facilities for the study of this language at all times.

**Art. 8, para. 1, sub-para. (f) (iii) - Adult Education -**

- (iii) *if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;*

631. *Katholisches Bildungswerk Saterland* [Saterland Catholic Educational Association] once per year offers the course "*Saterländisch sprechen und lesen*" ["Speaking and reading Sater Frisian"]; this course covers ten 2-hour evening classes.

**Art. 8, para. 1, sub-para. (g) - Teaching of the History and Culture Education -**

- (g) *to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;*

632. Under the Lower Saxony Schools Act, pupils shall be enabled to develop their faculties of perception and sensitivity and their capacity for expressing themselves, with the inclusion of the relevant regional variety of Frisian. Implementation of this mandate in classroom instruction can be supported by all school subjects. This calls for a differentiated support system. (Cf. also Nos. 633, 634, 636 - 638 and 640 below).

633. The Sater Frisian language is a classroom subject at all elementary schools of the Saterland. At Ramsloh primary school, one teacher teaches Sater Frisian for a total of three hours in grades 1 to 4. At Strücklingen primary school, the 2<sup>nd</sup> grade has two 1-hour lessons of Sater Frisian per week, the 3<sup>rd</sup> grade has one hour/week, and the 4<sup>th</sup> grade has two hours/week. Also at Scharrel primary school, each pupil can take part in a one-hour Sater Frisian activity group per week; at Sedelsberg primary school, two voluntary teachers offer voluntary Sater Frisian classes to all grades. As of 1 August 2003, one teacher will teach Sater Frisian for 4 hours per week. At Saterland *Schulzentrum*, two activity groups of 5<sup>th</sup>- and 6<sup>th</sup>-grade pupils have two hours of Sater Frisian lessons. Overall, 182 pupils in 5 learning groups (primary school, and lower secondary grades) at present receive this Sater Frisian instruction which covers a total of 13 hours per week (the number of all pupils of grades 1 to 5 is 1,085).

634. Following the "Model Test: Bilingualism in Nursery School" (1997/98), *Ostfriesische Landschaft* was, for seven European speech communities, the overall project manager of the EU Project "Multilingualism in Pre-School and Elementary Education" which also involved Saterland Frisians. This was documented in a publication by Nath, Cornelia / Brückmann, Elke: *Mehrsprachigkeit in der Vor- und Grundschulperiode, Schwerpunkt Bilingualer Unterricht in der Grundschule* [Multilingualism in the

Pre-School and Primary Education Phase, Key Activity: Bilingual Instruction at Elementary School], Aurich 2003.

The project was carried out in the period 1 April 2001 - 31 March 2003. The subjects studied under this project can be looked up on the Internet:

[www.kinder-mehrsprachigkeit.de](http://www.kinder-mehrsprachigkeit.de).

For Ostfriesland, the main subjects were training of educators and bilingual instruction at elementary schools. Regarding the first subject, a training course on early multilingualism, including the regional language Low German, was tested. The second subject focused on continuation of bilingual education after the children's enrolment in an elementary school. The aim of bilingual instruction in this case was language learning at school.

635. Continuation of minority language instruction at primary schools is considered good policy since it is a means for promoting children's language skills. Also, primary-school age is particularly well suited for extending language skills to multilingualism through early learning of foreign languages (English, French, Dutch/Flemish).

636. In the Saterland, Sater Frisian is taught not only by fully trained teachers but also by other persons provided that these have the appropriate qualification and that there is a demand for such instruction. In the area of the Government of Weser-Ems *Bezirk* [District] it is pointed out, under the procedure for inviting applications for a position at the respective schools, that knowledge of Sater Frisian is desirable or even required. Recruitment advertising for a position to be filled as of the start of the 2003/2004 school year at Sedelsberg primary school included the item 'knowledge of Sater Frisian'.

637. The educational materials developed by the Sater Frisian teachers themselves are used mainly in primary education. They are based on materials for English lessons in primary school, materials of the teaching and learning system developed as part of the pilot project "*Plattdeutsch in der Schule*" ["Low German in School"], and materials from the Nordfriesland and West-Friesland language areas. Within the framework of teacher follow-up training, it is planned to develop a concept for learning Sater Frisian in the primary education stage.

638. As part of the EU Project "Early Multilingualism in Pre-School and Primary Education", another two further training events of two-days' duration were organized in October 2002 and February 2003 on the following subjects:

- Developmental stages of children - Starting points for successful language education (Sater Frisian)
- Multilingual education - features of Frisian language education in Dokkum, Fryslân (Netherlands)

Each of the two courses, which were attended by 18 participants each, were held by the Specialist Adviser for Sater Frisian at the town hall of Saterland *Gemeinde*. Under the target agreements made with the Specialist Adviser for Sater Frisian, she is responsible for planning and implementing such further education activities. These further training activities are to be continued on a yearly basis.

639. The [Lower Saxony] Ministry of Education and Cultural Affairs, in its contacts with the Federal Government Commissioner for Culture and the Media, vigorously supports the application for promotional funding of the development of a teaching and learning system for Sater Frisian in grades 1 - 6. In November 2000, a "Specialist Adviser for Sater Frisian in Classroom Instruction" was appointed to serve with the government of *Weser-Ems Bezirk* [District].

640. In response to the statement of the Committee of Experts in No. 218 of the Monitoring Report [MIN-LANG (2002) 4 final] that it had received no information about a structural approach and therefore could not conclude that this undertaking was fulfilled, the following information is provided by Lower Saxony:

At the schools level, the Specialist Adviser set up a "Sater Frisian Working Panel" with the task of developing a teaching and learning system for Sater Frisian for grades 1 - 6. The essential objective is to create awareness of the cultural values of the Sater Frisian language; to initiate, and consolidate, communicative learning processes in language education; and to document the history of the Saterland culture. In the course of various projects, combined readers/painting books with a focus on various specific subjects were developed for primary school grades 1 - 4 and for nursery schools, and books entitled "*Seelterlound*" ["Saterland"], for use by pupils and teachers, were developed for grades 1 - 4. Educational materials for use in subject teaching on the "history, culture and language of the Saterland" are under preparation. Also, half-year plans for grades 2, 3 and 4 are available by now. In addition, an anthology of songs and poems was produced. The Specialist Adviser also co-ordinates Sater Frisian teaching at schools by professional teachers and volunteers. For such co-ordination, conferences are held every three months. Volunteers are, to the extent possible, assisted by the full-time teachers and/or the headmasters of the schools concerned. They are given learning units on a wide range of subjects. The learning units contain methodological sugges-

tions and are geared to the seasons of the year and to life at school. The next step will be to develop guidance/support material for classroom instruction. The Ministry of Education and Cultural Affairs invites the teachers of the 'Sater Frisian Working Panel' to attend the specialist conferences organized every three years on the subject "Our region in classroom instruction" and gives them the opportunity to present the results of their work.

**Art. 8, para. 1, sub-para. (i) - Supervisory Bodies -**

- (i) *to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings which will be made public.*

641. In November 1997, a Working Group was established, with representatives from the *Landschaften* and *Landschaftsverbände* [regional local authorities], the *Niedersächsischer Heimatbund* [Lower Saxony Union for Local and Regional Traditions] and the schools offices. The task of this Working Group is to monitor the proper implementation of the obligations under the Charter which have been accepted by the *Land*. Responsibility for the preparation and regular publication of the report regarding the provisions on education lies with the Lower Saxony Ministry of Education and Cultural Affairs.

642. In response to the recommendation made by the Committee of Experts in No. 219 of the Monitoring Report [MIN-LANG (2002) 4 final] that a special supervisory body be established and period reports be drawn up, Lower Saxony provides the following information:

The appointment of the Specialist Adviser and the target agreements made with her provide for monitoring of the measures aimed at further developing Sater Frisian instruction. The Government of Weser-Ems *Bezirk* [District] regularly reports to the Lower Saxony Ministry of Education and Cultural Affairs on the implementation of these agreements.

## **Article 9**

### **Judicial Authorities**

#### *Paragraph 1*

*The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

#### **Art. 9, para 1, sub-para. (b) (iii) - Civil Proceedings -**

*(b) in civil proceedings:*

*(iii) to allow documents and evidence to be produced in the regional or minority languages,  
if necessary by the use of interpreters and translations;*

643. With the proviso that documents and evidence drafted in a minority language must be presented in a form obviating misunderstandings or errors with regard to their translation, this obligation is met by the legal situation prevailing in Germany. Therefore, no special measures have been taken.

#### **Art. 9, para 1, sub-para. (c) (iii) - Proceedings before Courts concerning Administrative Matters -**

*(c) in proceedings before courts concerning administrative matters:*

*(iii) to allow documents and evidence to be produced in the regional or minority languages,  
if necessary by the use of interpreters and translations;*

644. In this regard, cf. the comments in No. 643 above.

645. As regards this branch of the judiciary, it must be pointed out that administrative courts are obliged to conduct *ex officio* investigations and, where necessary and appropriate, will on their own initiative rely on the services of interpreters. Thus, the members of a given language group suffer no prejudice by the use of their language.

#### **Art. 9, para. 2, sub-para. (a) - Validity of Legal Documents -**

*The Parties undertake:*

*(a) not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or*

646. In this regard, cf. the comments in No. 643 above.

## Article 10 Administrative Authorities and Public Services

### *Paragraph 1*

*Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

### Art. 10, para. 1, sub-para. (a) (v) - Submission of Documents -

*(v) to ensure that users of regional or minority languages may validly submit a document in these languages;*

647. In Saterland *Gemeinde*, no problems exist as regards submission of legal documents drafted in Sater Frisian. The administration has staff members who can process such documents. In practice, however, no use has been made of this facility.

648. In response to the Committee's comment in No. 222 of the Monitoring Report [MIN-LANG (2002) 4 final] that for complete fulfilment, efforts should be made by public authorities to create the conditions encouraging the use of Sater Frisian, Lower Saxony provides the following information:

With reference to the implementation deficits, as perceived by the Committee of Experts, regarding the accepted alternative of "encouraging", the *Land* examines the possibility of issuing directives or formal guidance - ensuring complete fulfilment/implementation of all undertakings entered into - to administrative authorities and public services.

### Art. 10, para 1, sub-para. (c) - Drafting of Documents -

*(c) to allow the administrative authorities to draft documents in a regional or minority language.*

649. The local authority [i.e. Saterland *Gemeinde*] is prepared at any time to draft documents in the minority language. So far, however, no requests to this effect have been made.

650. [blank]

651. As regards the statement of the Committee of Experts in No. 223 of the Monitoring Report [MIN-LANG (2002) 4 final] that this undertaking was fulfilled only formally, reference is made to the comments in No. 648 above.

**Article 10, para. 2***Paragraph 2*

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

**Art. 10, para. 2, sub-para. (a) - Use of a Regional or Minority Language -**

*(a) the use of regional or minority languages within the framework of the regional or local authority;*

652. In Saterland *Gemeinde* in Lower Saxony, where some 2000 people speak this minority language, the local authorities promote the use of this language. Staff members indicate their proficiency in Saterland Frisian on their office doorplates.

653. In Saterland *Gemeinde*, it is possible to have civil marriages and other official acts performed in the Sater Frisian language.

**Art. 10, para. 2, sub-para. (b) - Submission of Applications -**

*(b) the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

654. In Saterland *Gemeinde* in Lower Saxony, citizens may present their requests in Sater Frisian. The replies will equally be furnished in this language. Also, applications may be submitted in Sater Frisian. As stated by the local authority, no use has so far been made of this possibility.

655. As regards the statement of the Committee of Experts in No. 225 of the Monitoring Report [MIN-LANG (2002) 4 final] that this undertaking was fulfilled only formally, reference is made to the comments in No. 648 above.

**Art. 10, para. 2, sub-para. (c) - Publication by Regional Authorities of Official Documents**

*(c) the publication by regional authorities of their official documents also in the relevant regional or minority languages;*

656. This obligation has been accepted by the *Land* of Lower Saxony. Since Saterland *Gemeinde*, to which the speech area of Frisian [in Lower Saxony] is confined, represents the local level, the pertinent implementation measures are described under sub-para. (d) [publication by local authorities] below.



**Art. 10, para. 2, sub-para. (d) - Publication by Local Authorities of Official Documents -**

- (d) *the publication by local authorities of their official documents also in the relevant regional or minority languages;*

657. So far, there has been no such publication in Saterland Frisian; however, pertinent preparations are underway with regard to short official communications (e.g. notices on the bulletin board), especially as regards standard texts, which are then to be published as bilingual notices.

**Art. 10, para. 2, sub-para. (e) - Use by Regional Authorities of the Minority Language in Debates in Their Assemblies -**

- (e) *the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

658. This obligation has been accepted by the *Land* of Lower Saxony. Since Saterland *Gemeinde*, to which the speech area of [Sater] Frisian is confined, represents the local-government level, the pertinent implementation measures are discussed under sub-para. (f) below [assemblies of *local* authorities].

In response to the Committee's statement in No. 228 of the Monitoring Report [MIN-LANG (2002) 4 final] that this undertaking was not fulfilled regarding the regional authorities, Saterland *Gemeinde* provides the following information on the use of the minority language in assembly debates:

*"Därfon wät in do Meenteroatssitzingen nan Gebruk maket, weil blot sowät 20% fon do Roatsherren ju Seelterske Toal balle können. Därfon kumt düt uk, dat een grooten Deel fon do Toulüsterer dän Ferloop fon de Sitzungen nit ferfulgje können."* ["No use is made of this in local council meetings since only around 20 per cent of the councilmen have a command of the Saterland language. Thus, also many of the listeners are not able to follow the proceedings of these assembly debates."]

**Art. 10, para. 2, sub-para. (f) - Use by Local Authorities of the Minority Language in Debates in Their Assemblies -**

- (f) *the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

659. Local council members do not make use of the Frisian language - mainly out of consideration for persons who do not know the language or do not have a sufficient command of it.

**Art. 10, para 2, sub-para. (g) - Place-names -**

- (g) *the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

660. Under the Second Act to Implement the European Charter for Regional or Minority Languages, which entered into force on 19 September 2002 [cf. Annex 1 to this report], Lower Saxony accepted this obligation for the Sater Frisian language. Adequate signposting was provided.

**Article 10, para. 4***Paragraph 4*

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

**Art. 10, para. 4, sub-para. (a) - Translation or Interpretation -**

- (a) *translation or interpretation as may be required;*

661. The facilities and staff required for the purpose are available in Saterland *Gemeinde*. In this context, it must be pointed out that it is relatively difficult to write Sater Frisian, and thus considerable work is involved.

**Art. 10, para. 4, sub-para. (c) - Appointment of Public Service Employees having a Knowledge of a Regional or Minority Language -**

- (c) *compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

662. If a staff member of the Saterland *Gemeinde* administration expresses a wish regarding such an appointment, the scope for complying with the request will be examined. So far, however, no requests to this effect have been made.

663. In response to the statement of the Committee of Experts in No. 231 of the Monitoring Report [MIN-LANG (2002) 4 final] that, due to the lack of information on any deployment policy, it could not conclude that this undertaking was fulfilled, the following information is provided by Lower Saxony:

With reference to the implementation deficits, as perceived by the Committee of Experts, the *Land* examines the possibility of issuing directives or formal guidance - ensuring complete fulfilment/implementation of all undertakings entered into - to administrative authorities and public services.

The *Land* is not aware of any concrete deployment policies.

Article 10, para. 5

*Paragraph 5*

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

664. In this regard, cf. the comments in Nos. 220 - 225 above.

## Article 11 Media

### Paragraph 1

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

### Art. 11, para. 1, sub-para. (b) (ii) - Broadcasting of Radio Programmes -

*(ii) to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

665. Under the Inter-State Treaty on *Norddeutscher Rundfunk* concluded by the Free and Hanseatic City of Hamburg and the *Länder* of Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein, the programming mandate of *Norddeutscher Rundfunk* (NDR), as a broadcasting corporation under public law, stipulates, *inter alia*, that adequate room must be given in the programme to the North German region, its culture and language (Section 5, para. 2, of the NDR Inter-State Treaty).

666. The Broadcasting Centres of the *Länder* produce *Land* programmes - as a full-day radio, and regional TV, programme - which present, *inter alia*, the cultural and social life of the respective *Land* (Section 3, para. 3, of the NDR Inter-State Treaty). This also covers various broadcasts about the Sater Frisian language which, however, are not aired at fixed broadcasting times but in the context of current affairs reporting.

667. The Lower Saxony *Land* Broadcasting Act lays down, *inter alia*, that the programmes of private broadcasters must make appropriate allowance also for the cultural diversity of the regions and for the regional languages used in Lower Saxony (Section 17, para. 2, of the *Land* Broadcasting Act). Compliance with these requirements is also monitored by the minimum number of 41 members of the Assembly of the Lower Saxony *Land* Supervisory Authority for Private Broadcasters [*Niedersächsische Landesmedienanstalt*]. All major groups of society or organizations in the *Land* are entitled to make nominations as regards representation on the Assembly.

668. *Niedersächsische Landesmedienanstalt* [Lower Saxony *Land* supervisory authority for private broadcasters] also supports non-commercial local broadcasters and the Open Channels. It is especially in the programmes of these broadcasters with a focus on regional and local settings that specific cultural features and linguistic minorities are included and presented. In the East Frisian (Ostfriesland) area, this also applies to Sater Frisian.

669. Broadcasters, also in view of their own interest, strive to meet the legal requirements. In addition, Lower Saxony *Land* - within the limits of its scope for exerting an influence - encourages radio and television broadcasters to take greater account of, and to present, region-specific features of culture and language. As regards the Sater Frisian language (*Seelterfräisk*), however, this can be achieved to a very limited extent only, given that this minority language is used in a relatively small area.

670. In response to the recommendation made by the Committee of Experts in No. 233 of the Monitoring Report [MIN-LANG (2002) 4 final] that measures aimed at encouraging and/or facilitating the broadcasting of programmes on a regular basis should be considered, Lower Saxony provides the following information:

The aim of accentuating the cultural diversity of the regions and the regional languages in broadcasting programmes is to be attained by the obligation imposed on private broadcasters under Section 15, para. 2, of the Lower Saxony Media Act. In view of safeguarding their programming autonomy, however, no regulations are laid down on the way in which and the extent to which broadcasters choose to comply with this obligation. One must acknowledge that private broadcasters, in particular, in their programming decisions depend on the audience's response. Therefore, it must ultimately be up to these broadcasters to decide on the extent to which they will include local special features such as the Sater Frisian language. This goes both for radio and television programmes.

While the *Land* Government will continue to request and encourage private broadcasters to include also Sater Frisian items in their programmes, it does not see any further scope for intervention.

**Art. 11, para. 1, sub-para. (c) (ii) - Broadcasting of Television Programmes -**

(ii) *to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

671. As only a relatively small segment of the population is the target group of television programmes in the Sater Frisian language, there have been no regular broadcasts so far. In compliance with the programming mandate (Section 5, para. 2, in conjunction with Section 3, of the *NDR Inter-State Treaty*), the NDR regional programme (i.e. *N3*) sporadically airs broadcasts about Sater Frisian [*Seelterfräisk*].

672. In response to the recommendation made by the Committee of Experts in No. 234 of the Monitoring Report [MIN-LANG (2002) 4 final] that measures aimed at encouraging and/or facilitating the broadcasting of programmes on a regular basis should be considered, reference is made to Nos. 665 - 670 above.

**Art. 11, para. 1, sub-para. (d) - Audio and Audiovisual Works -**

(d) *to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

673. The aforementioned programming principles [cf. the comments on sub-paras. (b) and (c) of para. 1] - as laid down in the NDR Inter-State Treaty for public service broadcasting, and in the *Land* Broadcasting Act for private broadcasting - are designed also to provide motivation for producing and disseminating audio and audiovisual works in the Sater Frisian language. Upon application, the *Land* of Lower Saxony, in view of supporting such productions within the framework of cultural promotion, grants subsidies to the production costs.

674. In response to the Committee's request in No. 235 of the Monitoring Report [MIN-LANG (2002) 4 final] for examples of cases where financial assistance has been provided [for works in Sater Frisian], it is reported that Lower Saxony *Land* ensures that also productions in the Sater Frisian language are subsidized within the framework of cultural promotion. Three films in the Low German language were subsidized through the *nordmedia Fonds GmbH* which is operated jointly by the *Länder* of Lower Saxony and Bremen and other partners. On the other hand, productions in the Sater Frisian language could not be subsidized under these schemes for the simple reason that no applications for pertinent project funding have so far been submitted. Lower Saxony will continue to draw attention to the availability of promotional funding and will endeavour to encourage pertinent productions.

**Art. 11, para. 1, sub-para. (e) (ii) - Newspaper Articles -**

(ii) *to encourage and/or facilitate the publication of newspaper articles in the regional or minority languages on a regular basis;*

675. Freedom of the press as guaranteed by the Constitution on principle allows no scope for direct [state] action/influence. Moreover, with a view to competitiveness, it is not possible to impose binding requirements on publishing houses. On appropriate occasions, the *Land* Government repeatedly makes appeals to include and present the Sater Frisian language also in press publications. This appeal is addressed both directly to publishing houses and through the *Verband Nordwest-deutscher Zeitungsverleger* [Association of North West German Newspaper Publishers].

676. Therefore, articles in Sater Frisian also appear in the home-editions of the regional newspapers read in **Saterland**.

The following dailies are published in this region:

**General-Anzeiger, Rhauderfehn** ("Gazette" - around 10,830 copies)

<i>Münsterländische Tageszeitung</i> , Cloppenburg	("Münsterland Daily" - some 20,000 copies)
<i>Nordwest-Zeitung</i> , Oldenburg	("North West Newspaper" - some 130,000 copies)

677. In response to the statement of the Committee of Experts in No. 236 of the Monitoring Report [MIN-LANG (2002) 4 final] that, in order to be able to conclude that this undertaking is fulfilled, it would need further information on how the authorities are encouraging or facilitating the publication of newspaper articles [in Sater Frisian] on a regular basis, Lower Saxony provides the following information:

Due to the constitutional guarantee of freedom of the press, it is not possible to stipulate any requirements to be met by publishers concerning the content of their newspapers. Such decisions are made by the publishing companies on the basis of their autonomous competence and, of course, with due regard to their readers' response.

Notwithstanding the aforementioned facts, the *Land* Government will continue to encourage the *Verband Nordwestdeutscher Zeitungsverlage* [Association of North West German Newspaper Publishers] and, on relevant occasions, individual newspapers to publish articles in the Sater Frisian language.

**Art. 11, para. 1, sub-para. (f) (ii) - Financial Assistance for Audiovisual Productions -**

(ii) *to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;*

678. For the examples of cases where financial assistance has been provided - as requested by the Committee of Experts in No. 237 of the Monitoring Report [MIN-LANG (2002) 4 final] - cf. the comments in No. 674 above.

**Art. 11, para. 2 - Freedom of Direct Reception of Broadcasts, and Freedom of Expression**

*Paragraph 2*

*The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

679. For the relevant implementation measures, cf. the detailed comments on paragraph 1 of Article 11, and under Nos. 226 - 239, above.

## Article 12

### Cultural Activities and Facilities

#### Paragraph 1

*With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

#### Art. 12, para. 1, sub-para. (a) - Types of Expression, and Access to Works -

(a) *to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*

680. The *Land* of Lower Saxony generally takes a particular interest in promoting initiatives in the cultural sphere, and especially with regard to the literature of the regional and minority languages. Literature and language play a central role in the identification of the individual and of the community. Thus, the notion of 'language' must not be confined to the standard language; rather, it also includes a minority language such as Saterland Frisian or the languages of the other ethnic groups living in this *Land*. On this basis, Sater Frisian literature can be included in all areas of literature promotion (promotion of production, distribution and reception) in Lower Saxony *Land*. [Applications for] Promotion of writing and also the publication of literary works by publishing houses of Lower Saxony are evaluated by an expert jury. So far, no applications [regarding Sater Frisian] have been filed - possible reasons being that there are only a little over 2,000 speakers of the Sater Frisian language (of a population of 12,400 inhabitants of the Saterland, the smallest speech island in Europe) and that tradition of Sater Frisian has been mainly oral.

681. In Saterland *Gemeinde*, the association for the preservation of Saterland local/ regional traditions, *Seelter Buund e.V.*, pursues a wide range of activities for the cultivation of Sater Frisian [Seelterfräisk] and of the Saterland culture; in instances, these activities are *Land*-subsidized.

682. The [Lower Saxony] Ministry of Scientific and Cultural Affairs advises Saterland *Gemeinde* [the local authority union] and *Seelter Buund* on the planning of events. For instance, an Internet project and a Sater Frisian song programme are under preparation.

683. In addition, *Land*-subsidized institutions such as the *Literaturrat* [Literature Council] or the *Literaturbüros* [Literature Offices] are encouraged to include Sater Frisian in their activities and events.



**Art. 12, para. 1, sub-para. (b) - Access to Works in the (Minority) Languages -**

- (b) *to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

684. Within the framework of literature promotion, translators are allocated funds for the translation of literary works. This generally applies to translations both into and from Sater Frisian. Also, a grant can be obtained for a study placement at a translators' centre.

685. The *Arbeitsstelle Niederdeutsch und Saterfriesisch* [Workshop for Low German and Sater Frisian] of Carl von Ossietzky University in Oldenburg intensively deals with research into Sater Frisian. The Workshop developed a "Sater Frisian Dictionary"; the 2<sup>nd</sup> enlarged edition is under preparation. Upon request, the Workshop also offers translation services.

**Art. 12, para. 1, sub-para. (c) - Access to Works Produced in Other Languages -**

- (c) *to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

686. In this regard, cf. the comments in Nos. 684 and 685 above.

**Art. 12, para. 1, sub-para. (d) - Taking Account of the Regional or Minority Language in Cultural Activities -**

- (d) *to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*

687. Saterland *Gemeinde* and the associations and units representing the Saterland Frisian interests can ensure that the knowledge and use of the Sater Frisian language and the Saterland culture are adequately included in their cultural activities.

688. In response to the Committee's question in No. 242 of the Monitoring Report [MIN-LANG (2002) 4 final] as to whether the *Seelter Buund* is responsible for organizing and supporting cultural activities as required under this Article, Lower Saxony reports that the association *Seelter Buund* has key responsibility for the varied and broad spectrum of cultural activities in the Saterland. It was only for this reason that the *Land* was able in 2002 to make it possible, with federal funding, for *Seelter Buund* to buy the former railway station of the Saterland locality of Scharrel. It is planned to convert this station into a Sater Frisian cultural centre.

**Art. 12, para. 1, sub-para. (e) - Employment of Staff Proficient in the Language(s) Concerned -**

- (e) *to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*

689. In this regard, cf. the comments in Nos. 687 and 688 above.

690. In addition, *Katholisches Bildungswerk Saterland* [Saterland Catholic Educational Association] offers courses for language learning and extending the knowledge of this language. Other planned projects, e.g. the song programme mentioned in the context of paragraph 1, sub-paragraph (a), above, serve to consolidate proficiency in the language.

**Art. 12, para. 1, sub-para. (f) - Participation of Representatives of the Group Speaking the Given Language in Cultural Activities -**

- (f) *to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*

691. As already stated under Nos. 687 - 690 above, many full-time and voluntary helpers are involved in the planning and organization of activities/events in the minority/regional language. Participation in the annual *Land* festival organized by Lower Saxony, i.e. "*Tag der Niedersachsen*" ["Day of the People of Lower Saxony"], is generally possible and has been encouraged.

**Art. 12, para. 1, sub-para. (g) - Creation of Archive Bodies -**

- (g) *to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*

692. Carl von Ossietzky University in Oldenburg employs a specialist for the Sater Frisian language, who also carries out extensive documentation work. The Oldenburg University Library and the *Staats- und Universitätsbibliothek* in Göttingen have a wide range of Frisian literature.

693. In No. 245 of the Monitoring Report [MIN-LANG (2002) 4 final], the Committee of Experts asked for additional information which is provided in the following: the libraries of the Göttingen and Oldenburg universities hold around 20 - 30 volumes of Sater Frisian literature - and this is the actual number of publications available in this language. The library and media centre of the planned new Sater Frisian cultural centre are not yet completed, and consequently no figures are available on this matter.

Article 12, para. 2

*Paragraph 2*

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

694. Pertinent cultural events/activities can be organized outside the Saterland if there is a demand for it, for instance on the occasion of meetings on the subject of regional or minority languages. As stated above, participation in the annual festival "*Tag der Niedersachsen*" [Lower Saxons' Day] organized in varying places of the *Land* is possible.

Article 12, para. 3

*Paragraph 3*

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

695. Cf. the comments provided by Schleswig-Holstein *Land* in No. 615 above.

696. For measures relating to Germany's cultural policy abroad, cf. No. 505 above.

## Article 13

### Economic and Social Life

#### *Paragraph 1*

*With regard to economic and social activities, the Parties undertake within the whole country:*

- (a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*
- (b) to prohibit the insertion - in internal regulations of companies and private documents - of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*
- (c) to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

697. The obligations under paragraphs (a) and (c) have been accepted by the *Land* of Lower Saxony. These obligations are in compliance with the established law of the Federal Republic of Germany and thus are fulfilled nation-wide for all regional or minority languages. Therefore, no special measures had to be taken by the *Länder*.

#### Art. 13, para. 1, sub-para. (d) - Facilitating the Use of the Regional or Minority Language

- (d) to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.*

698. In Germany, freedom to use one's own language - in private and in public - is ensured by Art. 2, para. 1, of the *Basic Law*, which guarantees the right to free development of one's personality. Use of the minority languages in public is generally accepted by the German population. No reservations exist in this respect.

699. Use of Sater Frisian [*Seelterfräisk*] by the Saterland Frisians is gradually increasing since school-children are taking a greater interest in learning this language and children and the grandparent generation have started to communicate in Sater Frisian again.

700. There are many and various ways in which the state promotes the learning and use of minority languages (cf. the comments on the various obligations). In particular, efforts are encouraged also among the general public to keep these languages alive by using them within the family and in extra-familiar everyday-life situations. In this regard, the cultural value of the minority languages for Germany's cultural life is particularly emphasized so that, on the basis of the resultant self-esteem and self-assurance, the younger generation will be more willing to adopt these languages and pass them on.

701. As regards the comment of the Committee of Experts in No. 250 of the Monitoring Report [MIN-LANG (2002) 4 final] that, due to the lack of information, it was not in a position to conclude that this undertaking was fulfilled, reference is made to the general comments in No. 249 above. In addition, it is pointed out that the purchase, with public funds, of the Scharrel station for use as a cultural centre in the Saterland conveyed the clear message that cultivation of the Sater Frisian language is a matter of importance to the *Land* Government. This centre is open to all citizens, and its planned activities have an effect upon all spheres of daily life.

702. In addition, *Niedersächsischer Heimatbund* (NHB) invited entries for a competition regarding activities to implement the European Charter (Low German and Sater Frisian). This competition was advertised both through the press and a leaflet describing the Charter. The projects entered for the competition covered all fields of economic, cultural and social life. The Saterland association for the preservation of local and regional traditions, i.e. *Seelter Buund*, won 1<sup>st</sup> place among 105 co-entrants.



### **D.2.5 The Romany language in the speech area of the Federal Republic and of the various *Länder***

703. Under the Second Act to Implement the European Charter for Regional or Minority Languages, which entered into force on 19 September 2002 [cf. Annex 1 to the present report], the *Land* of Hesse accepted 35 obligations for the protection of the Romany language. Thus protection of Romany under the provisions of Part III of the Charter is ensured in the *Land* of Hesse.

#### **Article 8 Education**

704. *The Central Council* [of German Sinti and Roma] and other associations of Sinti and Roma take the view that, also out of regard for the experience undergone by the survivors of the genocide, Romany should neither be taught nor learnt by non-Sinti/non-Roma within the public educational system.

705. A different position is taken by other Roma associations which come out in favour of the inclusion of Romany in school education and wish to support measures, like those taken in European neighbouring countries, for the development of a written form of this language.

706. The *Central Council of German Sinti and Roma* favours supplemental instruction for interested children of German Sinti and Roma, where teachers coming from the minority deal with school subjects in the Romany language so that the children's knowledge of Romany will be enhanced. Within the *Länder*, however, only limited numbers of teachers with sufficient language proficiency are available. The *Central Council* also favours language courses for members of the minority on a private basis and as part of adult education, to be carried out by teachers coming from the minority. The *Sinti-Allianz* [Sinti Alliance], however, sees imparting of their mother tongue Romany - also in this field - as the exclusive responsibility of the families and family clans of the Sinti community, and takes the view that instruction in the mother tongue is not possible since the Sinti's language does not have a written form and consequently no literature exists in this language.

707. Use of the Romany language in the publicly maintained school system is confined, for the reasons already given, to pilot projects for children of German and foreign Roma in those cases where larger numbers of them live close to each other. The organizations of German Sinti and Roma set great store by having the existing state-run and (state-)acknowledged system of schools and education used for the

children of the German Sinti and Roma without any limitation as has been the case so far. Therefore, they object to separate schools or school classes for Sinti and Roma only. Thus, they consider state-promoted measures for the preservation and promotion of Romany to be the sole responsibility of the minority itself. Obviously this also is the parents' wish since the children of the German Sinti and Roma go to local regular and/or secondary schools.

708. Special possibilities, which are also designed to include the cultural traditions and the language of this group, exist for promoting the schooling progress of Sinti and Roma children in some of the *Länder* of the Federal Republic of Germany, for instance in Baden-Württemberg, Berlin, Bremen, Hamburg, Hesse, Lower Saxony, North Rhine/Westphalia, and Schleswig-Holstein; in instances these activities are part of local projects. Such projects are carried out at primary schools, secondary modern schools and *Realschulen* [secondary technical schools]. The experience gained in this context has shown that, on a long-term basis, only those initiatives will be successful which are launched locally with the consent, will and participation, including shared responsibility, of the persons concerned. In the field of teacher follow-up training, in particular, regional efforts increasingly focus on taking account of the concerns and interests of pupils coming from Sinti and Roma families. In this regard, cf. the comments under No. 93 (Part A) above.

Article 8, para. 1

*Paragraph 1*

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

Art. 8, para. 1, sub-para. (a) - Pre-School Education -

- (i) *to make available pre-school education in the relevant regional or minority languages; or*
- (ii) *to make available a substantial part of pre-school education in the relevant regional or minority languages; or*

Both obligations have been accepted by the *Land* of Berlin.

709. In consultation with the Berlin/Brandenburg *Land* Association of German Sinti and Roma, implementation of these obligations is not pursued at present.

Art. 8, para. 1, sub-para. (a) (iii) - Pre-School Education -

- (iii) *to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or*

This obligation has been accepted by the *Land* of Hesse.



710. The Hessian *Land* Association of German Sinti and Roma was informed that such education was requested in a number of towns of Hesse. As a next step, the *Land* Association therefore plans to carry out an in-depth local needs analysis as soon as funds become available.

711. As of January 2001, the Federal Government has allocated funds to the *Documentation and Cultural Centre of German Sinti and Roma* in Heidelberg for establishing an "Education Section" staffed with two employees. The cross-*Land* tasks of this Section will include the development of materials for the supplemental homework assistance and language classes to be taught by teachers coming from this minority/ language group for interested children and, in addition, encouragement to introduce such courses in Romany also in Hesse. The Hessian *Land* Association of German Sinti and Roma will take part in these efforts. The *Land* Government will co-ordinate the assignment/employment of suitable teachers with these organizations. In the view of the *Land* Government, 8 to 10 participants coming from this minority/language group will be sufficient to warrant the introduction of a pertinent course. This also goes for the area of adult education.

Art. 8, para. 1, sub-para. (a) (iv) - Pre-School Education -

- (iv) *if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;*

1. Baden-Wurtemberg

712. The unqualified right to admission to a nursery school, which has been in force under Federal law since 1 January 1999, generally applies also to the children of Sinti and Roma. This claim is to be met by the providing bodies of the responsible public child and youth services (i.e. *Stadtkreise* [municipalities] and *Landkreise* [rural administrative districts]).

713. As a rule, the children's day-care centres maintained by local authorities and by providing bodies of private-sector child and youth services do not offer the Romany language. However, this does not rule out that, if there is a demand for this, the providing body of a nursery school could employ tutors/tutoreses for imparting the Romany language.

714. The amended regulation on nursery school promotion, which entered into force as of 1 January 1999, does not rule out the employment of this type of staff. If professional staff are not available in sufficient numbers for attending to such a group, as laid down in the Baden-Wurtemberg Act on Nursery Schools, also other

persons (non-professional staff) may be employed for Romany language instruction in children's day-care centres. To this extent, the providing bodies of nursery schools have autonomy as regards staffing matters. The *Land* cannot exert any influence in this respect.

## 2. Hesse

715. In this regard, cf. the comments in Nos. 710 and 711 above.

## 3. Rhineland-Palatinate

716. So far, no wishes to this effect have been put to the *Land* by members of this minority/language group.

## 4. Free and Hanseatic City of Hamburg

717. The Free and Hanseatic City of Hamburg has adopted paragraph (a) (iv) as a new voluntary commitment. So far, the *Land* has not received any pertinent wishes expressed by members of this language group.

### Art. 8, para. 1, sub-para. (b) - Primary Education -

- (i) *to make available primary education in the relevant regional or minority languages; or*
- (ii) *to make available a substantial part of primary education in the relevant regional or minority languages; or*
- (iii) *to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- (iv) *to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;*

## 1. Baden-Wurttemberg

718. The *Land* has not explicitly adopted the obligation under sub-paragraph (b).

719. So far, no demand for instruction in the minority language Romany has been notified in Baden-Wurttemberg. Trained teachers able to give such instruction are not available. In Baden-Wurttemberg, the children of Sinti and Roma are integrated into the regular classes. In Heidelberg, a *Land*-subsidized advisory service of the [Baden-Wurttemberg] *Land* Association of German Sinti and Roma provides guidance to teachers and to parents. In addition, co-operation is pursued with the school psychological [child guidance] services of the *Land*. Additional financial support has been promised to this *Land* Association.

720. By letter of 5 June 2000, the [Baden-Württemberg] Ministry of Education and Cultural Affairs promised that, in cases where such a demand exists, Romany classes supplementing regular instruction (e.g. homework assistance or language instruction) - to comprise 2-hour periods twice per week (for groups comprising 8 - 10 pupils) - will be offered on the basis of the *Lehrbeauftragten-Modell* [Temporary/Substitute Instructors Model] at two or three sites (e.g. Heidelberg/Mannheim area, Ravensburg).

## 2. Berlin

Berlin has accepted the obligations under sub-paragraph (b) (i) to (iv).

721. In consultation with the Berlin/Brandenburg *Land* Association of German Sinti and Roma, implementation of the obligations (i) to (iii) is not pursued at present.

722. The obligation under sub-paragraph (b) (iv) will be implemented only if and where the language group so requests. This wish has not been expressed during the period under review.

## 3. Hesse

The *Land* of Hesse has accepted the obligation under sub-paragraph (b) (iv).

723. In this regard, cf. the comments in No. 711 above.

## 4. Free and Hanseatic City of Hamburg

Hamburg has accepted the obligation under sub-paragraph (b) (iv).

724. Since 1992, Hamburg has made contracts of employment also with German Roma and Sinti to fill positions based on the separate job description "Roma and Sinti as Teachers and Social Workers".

725. At seven schools in Hamburg (one elementary school and six secondary modern schools and *Realschulen* [secondary technical schools]), Romany is offered also for German Sinti and Roma by four Roma teachers and Roma school social workers. Teaching in the mother tongue is integrated into regular instruction, by having Roma teach the classes with the support of a "team partner". In part, educational materials are bilingual. In this regard, care is taken to include the history and the literature of the German Roma and Sinti in classroom instruction.

726. Another focus of the educational work with Roma children is musical education. If they so wish, children can take part in dancing, singing and guitar lessons and are familiarized also with the music of German Roma and Sinti in its various forms. Also non-Roma can take part in this musical education.

727. In addition, if the parents and children so wish, small learning groups are taught in the mother tongue. Parent-teacher talks are also conducted in Romany, as are all guidance talks with pupils and with parents.

**Art. 8, para. 1, sub-para. (c) - Secondary Education -**

- (i) to make available secondary education in the relevant regional or minority languages; or*
- (ii) to make available a substantial part of secondary education in the relevant regional or minority languages; or*
- (iii) to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- (iv) to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;*

**1. Baden-Wurttemberg**

728. None of the obligations under sub-paragraph (c) has been explicitly adopted by this *Land*.

In this regard, cf. the comments in Nos. 718 - 720 above.

**2. Hesse**

729. In this regard, cf. the comments in No. 711 above.

**3. Free and Hanseatic City of Hamburg**

730. In this regard, cf. the comments in No. 717 above.

**Art. 8, para 1, sub-para. (d) - Technical and Vocational Education -**

- (i) to make available technical and vocational education in the relevant regional or minority languages; or*
- (ii) to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or*
- (iii) to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- (iv) to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;*

## 1. Hesse

731. In this regard, cf. the comments in No. 711 above.

## 2. Free and Hanseatic City of Hamburg

732. Hamburg has newly adopted this obligation. No information on any experience is yet available.

### Art. 8, para. 1, sub-para. (e) - University and Other Higher Education -

- (i) *to make available university and other higher education in regional or minority languages; or*
- ii) *to provide facilities for the study of these languages as university and higher education subjects; or*

The obligations under sub-paragraph (e) (i) to (ii) have been accepted by Berlin.

733. In consultation with the Berlin/Brandenburg *Land* Association of German Sinti and Roma, implementation of these obligations is not pursued at present.

### Art. 8, para. 1, sub-para. (e) (iii)

- (iii) *if, by reason of the role of the State in relation to higher education institutions, subparagraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;*

## 1. Baden-Wurttemberg

734. Baden-Wurttemberg has notified adoption of this provision in the sense of "undertake ... to allow" since, in this sense, it is met under the established law with reference to the freedom of science and research, as guaranteed under Article 5, para. 3, of the *Basic Law*, and to the autonomy of institutions of higher education deriving from those constitutional provisions.

## 2. Berlin

735. In consultation with the Berlin/Brandenburg *Land* Association of German Sinti and Roma, implementation of this obligation is not pursued at present.

### 3. Free and Hanseatic City of Hamburg

736. Hamburg has newly adopted this obligation. No information on any experience is yet available.

### 4. Hesse

737. In this regard, cf. the comments in No. 711 above.

### 5. North-Rhine/Westphalia

738. The *Land* of North Rhine/Westphalia notified adoption of this provision in the sense of "undertake ... to allow" since, in this sense, it is met under the established law with reference to the autonomy of institutions of higher education as guaranteed under Article 5, para. 3, of the *Basic Law*.

### 6. Rhineland-Palatinate

739. Rhineland-Palatinate notified adoption of this provision in the sense of "undertake ... to allow" since, in this sense, it is met under the established law with reference to the autonomy of institutions of higher education as guaranteed under Article 5, para. 3, of the *Basic Law*.

#### Art. 8, para. 1, sub-para. (f) (iii) - Adult Education -

(iii) *if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;*

This obligation has been accepted by the Federal Republic of Germany.

740. The provision of sub-para. (f) (iii) is met at the national (i.e. federal) level by the public funding of the *Documentation and Cultural Centre of German Sinti and Roma* since, on the basis of this funding support and by virtue of the principle of self-management, it is up to the responsible representatives of this minority/language group, when deciding on the Centre's activities, to include pertinent measures in the field of adult education and to implement them within the limits of the overall funds available.

741. Baden-Wurtemberg, while not having explicitly adopted this obligation, meets the requirement of this provision by being the only *Land* co-funding the *Documentation and Cultural Centre of German Sinti and Roma* located in Heidelberg, i.e. in the *Land* of Baden-Wurtemberg, with a share of 10 % of the Centre's total

expenses. This financial support is seen as an encouragement to offer Romany as a subject of adult and continuing education. This funding makes it possible, in the context of self-management, for the responsible representatives of this ethnic group to adopt, organize and implement adult education measures when deciding on the activities to be pursued by the *Centre*.

The Hesse Land Association of German Sinti and Roma was informed that such education was requested in a number of Hessian towns. As a next step, the *Land* Association therefore plans to carry out an in-depth local needs analysis as soon as funds become available.

**Art. 8, para. 1, sub-para. (g) - Teaching of the History and Culture Education -**

*(g) to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;*

This obligation has been accepted by the Federal Republic of Germany.

742. On account of the historical events during the Nazi rule of force, the history and the culture of the German Sinti and Roma, which is reflected in the Romany language, is included in school education throughout the Federal Republic.

743. Under the federal structure of the Federal Republic of Germany, implementation of this provision is incumbent on the *Länder*, in particular. Within the *Länder's* educational system, promoting the knowledge of the culture, history, languages and religion of the respective minorities/language groups as well as of the majority population is part of the curricula of publicly maintained and private schools and of the mandate of the *Land* Centres and Federal Centre for Political Education.

744. As regards imparting of knowledge of the history and culture of the German Sinti and Roma who live dispersed in almost all parts of the Federal Republic, the following examples can be given:

745. In Hesse, school education includes the history and culture of the Sinti and Roma, as provided under the framework curricula for schools. On behalf of the Hessian Ministry of Education and Cultural Affairs and in co-operation with *Fritz-Bauer-Intitut*, the Hessian *Land* Institute for Pædagogics has developed pertinent educational materials. In 1998, the Hessian Ministry of Culture established the *Pädagogisches Büro Nationale Minderheiten: Sinti und Roma* [Educational Bureau for National Minorities: Sinti and Roma] and integrated it within the Hessian *Land* Institute for Pædagogics. A priority element of the mandate therefore is follow-up training of the teachers of Hessian schools with regard to the history and culture of the Sinti and Roma,

both in a narrower and broader sense. However, in addition to its responsibilities within the Hessian *Land* Institute for Pædagogics, the Educational Bureau was assigned an additional task by the Hessian Ministry of Education and Cultural Affairs, namely implementation of this matter at the university level and in society at large.

Against this background, the Educational Bureau, under the auspices of the Hessian *Land* Institute for Pædagogics, carried out the following activities during the period under review:

- organization of follow-up training seminars for Hessian teachers
- advisory services for classroom instruction projects of various schools
- organization and monitoring of pertinent in-school further education (e.g. a Pædagogical Day for the entire teaching staff of a school)
- development of teaching materials:
  - teacher guidance material "Sinti and Roma in Films", ed. by Charlotte Bernard and Marlis Sewering-Wollanek; *Pädagogisches Büro nationale Minderheiten: Sinti und Roma / Hessisches Landesinstitut für Pädagogik*. Wiesbaden 2001. (= Materials for Classroom Instruction, 135A).
  - various hand-outs for school classes
- presentation of the [permanent] Exhibition organized by the Documentation and Cultural Centre of German Sinti and Roma on the subject of "The Genocide of Sinti and Roma during the Nazi Era"; this activity was carried out in co-operation with the Association of German Sinti and Roma / Hesse *Land* Association, the municipality of Marburg, the Marburg *Philipps-Universität*, the Marburg *Cineplex*, and the *Land* Theatre in Marburg. This project networked the three aforementioned fields of activity (further training of teachers; university activities; society) in such a way that they complement each other. 750 school children visited the Exhibition and were introduced to this particular subject.
- further education organized within the Hessian *Land* Institute for Pædagogics
- follow-up training courses at *Studienseminare* [institutions for the professional training of teachers]

Under the remit to raise public awareness of matters related to Sinti and Roma, the following activities were carried out during the period under review:

- advisory services and monitoring of exhibitions organized by other bodies:
  - "*Roma in Rumänien*" [Roma in Romania], photo exhibition, Marburg, November 2001
  - "*Vom Verschwinden der Kindheit*" ["About the loss of childhood"], Marburg, February - March 2003. As part of the programme accompanying this exhibition, the Educational Bureau presented the film "*Abschied von Sidonie*" ["Farewell to Sidonie"] (by Karin Brandauer) and a lecture.
  - interviews with the press and local radio stations
  - lectures, e.g. for the Fulda *Fachhochschule* [university of applied sciences]
  - participation in pertinent working panels (Working Panel "Sinti and Roma" of the *Fritz-Bauer-Institut*; membership of the *Gesellschaft für Antiziganismusforschung* [Society for the Study of Anti-Gypsy Attitudes])



Other activities envisaged for the year 2004 include, *inter alia*:

- Joint presentation of the exhibition organized by the Association of German Sinti and Roma / Hesse *Land* Association on the 600 years of the history (of persecution) of Sinti and Roma in Hesse, with an accompanying cultural programme. The target groups of this exhibition are school children and teachers, in particular.
- Funding of a publication containing reports by contemporary witnesses and edited by the Hesse *Land* Association: more than 40 reports by Hessian Sinti about their persecution under National Socialism.
- Teacher guidance material containing stories and fairy tales of the Sinti and Roma.
- Establishment of a co-ordinators' network of all Hessian teachers dealing with subjects concerning Sinti and Roma, with the aim of interrelating and enhancing their work so as to achieve synergy effects.

The relevant section of the Marburg *Philipps-Universität* carried out the following activities during the period under review:

- Seminars held at the Department of Historical Science / Institute for East European History; these regularly cover the history and present situation of East European Roma in the narrower and wider sense.
- Seminars held at the Department of Pædagogics, which deal with the history and present situation of the German Sinti and Roma, their place in German society and at school.
- Monitoring of assessed essays prepared by students on these subjects; over the past few semesters, an increase in the number of such coursework papers was indeed observed.
- Administering intermediate examinations [required for entry to the final examination for a university diploma] which by now, although only infrequently, also include subjects related to the Sinti and Roma.

746. The educational offers by North Rhine/Westphalia Land are primarily aimed at imparting the history and culture of the Sinti and Roma. For instance, materials for classroom instruction and regional follow-up training - which provide information on the culture group and history of the Sinti and Roma - were developed, with the participation of the local Sinti and Roma, in the cities of Hamm and Cologne. The involvement of Roma in parental counselling in Cologne, in connection with literacy programmes, helps to enhance the confidence-building process between schools and families.

747. In Baden-Württemberg, the following measures have been agreed by the Ministry of Education and Cultural Affairs in co-operation with the Baden-Württemberg *Land* Association of German Sinti and Roma: At the *Land* Institute for Education and Instruction in Stuttgart, a Working Group *Sinti und Roma in Deutschland* [Sinti and Roma in Germany] will be established, to co-operate with the *Documentation and Cultural Centre of German Sinti and Roma* in Heidelberg. Teachers and educators, representatives of the "Union of German Sinti and Roma -

Baden-Württemberg *Land* Association" and of the Heidelberg-based *Documentation and Cultural Centre* are represented on this Working Group. The Working Group is to give new impulses for the inclusion, in school education, of the history, culture, and suffering of German Sinti and Roma. The *Documentation and Cultural Centre* will be included in the number of non-school educational institutions, e.g. with the task of preparing school trips to Heidelberg. The *Land* Institute for Education and Instruction is preparing a brochure to be used in class for analyzing, and attempting to come to terms with, the history of the Sinti and Roma. In addition, the *Land* Government endeavours to induce educational publishing houses to take increased account of the Sinti and Roma in textbooks and other educational media.

748. In imparting knowledge of the culture of the majority population and of national minorities and ethnic groups in schools and in the extra-curricular sector, an important role is played by the public institutions for political education, i.e. the *Federal Centre* (BpB) and the *Land Centres* for Political Education. The materials compiled by these Centres with regard to issues of the co-existence of the various cultures represented in Germany are used as instruction material both in schools and in adult education.

749. Within the Senate Authority for Schools, Youth and Sports in the *Land* of Berlin, staff members from both the schools and youth services sectors, deal with the current situation of Sinti and Roma. They are represented on an interdepartmental Regional Committee. The provisional Framework Curricula for Education and Instruction at the Berlin Schools for the subjects 'history' and 'political science' include, of course, the Sinti and Roma in the treatment and discussion of the Nazi ideology and of its enforcement by means of persecution and extermination. The Berlin schools also avail themselves of the opportunity to invite Sinti and Roma as external speakers/lecturers. The *Landesinstitut für Schule und Medien* (LISUM - *Land* Institute for Schools and the Media) operates a media rental service which makes video cassettes on this subject available to Berlin schools.

750. Information on the activities and situation of the German Sinti and Roma is provided by the *Land* Government of Schleswig-Holstein primarily through the aforementioned Minority Report, which was published in brochure form.

751. In Bavaria, inclusion of the history of the Sinti and Roma in classroom instruction is ensured by the relevant curricula and is expressly laid down especially in the more recent curricula. The *Land* Centre for Political Education provides teachers with materials suited for use in classroom instruction and will also - probably

by the end of 2003 - publish a wall newspaper on subjects related to the Sinti and Roma.

The persecution and murdering of Sinti and Roma are also subjects regularly covered by the activities referring to memorial sites. Study trips are organized, for schools of all types, to the KZ memorial sites and to regional concentration camps and KZ workcamps. The Union of German Sinti and Roma (Bavaria *Land* Association) is invited to take part in the development of specific models for visits by school children to these memorial sites.

The new curricula for all types of schools place greater emphasis than before on intercultural education. This is also to include treatment of the language, culture, history and religion of German Sinti and Roma.

752. In Hamburg Land, political education activities increasingly provide for public information regarding the history and identity of this minority traditionally resident in Germany. Thus in Hamburg, a number of books and brochures were published on the subject of the living together of different cultures and nationalities; among these is the publication entitled "*Wir sprechen viele Sprachen*" ["We speak many languages"] (a reading book with picture writing, which is also used as a first reader in classes attended by Roma). In addition, the Hamburg Senate published a brochure entitled "Roma and Sinti in Hamburg" which is designed to foster understanding of the culture and history of the Roma and Sinti in Hamburg.

753. The Lower Saxony Land Centre for Political Education, within the framework of activities related to memorial sites, deals with the history of the persecution of the Sinti and Roma during the Nazi era. It holds meetings on this subject, and carries out research on the fate suffered by the Sinti and Roma in the concentration camp of Bergen-Belsen. Discrimination against the Sinti and Roma in post-war Germany was the subject of several meetings which also dealt with matters related to indemnification for wrongs suffered during the Nazi era.

754. In Baden-Württemberg Land, a brochure entitled "*Zwischen Romantisierung und Rassismus: Sinti and Roma 600 Jahre in Deutschland*" ["Between romanticizing and racism: 600 years of Sinti and Roma living in Germany"] was published in November 1998 jointly by the Baden-Württemberg *Land* Centre for Political Education and the Union of German Sinti and Roma - Baden-Württemberg *Land* Association. It contains articles by writers and scholars, and is primarily intended for teachers and professionals in adult education. It is intended to impart the basic and background knowledge that helps to counter the development of prejudices and to develop and raise public awareness.

755. The Rhineland-Palatinate Land Centre for Political Education, together with the State Pædagogical Centre, developed educational materials on the subject of "*Sinti and Roma - Eine deutsche Minderheit*" ["Sinti and Roma - A German minority"]. A key feature of these materials is that, rather than developing a "minority science" [a body of knowledge about minorities] as seen from the perspective of the majority population, the perspectives of both the majority and the minority are represented to the same extent.

756. The Bundeszentrale für politische Bildung (BpB - Federal Centre for Political Education) also dealt intensively with this subject-matter, especially in various publications of the series "*Informationen zur politischen Bildung*" ["Information on Political Education"] which reach a large number of teachers/educators and other multipliers.

757. The Federal Government and the *Länder* endeavour to further improve the education and information currently offered, outside the traditional settlement areas, on the subject of national minorities and ethnic groups. The national minorities and ethnic groups regard the education/information activities outside the central settlement areas as insufficient and, in particular, miss a nation-wide survey concerning the four [minority language] groups concerned. In this regard, cf. No. 104 above.

Art. 8, para. 1, sub-para. (h) - Basic and Further Training of Teachers -

(h) *to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;*

This obligation has been accepted by the Federal Republic of Germany.

758. As regards the general situation of Romany in a school context and the realization of the self-management principle through the promotion of the *Documentation and Cultural Centre*, reference is made to the implementation measures described above with regard to Article 8. Also, reference is made to the detailed description of the information materials regarding the culture and history of this minority/language group, which are used for teacher follow-up training and are included as educational material in school instruction.

759. In teacher follow-up training, in particular, coverage of the interests of this minority/language group has become a regional focus.

760. Various schools in Hamburg, with a larger share of Roma children, have Roma employed as teachers and/or school social workers. The *Institut für Lehrerbildung und Schulentwicklung* (LI - Teacher Training and School Development Institute) organizes follow-up training for Roma working at Hamburg schools.

761. Since 1993, the *Institut für Lehrerbildung und Schulentwicklung* (LI - Teacher Training and School Development Institute) in Hamburg has promoted and supported school education of Roma and Sinti children. This includes:

- conceptual development of school programmes also for German Roma and Sinti children;
- follow-up training of teachers and of Roma employed in schools;
- development of educational material;
- production of an information film on school-related issues, also in the Romany language of the German Sinti, for Roma and Sinti parents;
- counselling for parents, pupils, schools and the competent authority.

762. In Hesse, the aforementioned *Pädagogisches Büro Nationale Minderheiten: Sinti und Roma* [Educational Bureau for National Minorities: Sinti and Roma] offers follow-up training for teachers and supports projects carried out by schools. As a first step, the subjects relating to the history and present-day life of the Sinti and Roma and to anti-Gypsy attitudes were incorporated in the framework curricula for sociology, history and social studies, which were adopted in 1995. Subsequently, under a 2-year project, educational materials were developed for history instruction and made available to schools in the 1998/99 school year. In 2001, the Bureau developed material designed for teachers on the subject of "Sinti and Roma in films - Information on documentaries and feature films".

The Educational Bureau is to create, in the Hessian schools, the conditions for introducing the history and present-day life of the Sinti and Roma, the subject of anti-Gypsy attitudes, and the culture of the Sinti and Roma in a form adapted to the respective age groups and school subjects. Teachers are to be provided with reliable information on this subject matter which so far has been neglected by scholarly research and which is subject to quite a few stereotyped ideas. The target group of these awareness-raising efforts is the majority population so as to reduce information deficits and prejudices on a long-term basis. Therefore, they are designed to have both a *Land-wide* and a regional impact. Follow-up training for teachers includes lectures and seminars, research and supply of literature, and the introduction to, and presentation of, newly developed educational material. In addition, the Bureau gives advice to schools, and initiates and co-ordinates regional and local projects. It disseminates current research findings and co-operates with scholarly institutions and with its counterparts in other *Länder* and with institutions and organizations of the Sinti and Roma. Events and meetings help to develop a dialogue between the minority and majority populations.

Recruitment of members of the minority, who did not take the state examination for teachers, for teaching Romany to Sinti and Roma is made possible and facilitated by the opening of schools [to such instructors], as stipulated in the Hessian Schools Act, and by the extension of schools offering whole-day classes.

763. In North Rhine/Westphalia, similar activities are carried out for teacher follow-up training. For instruction and regional follow-up training, materials were developed to provide information on the culture and history of the Sinti and Roma. A teacher follow-up training project carried out in Hamm covers the discussion and analysis of the experience made with the project, and co-operation between various projects and an exchange of experience with other projects (Hamburg, Bremen, and Denmark and the Netherlands). In addition, the related documentation provides for the information of, and exchanges with, individuals and groups other than those involved in such projects.

764. In Lower Saxony, as part of the follow-up training scheme "*interkulturelles Lernen*" [intercultural learning], regionally and centrally organized teacher follow-up training courses are occasionally offered which impart knowledge of cultural, social and historical aspects of the situation of the Sinti and Roma to teachers, and also offer didactic/methodological aids in view of promoting schooling progress and integration. The Lower Saxony Association of German Sinti, as well as local initiatives, are involved in designing and organizing these follow-up training courses.

765. In Rhineland-Palatinate, the State Pædagogical Centre and the *Land* Centre for Political Education developed information material on the subject of "Sinti and Roma - a German Minority". This material is made available to the schools of this *Land*.

766. In Bavaria, the central state agency for teacher follow-up training continuously deals with the problems of ethnic linguistic minorities. Current educational objectives are tolerance, living together harmoniously, understanding, and respect for linguistic and cultural minorities. *Land*-organized teacher follow-up training courses, which also cover intercultural education, regularly deal with these subjects. This includes follow-up training of teachers with regard to the culture, history, language and religion of the German Sinti and Roma.

767. In the *Land* of Berlin, the *Landesinstitut für Schule und Medien* (LISUM - Berlin *Land* Institute for Schools and the Media) organizes a number of follow-up training courses on the subject of "Intercultural Learning", which include the language group of the Sinti and Roma.

As part of its Working Papers series, LISUM published "*Geschichte der Sinti und Roma in Deutschland; Darstellung und Dokumente*" ["History of the Sinti and Roma in Germany; Description and Documents"], and in the series *Didaktische Materialien* ["Didactic Materials"], the volume entitled "*Von Berlin nach Lodz und Auschwitz, Materialien zum nationalsozialistischen Massenmord*" ["From Berlin to Łódź and Auschwitz - Materials on the Nazi-era Massacre"]. Also, in co-operation with the publishing house Hentrich & Hentrich, the volume "*...die vielen Morde*" (*Dem Gedenken an die Opfer des Nationalsozialismus*) ["...those many murders" (In Remembrance of the Victims of National Socialism)] was published and distributed at Berlin schools. A large number of documents is dedicated to the memory of the Sinti and Roma as one of the seven groups of victims.

**Art. 8, para. 1, sub-para (i) - Supervisory Bodies -**

- (i) *to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings which will be made public.*

767a. The Central Council of German Sinti and Roma points out that [implementation of] Art. 8, para. 1, sub-para. (i), should - in view of the historical experience with investigating/spying and the genocide - be subject to the proviso that such supervisory bodies are not responsible for monitoring or prescribing the contents (i.e. the teaching material, course content, and texts used in classroom instruction) of language instruction given by Sinti or Roma teachers to children and adults of this minority. These bodies must have the task of controlling the technical and organizational requirements and processes for supplementary homework assistance and catch-up tuition and for other group work (numbers of groups and pupils; compliance with the time schedule for lessons; etc.).

**1. Berlin**

768. The prerequisite for implementing this provision is that the minority/language group must, with regard to the obligations under Article 8 of the Charter, specify their requirements for instruction in the Romany language. As regards the present status, cf. the pertinent comments on the preceding provisions of Article 8.

**2. Free and Hanseatic City of Hamburg**

769. The Hamburg *Institut für Lehrerbildung und Schulentwicklung* (LI - Teacher Training and School Development Institute) also takes care of the counselling of specialized teachers who receive follow-up training or additional qualification for teaching in the

regional language Low German and the minority language Romany. The Institute keeps a list of the relevant courses offered by Hamburg schools; information on such activities is given in the periodical "*LI Magazin*" ["LI Magazine"]. With regard to any extension required, or the qualification, of the offered courses, the responsible lecturers of the Institute confer with the supervisory school authorities and with the 'German Language' Section of the Senate Authority for Schools.

### 3. Hesse

770a. In this regard, reference is made to the above comments in No. 768 under "1. Berlin".

#### Article 8, para. 2

##### *Paragraph 2*

*With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.*

This obligation has been accepted by the *Länder* of Berlin, Hesse and North Rhine/Westphalia and, as a newly assumed voluntary commitment, by the Free and Hanseatic City of Hamburg.

770b. As regards colleges and universities, this obligation - in the sense of "undertake ... to allow" - is met for all languages in the entire territory of the Federal Republic by virtue of Article 5, para. 3, of the *Basic Law* (autonomy of institutions of higher education).

On account of the situation of this minority/language group in terms of school education, as discussed in detail in Nos. 704 - 708 above, this provision is at present not of relevance in practice.



## Article 9 Judicial Authorities

### *Paragraph 1*

*The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

### Art. 9, para 1, sub-para. (b) - Civil Proceedings -

*in civil proceedings:*

- (iii) to allow documents and evidence to be produced in the regional or minority languages,  
if necessary by the use of interpreters and translations;*

### Art. 9, para 1, sub-para. (c) - Proceedings before Courts concerning Administrative Matters -

*(c) in proceedings before courts concerning administrative matters:*

- (iii) to allow documents and evidence to be produced in the regional or minority languages,  
if necessary by the use of interpreters and translations;*

Both obligations have been accepted by the Federal Republic of Germany.

771. With the proviso that documents and evidence drafted in a minority language must be presented in a form obviating misunderstandings or errors with regard to their translation, this obligation is met by the legal situation prevailing in Germany and all of its *Länder*. Therefore, no special measures have been taken.

772. As regards proceedings before administrative courts, it should be noted that these courts are obliged to conduct *ex officio* investigations and, where necessary and appropriate, will on their own initiative rely on the services of interpreters. Thus, the members of a given language group suffer no prejudice by the use of their language.

773. For Baden-Württemberg, the additional information is provided that, over the past years, the Ministry of Justice has learnt of only one case where, in civil proceedings, a court contacted the Ministry of Justice in search of a qualified interpreter for the Romany language, who was then located with the help of the *Bundesverband der Dolmetscher und Übersetzer e.V.* [BDÜ - Federal Association of Interpreters and Translators, reg'd].

774. Generally, the existing procedural regulations ensure that qualified interpreters will be called in if a person appearing in court does not have a full command of the German language, and/or for translating legal documents and evidence submitted in such proceedings. In its Official Gazette, the Baden-

Wurttemberg Ministry of Justice - wishing to provide a practical aid - included an interpreter for the Romany language in a list of interpreters for rarely used languages; at the same time, all courts and Public Prosecutor's Offices were requested to give the names of interpreters for rarely used languages who are not yet included on the list.

**Art. 9, para. 2, sub-para. (a) - Validity of Legal Documents -**

*The Parties undertake:*

- (a) *not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or*

775. This obligation has been accepted by the Federal Republic of Germany and is met by the prevailing law in Germany and all of its *Länder*.

## Article 10

### Administrative Authorities and Public Services

#### *Paragraph 1*

*Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

#### Art. 10, para. 1, sub-para. (a) (v) - Submission of Documents -

(v) *to ensure that users of regional or minority languages may validly submit a document in these languages;*

The obligation under sub-paragraph (a) (v) has been accepted by the Land of Schleswig-Holstein.

776. The legal basis for the adoption of this obligation by Schleswig-Holstein *Land* is Article 82a, para. 2, of the *Land Administration Act*. This discretionary regulation provides for the general possibility to submit applications, petitions, records, deeds or other documents in a foreign language, i.e. a language other than the official language.

#### "Section 82a - Official language

- (1) The official language is German.
- (2) If applications or petitions, records, deeds or other documents drafted in a foreign language are submitted to an authority, the latter may require a translation to be produced. (...)"

777. Schleswig-Holstein adopted this obligation for all four of its minority/regional languages. In a letter of 16 July 1998 to the Minister-President [of Schleswig-Holstein], the *Central Council of German Sinti and Roma* objected to the adoption of this undertaking and asked for withdrawal of its notification to the Council of Europe. In her reply, the Minister-President stated that acceptance of this obligation was merely an offer by the State. It was left to the minority to make use of that offer or not. Since Schleswig-Holstein had entered into this undertaking also for its other minority and regional languages, renunciation, confined to Romany, of the protection afforded under this provision might give rise to the allegation that this constituted a form of discrimination. In 2000, the *Land Association of German Sinti and Roma* informed the State Chancellery that it did not share the Central Council's view and wished for Schleswig-Holstein *Land* to uphold acceptance of this undertaking.

#### Article 10, para. 2

#### *Paragraph 2*

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

**Art. 10, para. 2, sub-paras. and (b) - Use of a Regional or Minority Language, and Applications to Local and Regional Authorities -**

- (b) *the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

This obligation has been accepted by the *Land* of Schleswig-Holstein.

778. The legal basis for the adoption of this obligation by Schleswig-Holstein *Land* is Article 82a, para. 2, of the *Land* Administration Act. This discretionary regulation provides for the general possibility to submit applications, petitions, records, deeds or other documents in a foreign language, i.e. a language other than the official language.

"Section 82a - Official language

- (1) The official language is German.  
 (2) If applications or petitions, records, deeds or other documents drafted in a foreign language are submitted to an authority, the latter may require a translation to be produced. (...)"

779. Schleswig-Holstein accepted this provision for Low German and Romany. After this had been notified to the Council of Europe, the *Central Council of German Sinti and Roma*, in a letter (of 16 July 1998) to the Minister-President, objected to the acceptance of this obligation and requested the withdrawal of its notification to the Council of Europe.

780. As regards use of the Romany language in dealings with public authorities, it should also be pointed out that the German Sinti and Roma see Romany as a language used within the families and family clans of the Sinti and Roma. In their dealings with German authorities, they use the German language and object to their own language being learnt and used by administrative officials who are not members of this minority. However, the German Sinti and Roma wish that there should be no problems involved in the use of Romany in contacts of Sinti and Roma as administrative staff members, on the one hand, and as citizens seeking advice, on the other.

**Art. 10, para. 2, sub-para. (e) and (f) - Use of a Regional or Minority Language in Debates of their Assemblies -**

- (e) *the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*  
 (f) *the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

These obligations have been accepted by the *Land* of Hesse.

781. In a press release on the decision taken by the *Land* Government on 14 July 1998, it was pointed out that speeches in the Romany language may be made in the assemblies of local authorities. In this context, reference was made to several instances when debates were conducted in the Low German language in the German *Bundestag*. In the view of the Hessian *Land* Government, recognition of minority rights of Hessian Sinti and Roma and the entry into force of the anti-discrimination provisions of the Regional/Minority Language Charter and of the Framework Convention for the Protection of National Minorities will generate a growing interest and facilitate representation, through democratic parties, on local councils and regional parliaments. If two or more members of the national minority are represented on such councils/assemblies and occasionally use their minority language, use of that language is admissible under the Charter. As required, the German version of statements in that language is to be included in the minutes. No information on relevant practical experience is available.

Article 10, para. 3

*Paragraph 3*

*With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*

Art. 10, para. 3, sub-para. (c) - Requests in the Minority Language -

*(c) to allow users of regional or minority languages to submit a request in these languages.*

This obligation has been accepted by the *Land* of Hesse.

782. In administrative practice, no case has so far become known where a request to this effect was submitted by a member of this minority.

Article 10, para. 4

*Paragraph 4*

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

Art. 10, para. 4, sub-para. (c) - Appointment of Public Service Employees having a Knowledge of a Regional or Minority Language -

*(c) compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

## 1. Baden-Wurttemberg

783. If there is any relevant demand and if a staff member within the *Land* Administration expresses a wish regarding such an appointment, the scope for complying with the request will be examined. So far, however, there have been no requests to this effect at the level of the supreme *Land* authorities.

## 2. Hesse

784. So far, no requests to this effect have been made by public service employees.

## 3. Schleswig-Holstein

785. With a view to implementing this obligation, an announcement to this effect was made at the *Personalreferentenkonferenz* (PRK - Conference of Personnel Officers) in 1999 and again in 2003. The PRK brings together the personnel officers of the supreme *Land* authorities at regular meetings with the aim of co-ordinating and harmonizing the essential cross-departmental decisions in the field of personnel management.

If a staff member within the *Land* Administration expresses a wish regarding such an appointment, the scope for complying with the request will be examined. So far, however, there have been no requests to this effect at the level of the supreme *Land* authorities.

### Article 10, para. 5

#### *Paragraph 5*

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

786. This obligation has been accepted by the Federal Republic of Germany. In this regard, cf. the comments in Nos. 220 - 225 above.

## Article 11 Media

### *Paragraph 1*

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

### Art. 11, para. 1, sub-para. (b) (i) - Radio Broadcasting -

- (i) *to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; or*

This obligation has been accepted by the *Land* of Berlin.

787. There are no legal provisions preventing implementation of this provision. However, the minority/language group so far has not made any use of this possibility so that this provision is not of relevance in practice.

### Art. 11, para. 1, sub-para. (b) (ii) - Radio Broadcasting -

- (ii) *to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

### 1. Berlin

788. In view of ensuring pluralism of opinions among approved private broadcasters, Section 19, para. 1, of the *Inter-State Treaty between the Länder of Berlin and Brandenburg on Co-operation in the Field of Broadcasting* of 29 February 1992, as amended on 1 January 1999, stipulated the following: "The private broadcasters licensed in the area of application of this Inter-State Treaty shall reflect the essence of the plurality of opinions in the contents of their programmes. The relevant political, philosophical/ideological and social actors and groups shall be given adequate scope for expressing their opinions in the respective generalist (overall) programmes and in specialist (thematic) programmes with a focus on information; opinions of minorities shall be taken account of."

789. The *Inter-State Treaty between the Länder of Berlin and Brandenburg on Co-operation in the Field of Broadcasting* also laid down a provision on "minority programmes". Section 45 of the Inter-State Treaty reads as follows: "In statutes adopted by it, the Media Council can lay down the overall conditions for experimental programmes on a cable TV channel and a low-capacity FM broadcasting channel, in which special account is taken of the interests of minorities. If in that context foreign-language programmes are planned, the overall programme shall foster the living together of foreigners and the German population in Berlin and Brandenburg. Before

adopting statutes, the Berlin-Brandenburg *Land* supervisory authority for private broadcasters [MABB] will, in co-operation with the *Land* public-service broadcasting corporation, identify the demand for such programmes and study the scope for developing them."

790. The radio programme *MultiKulti* of *Rundfunk Berlin-Brandenburg* (RBB) which also broadcasts a section in the Romany language of the Roma of South Eastern Europe (Sundays, at 21.30 - 22.05 hours), addresses this programme mainly to Roma living in the Greater Berlin region and, in particular, to foreign Roma.

## 2. Free and Hanseatic City of Hamburg

791. There are no special offers for Romany at present. As regards the practical possibilities generally existing for this language group, reference is made to the comments in Nos. 226 - 239 above.

## 3. Hesse

792. In the *Land* of Hesse, Section 13, para. 1, of the Act on Private Broadcasting stipulates that the programmes shall contribute towards "the protection of ethnic, cultural and linguistic minorities".

## 4. Schleswig-Holstein

793. In 1999 and again in 2003, the Minister-President of Schleswig-Holstein *Land* encouraged the radio and TV station programme directors of *Norddeutscher Rundfunk* (NDR), *Zweites Deutsches Fernsehen* (ZDF - Second German Television, or Channel II), *DeutschlandRadio*, *Radio Schleswig-Holstein* (R.SH), *NORA* (NordOstsee-Radio), *delta radio* and *POWER RADIO Nord* as well as the *Unabhängige Landesanstalt für Rundfunk und neue Medien* (ULR - Independent *Land* Supervisory Authority for Broadcasting), the TV stations RTL and SAT1, the *Gesellschaft zur Förderung audiovisueller Werke in Schleswig-Holstein mbH* (MSH - Limited Liability Company for the Promotion of Audiovisual Works in Schleswig Holstein) and *Kulturelle Filmförderung* [registered association Cultural Film Promotion, Schleswig-Holstein] that "further avenues should be explored for integrating contributions in the minority languages and in the regional language Low German into their programmes, as a service for the citizens and in support of this element of Schleswig-Holstein's culture". Since the German Sinti and Roma minority use, and pass on, their language only within the family and their minority, radio broadcasts in Romany are not to be expected for the time being; or at any rate, the *Land* Government does not know of any such plans.



794. In addition, the following provisions have been laid down:

- The broadcasting corporation under public law (*Norddeutscher Rundfunk - NDR*) has the legal mandate to report on the cultural diversity and the special features of the respective *Land* and to give its support to the protection of minorities.
- Adequate room must be given in the programme to the North German region, its culture and language.
- Programming principles for private broadcasting: Broadcasting programmes shall contribute (...) to the protection and promotion of minorities (...).
- Protected minorities have access to the media, and scope for participation, on the same conditions as other groups of society. The provisions of the *Land Broadcasting Act* promote programming diversity and the variety of broadcasters.
- The *Land Broadcasting Act* was amended in 1999. Under this amendment, the previous Assembly of the supervisory authority ULR [Schleswig-Holstein *Land* broadcasting institution for private broadcasters] was replaced by a Media Council. Any socially relevant group, organization or association of supraregional standing is entitled to make nominations for the election of the Media Council.
- In addition, the ULR operates two radio broadcasting "Open Channels" in Schleswig-Holstein. Through these Open Channels, anybody who is not a broadcaster him/herself, can disseminate his/her own contributions via radio broadcasting.

Legal Bases:

Inter-State Treaty on *Norddeutscher Rundfunk* [NDR State Treaty] (of 26 February 1992): Section 3, para. 3; Section 5, para. 2, 1<sup>st</sup> sentence; Section 7, para. 2, 3<sup>rd</sup> sentence;

Inter-State Agreement on the Public Corporation *Zweites Deutsches Fernsehen (ZDF)* (of 15 December 2000): Section 5, para. 2;

*Land Broadcasting Act* (of 22 May 2002): Section 17, para. 2, nos. 1 and 2; Section 24, para. 3; Section 34, para. 1, 1<sup>st</sup> - 3<sup>rd</sup> sentences; Section 54, para. 3.

Art. 11, para. 1, sub-para. (c) (ii) - Broadcasting of Television Programmes -

(ii) *to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

1. Berlin

795. In this regard, cf. the comments in No. 788 above.

2. Free and Hanseatic City of Hamburg

796. In this regard, cf. the comments in No. 791 above.

3. Hesse

797. In the *Land* of Hesse, television programmes in Romany can be broadcast over the 'Open Channel'. At present, such facilities exist in the cities of Kassel, Gießen and Offenbach/ Frankfurt.

798. The *Land* Government will inform the Hesse-based *Hessischer Rundfunk* (HR) of the obligations entered into under sub-paras. (b) (ii) and (c) (ii) and, while observing the constitutional rule of governmental non-intervention in broadcasting, is prepared to initiate a dialogue between the Hesse *Land* Association of German Sinti and Roma and the Hessian *Landesrundfunkanstalt* [*Land* public service broadcasting corporation]. The *Central Council of German Sinti and Roma* pointed out to the *Land* Government that in the Council's view, programmes with Sinti and Roma music might be a possibility.

#### 4. Rhineland-Palatinate

799. In Rhineland-Palatinate, individuals and groups can, on their own responsibility, air television programmes over the so-called 'Open Channel'. It is not known whether any programmes in Romany have been broadcast so far.

#### 5. Schleswig-Holstein

800. In this regard, cf. the comments in Nos. 793 and 794 above.

#### Art. 11, para. 1, sub-para. (d) - Audio and Audiovisual Works -

(d) *to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

This obligation has been accepted by the Federal Republic of Germany.

801. As regards the production of such works and their dissemination outside the broadcasting sector, state promotion of the *Documentation Centre of German Sinti and Roma* meets this provision. On the basis of this funding support and by virtue of the principle of self-management, it is up to the responsible representatives of this minority/language group in this institution, when deciding on the Centre's activities, to decide on the adoption of pertinent measures and to implement them within the limits of the overall funds available.

#### Art. 11, para. 1, sub-para. (e) (i) - Newspaper -

(i) *to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or*

Preliminary remarks:

802. There is little scope for state intervention on account of freedom of the press as guaranteed by the Constitution (for additional reference, cf. the explanations in No. 230 above).

803. Publication of print media in the Romany language would be against the fundamental view of the German Sinti that their language should be used within their families and family clans only, and that no written form should be developed. However, the Central Council of German Sinti and Roma regularly disseminates articles and comments in German which are released to the press and also are made available to its affiliated associations for information. Other organizations of the German Sinti and Roma also provide information through information services and/or circulars. Roma organizations also use their Romany language for this purpose. The *Documentation and Cultural Centre of German Sinti and Roma* publishes a series of booklets (in German).

#### 1. Berlin

804. At present, no newspaper of the German Sinti and Roma is published in Berlin. No requests to this effect have so far been addressed to the *Land*.

#### 2. Hesse

805. So far, the members of the minority in this *Land* have not expressed any intention to create their own newspaper.

#### Art. 11, para. 1, sub-para. (e) (ii) - Newspaper Articles -

(ii) *to encourage and/or facilitate the publication of newspaper articles in the regional or minority languages on a regular basis;*

#### 1. Federal Republic of Germany

806. As regards the Romany language, the provision of subpara. (e) (ii) is met by the state-provided promotion of the *Central Council of German Sinti and Roma* and of the *Documentation and Cultural Centre of German Sinti and Roma*. On the basis of state-provided promotion of the press activities of the two institutions and under the principle of self-management, it is for the responsible representatives of this ethnic group in the two institutions to decide on the release of articles in Romany to the press and to disseminate them within the framework of the overall funds available.

#### 2. Berlin

807. In this regard, cf. the comments in No. 804 above.

808. *[blank]*

**Art. 11, para. 1, sub-para. (f) (ii) - Financial Assistance for Audiovisual Productions -**

- (ii) *to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;*

This obligation has been accepted by the Federal Republic of Germany.

809. Direct financial assistance by the state is problematic, due to freedom of broadcasting as guaranteed by the Constitution (in this respect, cf. the comments in Nos. 226 - 230 above).

810. This provision is met, as regards the Romany language, by the state-provided promotion of the *Documentation and Cultural Centre of German Sinti and Roma* since, on the basis of such promotion and under the principle of self-management, it is up to the responsible representatives of the ethnic group in this institution to use the available public funds also for audiovisual productions.

**Art. 11, para. 1, sub-para. (g) - Training of Journalists -**

- (g) *to support the training of journalists and other staff for media using regional or minority languages.*

This obligation has been accepted by the Federal Republic of Germany.

811. The state-provided promotion of the *Documentation and Cultural Centre of German Sinti and Roma* meets this provision with regard to the Romany language. On the basis of such promotion and under the principle of self-management, it is up to the responsible representatives of the ethnic group in this institution to use such public funds also for basic and follow-up training in the Romany language and/or to organize other professional follow-up training with regard to the use of the minority language.

**Art. 11, para. 2 - Freedom of Direct Reception of Broadcasts, and Freedom of Expression***Paragraph 2*

*The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

This obligation has been accepted by the Federal Republic of Germany.

812. As regards the fundamental conditions governing freedom of expression and reception of broadcasts, reference is also made to the detailed comments in Nos. 226 - 239 above. Within the limits of the law as described in those paragraphs, this obligation is met by constitutional provisions and ordinary laws in Germany.

## Article 12 Cultural Activities and Facilities

### Paragraph 1

*With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

### Art. 12, para. 1, sub-para. (a) - Types of Expression, and Access to Works -

(a) *to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*

### 1. Baden-Wurttemberg

813. Baden-Wurttemberg meets this obligation by promoting the *Documentation and Cultural Centre of German Sinti and Roma*. In this way, the Centre can launch initiatives which are typical of the forms of cultural expression specific to the minority language Romany, and it can facilitate access to relevant works by providing, in particular, its own publications.

### 2. Berlin

814. At the former *Kongresshalle* - which was built in 1957 in the Berlin *Tiergarten* district and is a world-famous landmark of this city - the cultural centre *Haus der Kulturen der Welt* presents a large variety of exhibitions, films, readings, concerts, dance or theatre performances, lectures and symposia. The providing bodies of this *Haus* are the *Land* of Berlin and the Federal Government. It soon gained a high international reputation and a wide public: these events draw an audience of more than 250,000 every year. The *Romani Rat e.V.* [cf. Romani Union Berlin-Brandenburg] (which for its presentation on the Internet uses the URL address of the web site [www.romani-union.com](http://www.romani-union.com)), together with the *Roma P.E.N. Zentrum*, organized a 'European Festival of Roma and Sinti Music' at this location on 22 - 25 May 2003.

815. In 1990, the *Land* Association established a social services/youth work Counselling Bureau. The staff members of this Bureau are Sinti. Its main tasks are social counselling and general assistance with the enforcement of indemnification claims of victims of the Nazi regime who are members of this national minority. In addition, awareness-raising activities forming part of school and out-of-school youth education as well as adult education, or presented at public events, are carried out with the aim of providing basic information about Sinti and Roma in order to reduce misconceptions and prejudices.

### 3. Free and Hanseatic City of Hamburg

816. Through its Senate Authority for Cultural Affairs, Hamburg assists cultural initiatives and artists of minorities, including Sinti and Roma, in the organization of cultural projects and events. The aim is to help minorities with the preservation and further development of their culture. Priority is given to promoting intercultural projects, i.e. projects involving, or reaching out to, people from different backgrounds.

### 4. Hesse

817. The *Land* Government declared its willingness to foster the means of access to works produced in the Romany language, with regard to cultural institutions and activities, especially libraries, cultural centres, museums, theatres, and literary works and film productions.

The first "Roma and Sinti Symphony Orchestra", directed by Ricardo Sahiti, was founded in Frankfurt/Main in 2002. The orchestra, which is composed of Sinti and Roma from Germany as well as of musicians from various foreign countries, in 2002 and 2003 already gave two extraordinarily successful concerts in Frankfurt, which received wide publicity. Guest performers were musicians of international renown, e.g. Robby Lakatos. The orchestra is the first to apply itself to the classical section of Roma and Sinti music. Well-known composers wrote concertinos specifically for this orchestra. The Central Council and the Documentation and Cultural Centre of German Sinti and Roma in Heidelberg provide organizational support to the orchestra.

### 5. Lower Saxony

818. Lower Saxony *Land* sees literature and language as an essential element of the identification of the individual and the community. Therefore, the *Land* subsidizes many associations and unions with regard to various activities designed to cultivate their minority language which is spoken in Lower Saxony. The Ministry of Scientific and Cultural Affairs is interested in promoting initiatives in the area of culture, especially literature. The Ministry encourages relevant events.

819. The focus of the above activities is on the the regional language Low German. No applications have so far been filed for promotion of Romany. In talks with the organizers of events, the *Land* regularly draws their attention to the existing and necessary scope for implementation with regard to the Romany language.

## 6. North-Rhine/Westphalia

820. Since 1993, this *Land* has provided financial promotion for the Roma "*Pralipe*" Theatre in Mülheim/Ruhr. The actors involved are Macedonian Roma who cannot be classed with the autochthonous German Sinti and Roma. By giving guest performances of stage plays in Germany and neighbouring countries, this theatre company, which originally was domiciled in the Former Yugoslav Republic of Macedonia, helps to preserve essential elements of the Roma's identity, such as language, tradition and cultural heritage. Special grants by the *Land* Government in 1998 enabled the "*Pralipe*" Theatre to go on an additional tour of guest performances to present its plays to a larger audience. With the support of the *Land* it is possible to present types of expression specific to the respective languages and to foster access to works produced in those languages.

821. Here it should be pointed out that the *Pralipe* Theatre in October 1998 received the Lorca Award of the International Institute of Mediterranean Theatre. At the same time, the Theatre, together with the former Ministry of Education and Cultural Affairs of North Rhine/Westphalia *Land*, was awarded a prize by this Institute for their commitment in fighting xenophobia.

## 7. Rhineland-Palatinate

822. In Rhineland-Palatinate, as part of the overall activities to foster and maintain culture, the Sinti and Roma "*Aven*" festival, which is regularly held in Landau, is supported with funds of the registered association "*Kultursommer e.V.*". Another event subsidized by *Kultursommer e.V.* was the 2003 music festival "*Horizonte*", with the participation of Sinti and Roma groups. Also, local events (e.g. the photo exhibition "*Schnuckenack-Reinhardt*") are financially supported. Since 1999, the *Land* Association of German Sinti and Roma has received institution-based financial support which is also used for promoting the Romany language.

## 8. Schleswig-Holstein

823. Implementation of this obligation is primarily accomplished indirectly by the *Land*-provided promotion of the Secretariat and Advisory Bureau of the *Land* Association of German Sinti and Roma in Kiel.

824. To give a specific example: in 1997, the Ministry for Education, Science, Research and Cultural Affairs and the *Land* Association of German Sinti and Roma organized an expert meeting within the framework of a cultural project. Sinti and Roma from several European countries discussed issues related to the self-perception and



the culture of the Sinti and Roma as well as aspects of any potential loss, or preservation, of culture. The meeting was also attended by representatives from other national minorities and ethnic groups of Schleswig-Holstein *Land*. The Official Residence for Guests of the *Land* Government was made available for the duration of the expert meeting. The meeting concluded with a musical programme. Since 1998, a specific title of the *Land* Budget (departmental budget of the Ministry for Education, Science, Research and Cultural Affairs) has been assigned to the cultural work of the German Sinti and Roma.

**Art. 12, para. 1, sub-para. (d) - Taking Account of the Regional or Minority Language in Cultural Activities -**

- (d) *to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*

**1. Baden-Wurttemberg**

825. This obligation is met by *Land* funding provided for the *Documentation and Cultural Centre of German Sinti and Roma* in Heidelberg, with a share of 10 % of the Centre's total expenses.

**2. Berlin**

826. The *Werkstatt der Kulturen* (WdK - Multicultural Workshop) established in 1993 and funded by the Berlin Senate - which is known as the initiator and organizer of the "*Karneval der Kulturen*" - perceives itself as a theatre of cultural diversity as well as a forum for encounter and political dialogue in Berlin. The culture and language of the Sinti and Roma are regularly presented in the WdK's programme which covers music, theatre, dance, performance, and photography. An exemplary case is the initiative "*Zukunftsmusik*" [lit. "music of the future", otherwise only used in its figurative meaning "dreams of the future"] which promotes musically talented children and adolescents coming from Sinti or Roma families. The providing body of this initiative is the WdK, in close co-operation with the Berlin-Brandenburg *Land* Association of German Sinti and Roma. The methodology and didactics are based on early childhood musical education within the families (tradition of oral passing on of qualifications) and on the particular standards required by the freely improvised music that is part of the culture of the Sinti and Roma. Offers to take part in this project help to promote contacts among the Sinti and Roma living in Berlin. Since March 1999, the *Romani Union Berlin-Brandenburg e.V.* has organized a series of readings under the motto "*Die Welt der Roma-Literatur*" ["The World of Roma Literature"]. This series was followed up, during

the period under review, by the *Romani Rat e.V.* with monthly readings held in the *Rat's* rooms in Schöneberg *Kulturhaus*, a (municipal) cultural (and civic) centre for decentralised cultural work, which is subsidized by the (Schöneberg) city district and the Senate Authority for Education and Cultural Affairs.

### 3. Free and Hanseatic City of Hamburg

827. The Hamburg Senate Authority for Cultural Affairs, in handling applications for support for Romany literary projects, gives equal priority to such projects and to those related to standard German and Low German. However, hardly any applications for literature promotion have been filed. Moreover, the Authority's 'Intercultural Projects' Section has an additional mandate also in the field of Romany and encourages the subsidized organizations to take special account of the Romany language.

### 4. Hesse

828. The Hesse *Land* Government promotes the cultural work of the Hessian *Land* Association of German Sinti and Roma. In co-operation with that *Land* Association, events were held under the motto "*ROM SOM*" covering the tradition of the poetry, music and narrative art of the Sinti and Roma (at *Museumszentrum* in Lorsch on 28 May 1999; in Darmstadt on 20 August 1999; and in Rodgau on 31 October 1999). Further cultural activities referring to the history and literature of the Sinti and Roma were organized by the *Land* Association at the Frankfurt *Literaturhaus* on 5 March 1999 and in Wiesbaden on 30 January 1999 and 23 September 1999.

On the occasion of commemoration ceremonies at the local level, individual artists from the minority gave performances. In addition, Sinti and Roma artists gave public performances organized in co-operation with the Hesse *Land* Association of German Sinti and Roma. To give a few examples: A concert to celebrate the founding of the Roma and Sinti String Orchestra in Frankfurt/Main on 3 November 2002. On 19 December 2002, in Darmstadt, the Roma theatre *Pralipe* gave a guest performance of the play "*Die Tinte unter meiner Haut*" ["The ink under my skin"].

### 5. Lower Saxony

829. In this regard, cf. the comments in No. 818 above.

### 6. North-Rhine/Westphalia

830. With the funding - already described in No. 820 above - provided to the *Pralipe* Theatre, which performs in Romany, the *Land* of North Rhine/Westphalia at the same time ensures that the bodies responsible for organizing cultural activities make appropriate allowance for incorporating the knowledge of the culture of this minority in the undertakings organized by these bodies.

## 7. Rhineland-Palatinate

831. In this regard, cf. the comments in No. 822 above.

## 8. Schleswig-Holstein

832. With the promotional funds provided by Schleswig-Holstein, the *Land* Association of German Sinti and Roma ensures that appropriate allowance is made for incorporating the knowledge and use of the Romany language and the culture of the German Sinti and Roma in its own cultural activities.

833. The *Land* Association was a partner in the project *Kulturen, Sprachen, Minderheiten: Die deutsch-dänische Grenzregion - Beispiel einer Konfliktlösung* ["Cultures, Languages, Minorities: The German-Danish Border Region - An Example of Conflict Management"] sponsored by Schleswig-Holstein *Land* as part of the World Exhibition EXPO 2000. For this reason, also staff of the *Land* Association took part in preparatory meetings. Cf. also No. 841 below.

### Art. 12, para. 1, sub-para. (f) - Participation of Representatives of the Group Speaking the Given Language in Cultural Activities -

- (f) *to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*

## 1. Baden-Wurttemberg

834. In this regard, cf. the comments in No. 825 above.

## 2. Berlin

835. The Berlin Senate encourages the representatives of the Sinti and Roma as well as individual members of this group to continue their active participation in the diversified cultural scene of the city districts and of the *Land* (in this regard, cf. the comments in No. 826 above).

836. Since December 2002, the *Regionale Arbeitsstelle für Ausländerfragen* [Regional Workshop for Foreigners' Issues] in Berlin has, as part of the measures designed

to promote the self-organization of Roma and Sinti by means of employment and protection of livelihoods, trained 'school helpers' who - as mediators between schools, on the one hand, and the Roma and Sinti families, on the other - promote mutual understanding of the cultural background of the respective other side. This is to ensure continuous school attendance and to enhance the educational opportunities of the members of this group.

Another provider (*Die Wille gGmbH*) trains members of this group as social advisers and family advisers who help other Sinti and Roma in their dealings with public authorities in order to eliminate intercultural misunderstandings and provide for actual use of the existing opportunities.

### 3. Free and Hanseatic City of Hamburg

837. The Hamburg Senate Authority for Cultural Affairs is willing to encourage representatives of this language group to participate in the work of cultural institutions and in the planning of cultural activities. So far, however, pertinent requirements have only rarely been notified by the language group.

### 4. Hesse

838. In this regard, cf. the comments in No. 828 above.

### 5. Lower Saxony

839. In this regard, cf. the comments in No. 818 above.

### 6. North-Rhine/Westphalia

840. Promotion of the *Pralipe* Theatre encourages representatives of this language group to participate directly in the planning of cultural activities, and they actually make use of this opportunity in practice.

### 7. Schleswig-Holstein

841. As a central cultural event, *Schleswig-Holstein-Tag* [a day dedicated to the special character of Schleswig-Holstein] is organized every two years in different places of this *Land*. The organizations and associations of the minority of German Sinti and Roma are also invited to participate in this event and to take part in arranging and organizing it. Since 1995, the *Land* Association of German Sinti and Roma has been a

member of the festival's organizing body *Landeskuratorium Schleswig-Holstein-Tag* and has regularly taken part in this *Land* festival.

Art. 12, para. 1, sub-para. (g) - Creation of Archive Bodies -

*(g) to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*

This obligation has been accepted by the Federal Republic of Germany.

842. Given the funding provided by the *Bund* [Federal Administration] and by Baden-Württemberg *Land* to the *Documentation and Cultural Centre of German Sinti and Roma*, this obligation is met nation-wide with regard to the Romany language since the tasks of this Centre include collecting, keeping copies of, and publishing such works.

Article 12, para. 2

*Paragraph 2*

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

843. In the Federal Republic of Germany, cultural activities conforming with the law in force are not subject to any permit procedure or restrictions. Thus, the above obligation is already fulfilled by the system of law in the Federal Republic of Germany. In addition, several *Länder* have adopted this provision additionally in the sense of "undertake ... to allow"; such adoption does not entail any requirement for special implementation measures. In this context it should be noted that the Sinti and Roma live dispersed in the various *Länder*, with concentrations in the large cities (in this regard, reference is made to the detailed comments in Part A, section A.3.4, Nos. 33 *seqq.*), so that for this reason alone, it is not possible for the *Länder* to confine their measures to a particular region of the respective *Land*.

This obligation has been accepted by the *Länder* of Baden-Württemberg, Hesse, North-Rhine/Westphalia and Schleswig-Holstein.

Article 12, para. 3

*Paragraph 3*

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

844. Adoption of this obligation has been notified by the Federal Republic of Germany for the entire federal territory since activities in the Romany language or

related to the culture reflected by Romany - e.g. guest performances by theatre companies or musical performances - can be organized in the context of Germany's cultural policy abroad. Examples are the following activities:

- *Häns'sche Weiss Ensemble* (Sinti jazz), South East Asia tour in 1991, and Hispano-America North in 1994 (Goethe-Institut)
- *Möttes Band* (Roman and Ricardo REINHARD; Sinti music and Yiddish songs), in York in 1998 (Goethe-Institut)
- *Pralipe* (Roma Theatre), at the *Festival of Central European Culture* in London in 1998.

## Article 13

### Economic and Social Life

#### Paragraph 1

*With regard to economic and social activities, the Parties undertake within the whole country:*

- (a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*
- (b) to prohibit the insertion - in internal regulations of companies and private documents - of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*
- (c) to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*
- (d) to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.*

845. The obligations under sub-paragraphs **(a)**, **(c)** and **(d)** have been accepted by the Federal Republic of Germany. They are in compliance with the established law of the Federal Republic of Germany and thus are already fulfilled nation-wide for all regional or minority languages.

846. Implementation of the provision of sub-para. (d) is accomplished, for instance, by the promotional funds provided by the *Bund* [Federal Administration] and by Baden-Württemberg *Land* to the Bureau of the *Central Council of German Sinti and Roma*, which is active in political and social life nation-wide, since the structures established for the self-management of the users of regional or minority languages increase the practical scope for using the respective language outside the family. Similarly, the funds provided by the *Länder* for the contact and counselling bureaus operated by *Land* Associations or clubs of German Sinti and Roma - and given that such funding at the same time encourages and facilitates the use of the Romany language - constitute compliance with the aforementioned obligation.

## Article 14 Transfrontier Exchanges

*The Parties undertake:*

- (a) *to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*

847. Acceptance of this provision has been notified by the Federal Republic of Germany for the entire federal territory. The Framework Convention for the Protection of National Minorities, upon its entry into force for the Republic of Austria, complies with this provision of the Charter with regard to the Romany language. Co-operation between the *Documentation and Cultural Centre of German Sinti and Roma* and the *Kulturverein Österreichischer Roma* [Cultural Association of Austrian Roma], which is also state-subsidized, has developed for a number of years already. Both sides keep up continuous exchanges of information and share each other's publications. This co-operation also extends to the fields of culture, education, vocational training and permanent education.

In co-operation with Roma organizations from a number of European countries (Austria, Poland, Hungary, Slovakia, Czech Republic, Netherlands, Yugoslavia, and others), the Documentation and Cultural Centre of German Sinti and Roma organized the Permanent Exhibition on the Genocide of Sinti and Roma in Nazi-Occupied Europe, which is located at the Auschwitz Memorial Site and was opened on 2 August 2001. The exhibition is housed in "Block 13" of the so-called "principal camp" of the former concentration and extermination camp Auschwitz. At a number of meetings held during the design and build-up phase of this exhibition, the participation of Roma representatives from the various countries resulted in an international cultural exchange, e.g. music presented in the Romany language of the Ukrainian minority. On the occasion of the international memorial day of the Roma and Sinti, which for many years already has been held every 2<sup>nd</sup> August at Auschwitz-Birkenau, the Polish Roma Association regularly presents an accompanying cultural programme. Every year, delegations comprised of 25 to 30 persons of the Documentation Centre and of the Central Council of German Sinti and Roma take part in the Memorial Day ceremonies and attend the performances of the accompanying programme and in this context participate in a transfrontier cultural exchange. For the travel of delegations comprising 150 members to commemoration ceremonies on particular anniversaries in Auschwitz, the Federal Foreign Office grants supplementary funds.



## D.2.6 Low German

848. Low German (Low Saxon; *Niederdeutsch*; *Plattdeutsch*) is protected under Part III of the Charter in the following *Länder*: Free Hanseatic City of Bremen, Free and Hanseatic City of Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein. In the *Länder* of Brandenburg, North Rhine/Westphalia and Saxony-Anhalt, Low German falls under the protection afforded under Part II, since the required quorum of 35 obligations is not attained.

### Article 8 Education

#### Paragraph 1

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

#### Art. 8, para. 1, sub-para. (a) - Pre-School Education -

- (i) *to make available pre-school education in the relevant regional or minority languages; or*
- (ii) *to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
- (iii) *to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or*
- (iv) *if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;*

The *Länder* noted below have accepted the obligation under sub-paragraph (a) (iv).

#### 1. Brandenburg

849. In Brandenburg *Land*, pre-school education is the responsibility of local authorities. Under the Act on Financing Local Authorities, these latter receive funds, *inter alia*, for the purpose of promoting institutions and measures in the field of pre-school education, e.g. day-nurseries or children's day-care centres.

850. The Low German language is spoken in the northerly *Landkreise* of Uckermark, Prignitz, Ostprignitz-Ruppin and Oberhavel. Not only does the *Land* Government *not* discourage the use of the Low German language in pre-school education, but it even takes a very positive approach to this matter. However, no statistics are available on the extent to which Low German is used (in response to No. 84 of the Monitoring Report [MIN-LANG (2002) 4 final]).

851. Official statements by the government, pertinent comments by politicians in positions of responsibility, and appreciative acknowledgement of the work done with regard to minority-related matters are aimed at creating a climate in which Low German will win recognition as an autochthonous form of expression of Northern Germany and the northern region of Brandenburg, and at inducing parents and providing bodies of children's day-care centres to take an interest in the inclusion of the Low German language in children's pre-school development. In this way, the *Land* helps to increase acceptance of Low German in society, to make this language appear as an integral part of regional identity, and to reduce any inhibitions concerning use of this language.

## 2. Free and Hanseatic City of Hamburg

852. In March 1999, the [Senate] Authority for Education and Sports (BBS) wrote to all Hamburg schools and asked them, and schools in rural areas in particular, to accept cultivation of the Low German language as an educational mandate. The extent to which the Hamburg pre-school establishments have complied with this request is not known since these are not subject to any reporting requirements.

853. As regards the comment of the Committee of Experts in No. 287 of the Monitoring Report [MIN-LANG (2002) 4 final], it is reported that the concept for the subject 'German' in pre-school education is being developed by the competent Senate Authority for Education and Sports in the context of the preparation of the 'Directives on Education and Instruction in Pre-School Classes'.

On the basis of Hamburg's voluntary commitment to Article 8, Low German will be made a regular element of pre-school education, which will support or encourage activities aimed at learning Low German or reinforcing knowledge of this language. This comprises inclusion of Low German songs, dances, rhymes and riddles in pre-school education.

## 3. Free Hanseatic City of Bremen

854. Bremen has organized advisory services for children's day-care centres wishing to integrate Low German into pre-school education.

855. In response to the Committee's request in No. 254 of the Monitoring Report [MIN-LANG (2002) 4 final] for further information, it is reported that increased early-childhood education in nursery schools and other pre-school facilities is to be provided under the plans for the pre-school sector, with particular regard to the PISA Study [Programme for International Study Assessment / for Indicators of Student Achievement]. This includes

promotion of the development of language proficiency of all children so that the level of their linguistic skills will be raised before enrolment in an elementary school.

#### 4. Mecklenburg-Western Pomerania

856. In response to the request of the Committee of Experts in No. 321 of the Monitoring Report [MIN-LANG (2002) 4 final] for additional information on any planned activities, the following is reported:

The Mecklenburg-Western Pomerania Act on Children's Day-Care Centres was amended, and at present hearings are held on the amendment. The *Land* Government will gradually introduce day-care offers for all children from age 2 onwards, with the aim of creating a legal entitlement. The educational mandate will be extended and will cover the detailed subjects of the pre-school year. As of the 2004/2005 school year, the *Land* Government will introduce the free-tuition pre-school year. This will cover 4 hours per day over a period of 10 months.

Within the framework of this initiative, *Landesheimatverband Mecklenburg-Vorpommern e.V.* [Mecklenburg-Western Pomerania *Land* Union for Local and Regional Traditions] is working on a pilot project entitled "Disseminating and learning the fundamentals of the Low German language by individuals and educators in pre-school facilities - Low German language course". In the *Landkreise* of Mecklenburg-Strelitz and Ostvorpommern, in the region Ludwigslust/Schwerin/Nordwestmecklenburg, the Neubrandenburg region and municipality, and in neighbouring *Landkreise*, nursery-school educators, school teachers, childminders ["day mothers"] and other persons interested in Low German will be familiarized with the didactics and methodology aimed at promoting language learning by children of age 3 onwards, during the period March 2003 - October 2003 and February 2004 - November 2004, respectively.

The 40 nursery-school teachers, teachers of lower secondary school, and educators for leisure/recreation activities will receive an official certificate on their participation in, and successful completion of, this training course of about 66-hours' duration. In addition to the on-going courses, four basic 'Low German' courses have started in Greifswald, which are organized by the *Landesheimatverband Mecklenburg-Vorpommern*, the *Ländliche Erwachsenenbildung Mecklenburg/Vorpommern/Usedom* [Rural-Area Adult Education for Mecklenburg/Western Pomerania/Usedom] and the Hanseatic City of Greifswald. Four nursery schools offer a course of about 48-hours' duration to more than 44 nursery-school teachers. Under this project, it is also planned to develop teaching and work materials and to prepare a documentation on the entire pilot project.

Thirty-one children's day-care centres operated by the social services provider *Volks-solidarität Mecklenburg-Vorpommern e.V.* have regular project activities and/or work panels for Low German. In addition, some 100 pre-school children followed introductory Low German courses under a relevant project. As a spin-off, three short children's films were produced in co-operation with *Rostocker Offener Kanal (ROK-TV)*. Film scripts - working title: "Mecklenburg customs and traditions are still alive" - are under preparation for about 4 films. Eight children's day-care centres run by the German Red Cross (DRK) also offer regular instruction in the Low German language and culture.

## 5. Lower Saxony

857. In the period 1997 - 2000, the Model Test "Bilingualism in Nursery Schools" was run at 36 nursery schools in Ostfriesland [Lower Saxony]. The success of this test is an encouragement to continue the use of Low German in pre-school education. The available report on the first year of the model test also provides a general account of the results obtained so far. Bilingual education is at present continued at 34 nursery schools which are networked through the *Plattdütskbüro* [Low German Office] of *Ostfriesische Landschaft* and whose educators are invited to half-day further education courses twice a year. In its Further Training Programme for 2000, the Lower Saxony *Land* Youth Welfare and Youth Service Office, in co-operation with [the public-law corporation] *Ostfriesische Landschaft*, for the first time offered two *Land*-wide further training activities on the subject of bilingualism (standard German/Low German) in children's day-care centres.

858. In response to the request of the Committee of Experts in No. 355 of the Monitoring Report [MIN-LANG (2002) 4 final], the following information on further measures is provided:

In the period from 1 April 2001 to 31 March 2003 the project "*Mehrsprachigkeit in der Vor- und Grundschulperiode*" ["Multilingualism in the Pre-School and Primary Education Stages"], which was supported by EU funding, was carried out with *Ostfriesische Landschaft* as the lead body acting for seven speech communities of four European countries. Within the framework of this project, a training course for educators on "Early multilingualism, including the regional language Low German" was developed in co-operation with the Emden *Berufsbildende Schulen 1*. The course was tested in the 2001/2002 school year and offered as a 'required elective' course, for which marks were given. The course material was published in loose-leaf format (ring binder) so that additions can easily be included. A comprehensive concept was developed for the follow-up material.

## 6. Saxony-Anhalt

859. Pursuant to the Decision of 19 November 1991 adopted by the *Landtag* of Saxony-Anhalt (Parliamentary Publication 1/24/908 B), the *Land* Government is obliged to promote, in particular, the Low German language, together with its cultural traditions. The Directives on the Allocation of Grants, *inter alia* for the cultivation and preservation of local/regional customs, explicitly lay down that promotion of Low German - in the form of musical, literary or language-related activities in the pre-school and extracurricular sectors, for instance in clubs, workshops and self-organized groups - is eligible for allocation of funds. On the basis of these Directives, natural persons and associations can receive *Land* funding to a maximum amount of 70 per cent of the expenses eligible for allocation of funds.

860. For a major part, cultivation of the Low German language in Saxony-Anhalt is pursued by dedicated individuals, clubs, societies or interest groups, among whose stated aims are the cultivation, fostering and preservation of Low German as part of the general local/regional *milieu*. The activities range from everyday use of the language to Low German workshops and dialect meetings in which major numbers of children and youngsters from the various regions take part.

The extent to which the many and various offers are actually used by pre-school establishments run by local authorities is not known since these establishments are not subject to any obligation of reporting.

861. In response to the request of the Committee of Experts in No. 102 of the Monitoring Report [MIN-LANG (2002) 4 final] for statistical material on the implementation of this provision, the following information is provided:

Statistical data on the extent to which Low German is used and/or cultivated in pre-school education in Saxony-Anhalt are not collected. For cost-benefit reasons, it is at present not possible to introduce *Land*-wide subject-specific surveys.

Inclusion of Low German in pre-school education is primarily dependent on the language proficiency of those who work in this area - both within the family and, above all, in the public sector (nursery schools, children's day-care centres). In this respect, the situation in Saxony-Anhalt varies considerably; variations exist within one speech area from one place to another, or even from one care centre to another.

Consideration is given to asking local authority providing bodies for a sample survey of the extent to which Low German is actually used. Notwithstanding, it will not be possible to deduce any statistical validity regarding the entire *Land* or even one particular speech area from such a survey.

However, a *Land's* scope for exerting an influence on the development of language proficiency in pre-school facilities is

- a) very limited (i.e. possible only in the sense of 'encouragement'); and
- b) development of language proficiency is pursued by the private and local authority providers of pre-school education rather marginally because in a pre-school context they are confronted with other, quite different demands and pressures.

## 7. Schleswig-Holstein

862. No binding curricula exist in Schleswig-Holstein for pre-school education (children's day-care centres). Thus, children's day-care centres include Low German in their offers on a voluntary basis only. Thanks to the persuasive arguments put forward by the *Nedderdüütschzentrum för Sleswig* [Low German Centre] in Leck, by the *Arbeitsgemeinschaft Deutsches Schleswig* (ADS - Working Group "German Schleswig Region") and the Niebüll *Schule für sozialpädagogische Berufe* [school for social education professions], around 50 % of the children's day-care centres in the Schleswig region of the *Land* have indeed provided for Low German education. The pre-school teachers regularly attend further education courses at the Low German Centre in Leck. Some 150 educators speak and disseminate the Low German language in children's day-care centres. In addition, there are many "adoptive parents" or "sponsorships" for Low German use in children's day-care centres. Valuable support is also provided by the activities of *Sleswig-Holsteensche Heimatbund* (SHHB - Schleswig-Holstein Union for Local and Regional Traditions).

863. In pre-school education, children are to be tutored, assisted and educated according to their developmental level and on the basis of a holistic approach. The professional staff and the other staff members in children's day-care centres and other day-care establishments support, complement and expand family-based education. They orient themselves by the needs of the children and families and co-operate with parents/guardians. The aim of the work in children's day-care centres is, *inter alia*, to foster the living together of children from different national and cultural backgrounds.

864. Since 1998, the *Arbeitsgemeinschaft Deutsches Schleswig* (ADS - Working Group "German Schleswig Region") has offered Low German as part of a Language Encounter Project at several of its nursery schools (at present: fourteen).

865. In 2001, a working group of the North German *Länder*, which was composed of administrative staff, held a meeting in Hamburg with the aim of sharing and further developing teaching offers for children's day-care centres and schools. In November 2001, a specialist conference was held in Ratzeburg on "Continuing education in the

Low German language for educators and teachers". The meeting's focus was on the co-ordination of the work carried out in the North German *Länder* and the exchange of teaching materials. The latter can be obtained from the two *Zentren für Niederdeutsch* in Leck and Ratzeburg. It is planned to hold such meetings also in future, in order to achieve, in the long term, a uniform quality standard as regards implementation of the Charter throughout Northern Germany. In early 2003, a Working Group on "Low German at School" was established.

Art. 8, para. 1, sub-para. (b) (iii) - Primary Education -

(iii) *to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*

1. Free Hanseatic City of Bremen

866. As regards the recommendation of the Committee of Experts in No. 255 of the Monitoring Report [MIN-LANG (2002) 4 final] that measures should be taken to ensure that Low German forms a part of the curriculum in its own right, it is reported that 'Low German as a regional language' is included in the framework curricula for primary schools. At one elementary school, a 'learning workshop' was set up to provide advisory support to other elementary schools for the integration of Low German in classroom instruction.

2. Free and Hanseatic City of Hamburg

867. All Hamburg curricula for the subject 'German' provide that Low German should occasionally be included in classroom instruction, for instance in connection with grammatical phenomena or in literature classes. The extent to which such suggestions are taken up in class largely depends on the interest taken by the teacher in the subject and on his/her proficiency in the Low German language. It may be assumed that Low German is included in primary education to a larger extent than in secondary education since elementary schools can use more learning-by-play forms of instruction (songs, sketches) and their pupils are less inhibited or prejudiced in accepting (the use of) Low German.

868. At two-year intervals, the Low German reading competition "*Jungs un Deerns leest Platt*" ["Boys and Girls reading Low German"], which is supported by *Hamburger Sparkasse* [Hamburg Savings Bank] and is very popular among its 'established clientele' at some 50 schools, is organized for grades 3 to 10 and for the upper secondary grades [of grammar schools]. The final event of the competition, which meets with much attention by the media, is held as a *matinée* at the *Ohnsorg-Theater*. In the years be-

tween, the reading competition "*Schoolkinner lest Platt*" ["School Children reading Low German"] is organized for the same age groups in the *Bezirk* of Harburg/Wilhelmsburg/Süderelbe. The organizing body is the *Vereen Plattdüütsch leevt e.V.* [Registered Association "Low German is Alive"], and the sponsor is *Hamburger Bank*. This competition, too, is attended by many participants from the regional schools of all types. Both competitions are promoted by the [Senate] Authority for Education and Sports (BBS) with publications, publicity, jury work and by payment of fees to the co-ordinators.

869. In response to the comment of the Committee of Experts in No. 288 of the Monitoring Report [MIN-LANG (2002) 4 final] that there was insufficient information for the Committee to assess whether sufficient teaching of Low German would actually be ensured as an integral part of the curriculum, the following information is provided:

As confirmed by the Monitoring Report, Low German literary texts, songs, rhymes and riddles as well as reflection on the use of the Low German language (with the inclusion of language history in lower secondary school) are actually "an integral part of the curriculum" under the provisions of the existing curricula and of the future framework curricula for 'German' in primary schools. (cf. Article 8, para. 1, sub-para. (b) (iii), of the Charter)

However, practical application is largely dependent on the language proficiency of the respective teachers - or of the pupils as well. Classroom instruction must also take account of the subjects that are of interest to teachers and to pupils. Therefore, integration of Low German in the school subject 'German' must continue to be in the form of optional offers which at the same time must be appropriately included in classroom instruction. Therefore, any directive by the competent Senate Authority for Education and Sports, which would cover many commitments regarding the content of instruction, could not be enforced in all schools throughout Hamburg *Land*.

The applicability of any binding regulation for all schools would be quite impossible especially in those places where teachers would have to use the Low German language even though they have no command of it. While initially it is quite sufficient to take an interest in it and to go into aspects of this language, speaking or reading by persons lacking the required qualifications or having an amateur's interest in the language can produce significant mistakes which should be avoided by all means. As a general rule, therefore, proficiency in this language must be achieved, *inter alia*: by involving those pupils, parents, relatives and colleagues who have a command of this language, and by inviting Low German authors to talks and readings. In addition, this can be achieved by optional participation in further teacher training.

Despite these problems as regards implementation, the new framework curricula for 'German' will include Low German as a "required part of the school curriculum".



### 3. Mecklenburg-Western Pomerania

870. In response to the statement of the Committee of Experts in Nos. 322 - 324 of the Monitoring Report [MIN-LANG (2002) 4 final] that what has been reported so far is not sufficient as regards fulfilment of the undertakings accepted for the teaching of this language at schools, Mecklenburg-Western Pomerania provides the following information:

The *Land* Government has provided good conditions for classroom instruction of Low German. As already stated in the Initial State Report, the following options regarding Low German in classroom instruction continue to apply unchanged also in the years 2001 - 2003.

#### 871. **Low German instruction:**

Low German and the regional literature and culture are an integral part of the framework curricula of Mecklenburg-Western Pomerania for all types of schools and all grades, primarily as a component of the subject 'German'.

In Mecklenburg-Western Pomerania, Low German instruction can be given in the following forms: In primary school, Low German forms part of the subjects 'local history and geography, and elementary science', 'German' and 'music'. Those sequences of the subject 'local history and geography, and elementary science' which deal with the respective immediate regional background of children and adolescents are designed to familiarize these pupils with the Low German language and the regional culture. In addition, Low German can be offered as an alternative subject in primary schools if the latter cannot offer the subject 'philosophy for children'.

In the "orientation stage" [5<sup>th</sup> and 6<sup>th</sup> grades], Low German forms part of the subjects 'German', 'music' and others. In addition, Section 6 (b) of the "Third Ordinance of 15 June 2001 to amend the Ordinance on Approved Subject Hours in Schools Providing General Education" lays down that the subject 'German' for the 5<sup>th</sup> grade shall include 'performing/interpretative arts' and 'Low German' and that interaction with the subjects 'arts' and 'design/handicraft' shall be ensured in such a way as to provide the bases for artistic-literary education.

For the lower secondary grades of 'Regional Schools', secondary modern schools, *Realschulen*, combined secondary modern and secondary technical schools, and comprehensive schools, Low German is to be included in subject-specific classroom instruction and in the teaching of optional compulsory [required elective] subjects and/or elective extra subjects from grade 7 onwards.

*Gymnasien* offer Low German as part of subject-specific instruction and the teaching of elective extra subjects and, from grade 9 onwards, as an optional compulsory [re-

quired elective] subject and, in the upper (secondary) classes, in the form of project courses. In addition, Low German can be included in cross-subject education at schools of all types and in nearly all, or mostly in, liberal arts subjects. Thus, the objectives of dealing with Low German and the regional culture can be achieved through inclusion in various regular subjects, or by specific cross-subject instruction, as part of projects or out-of-school education.

#### **872. Priorities of classroom instruction regarding Low German and regional culture:**

The 1999 framework curriculum for elementary schools and all secondary schools providing general education defines the priorities of classroom instruction related to Low German. For one thing, this framework curriculum is designed to apply across the spectrum of types of school and of age-groups; and at the same time, its rational form - reduced to a priority selection of objectives, learning fields and subject matter - leaves teachers a wide scope for developing their own ideas as regards the design of classroom instruction. The following learning fields listed in the framework curriculum:

- communication/production;
- Low German in literature and other media;
- language-related reflection

form the basis of Low German instruction, which is designed individually as regards the topics and subject matter covered, and of the concrete organization of classroom instruction in those subjects where aspects of Low German or of the regional culture can be included. These three learning fields should not be considered in isolation from each other but, to the extent possible, should be part of integrative instruction.

#### **873. Specific projects and new developments:**

As of the 2001/2002 school year, a Working Panel on Schools, which was set up by the Minister for Education, has the task of supporting the Low German Consultative Council of the Mecklenburg-Western Pomerania Ministry of Education. The specific responsibility of this Working Panel is overarching networking of the activities aimed at promoting Low German in schools. This Working Panel brings together representatives of various institutions (universities, L.I.S.A. [*Land* Institute for Teacher Follow-up Training], schools, *Wossidlo-Archiv*, *Niederdeutsche Bühne* [Low German Theatre]) whose task is, on the one hand, to make an inventory of the situation as regards promotion of Low German in schools and, on the other hand, to derive conclusions from these findings for concrete action.

Examples of the work results of the Working Panel on Schools are as follows:

- analysis of pre-school education
- participation in the drafting of the Administrative Ordinance on "Low German in Classroom Instruction"

- preparation of a questionnaire-based survey of 'Low German instruction in schools of Mecklenburg-Western Pomerania *Land*'

As a first step, the Working Panels on Schools inventoried the actual situation as regards promotion of Low German and established the requirements existing in this respect. With reference to nursery schools, it is noted that the further education for nursery-school teachers offered by the *Benedict-School* is well accepted as well as useful and effective. However, this further training is not offered for the entire *Land*, but only for the Western Pomerania region. It is therefore important that these offers should be consolidated in a pro-active perspective.

With reference to schools, it is noted that the existing legal and other general conditions for the promotion of Low German are good and sufficient.

At the suggestion of the *Niederdeutsch-Beirat* [Low German Consultative Council] and the Working Panel on Schools, the Administrative Ordinance on "Low German in Classroom Instruction" was drafted. The aim is to designate Low German Advisers at the four State Education Offices and at schools providing general education.

However, tutoring and guidance regarding the Low German activities of the individual teachers of the schools of the entire *Land* of Mecklenburg-Western Pomerania should be expanded on a pro-active basis and be consolidated. It is necessary to establish structures which will provide for systematic, continuous guidance and tutoring regarding Low German instructors. For this reason, the *Landesinstitut für Schule und Ausbildung* (L.I.S.A. - [Land Institute for Teacher Follow-up Training]) prepared a draft decree to regulate the hours during which Low German Advisers in the regions/*Landkreise* are released from their regular duties. The Working Panel on Schools had a discussion on this draft decree. The Ministry of Education, Science and Cultural Affairs has not yet made a final decision on the matter.

The Low German Consultative Councils of the *Länder* of Schleswig-Holstein and Mecklenburg-Western Pomerania have agreed to set up a cross-State Working Group on Low German in School Education. This Working Group, which is composed of three competent specialists each, from Schleswig-Holstein and Mecklenburg-Western Pomerania, initially has the task to work towards the co-ordination and networking of Low German activities and to develop model projects for Low German. The members of the inter-State Working Group on Low German in School Education are already appointed.

#### 874. Survey on the current status of Low German in schools:

Another problem encountered in surveying the requirements in Mecklenburg-Western Pomerania is the availability of data on the situation regarding Low German class-

room instruction. The results of a *Land*-wide survey on this matter date back to 1997. Therefore, the next project of the Schools Working Group is the development, application and evaluation of a representative questionnaire on measures for the promotion of Low German. The results are planned to be available at the start of the 2004/2005 school year and to provide a further basis for the improvement of school instruction.

#### 4. Schleswig-Holstein

875. According to the education targets (Section 4 of the Schleswig-Holstein Schools Act), schools shall, *inter alia*, foster an open attitude among young people towards cultural diversity.

876. Already in 1992, the Ministry of Education once more stressed the importance of Low German for the education of pupils in Schleswig-Holstein and adopted policy guidance to be followed by the schools of this *Land*. The "Low German in School" Decree of 7 January 1992 provides the framework for the promotion of the Low German language and for mandatory inclusion of the culture of Northern Germany, which owes its special character to Low German. The curricula comprise modules for Low German.

The IQSH [Institute for Quality Development at Schools] is responsible for the training and further education of teachers in Schleswig-Holstein. The IQSH assigned some of its tasks to five *Regionalseminare* [Regional Teacher Training Colleges]. Each of these colleges has a regional commissioner for Low German with responsibility for counselling and further education within his/her respective Regional College. A *Land* Commissioner for Low German attends to *Land*-wide counselling and co-ordination of further training activities.

Independently of the IQSH, the respective *Kreis* Schools Offices in Schleswig-Holstein appoint a teacher to represent the Low German interests at the *Kreis* level.

877. A mandatory task of schools is to impart knowledge of the Low German literature and language in subjects suited for the purpose and to include those spheres of life, which are determined and influenced by Low German, in classroom instruction. In addition, schools shall foster the ability to speak Low German and encourage use of the Low German language.

The Regional Commissioners for Low German (cf. No. 864 [876] above) invite the training colleges and trainee teachers to briefings on Low German.

878. For primary schools, Low German is included in the curriculum. Thus, the key-note theme "*Früher und Heute erforschen*" ["Exploring the Past and the Present Time"] comprises the subject "*Das Niederdeutsche als die Weltsprache des Nordens*" ["Low German as the World Language of the North"] (referring to the period of the Hanseatic League) and "*Landessprache heute kennen lernen*" ["Getting to know today's vernacular"].

879. Schools carry out a reading competition "*Schüler/innen lesen Platt*" ["Pupils reading Low German"]. On the occasion of the 1998 competition, the Schleswig-Holstein *Sparkassen- und Giroverband* [savings banks and their clearing association] distributed 75,000 readers to elementary and secondary modern schools, *Realschulen* [secondary technical schools] and *Gymnasien* [grammar schools] and comprehensive schools.

880. In No. 394 of the Monitoring Report [MIN-LANG (2002) 4 final], the Committee of Experts does not consider this undertaking fulfilled. Schleswig-Holstein takes the view, however, that the undertaking is fulfilled by the fact that Low German, as a task area of general educational importance, is included as an integral part of the curriculum and, in addition, is confirmed as such by a pertinent decree. Significant regional differences and, above all, the fact that there are only relatively few teachers speaking Low German, preclude the introduction of a general regulation stipulating the extent to which Low German must be included in classroom instruction.

881. The Committee was not in a position to conclude that this undertaking is fulfilled. The *Land* Government therefore assumes that the Committee's assessment is due to an interpretation of the undertaking which differs from that of the *Land* Government. The *Land* Government takes the view that the undertaking is fulfilled by the fact that Low German, as a task area of general importance, is included as an integral part of the curriculum and, in addition, is confirmed as such by a pertinent decree. Significant regional differences and, above all, the fact that there are only relatively few teachers speaking Low German, preclude the introduction of a general regulation stipulating the extent to which Low German must be included in classroom instruction.

882. As regards the Committee's assumption that no statistics have been collected, it is pointed out that the part-time expert supervisor for Low German, the *Kreis* commissioners for Low German, the IQSH [Institute for Quality Development at Schools] and the *Kreis* Schools Offices do indeed carry out surveys on the implementation of this decree. The Ministry has been provided with the survey results of the *Kreise* of Nordfriesland, Lauenburg, Dithmarschen, Schleswig-Flensburg, Kiel, Rendsburg/Eckernförde, Pinneberg, Segeberg and Stormarn. These surveys give an overview of the number of Low German-speaking teachers and the subject matter covered by, and

the extent of, Low German classroom instruction, and the ways in which Low German is included in instruction. The findings of these surveys were collated by the *Zentrum für Niederdeutsch* in Leck so that the *Land* Government is very well aware of the decree's implementation.

Art. 8, para. 1, sub-para. (b) (iv) - Primary Education -

(iv) *to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;*

1. Brandenburg

883. Low German is not offered as a regular subject of classroom instruction in Brandenburg. However, such instruction is not the only means for school-based promotion of the Low German language and culture; at the Brandenburg schools it is also possible to organize activity groups where interested pupils can study the Low German language and culture. Activity groups of this type are established at three schools in the northern region of the *Land*. On demand, additional activity groups can also be established at other schools.

884. Also, 'local history and geography' lessons can familiarize pupils with the special cultural features of their home region. In the northern *Landkreise* of Brandenburg, which have received decisive stimuli from the Low German language and culture, instruction of this type is ensured.

885. In response to the statement of the Committee of Experts in No. 85 [MIN-LANG (2002) 4 final] that what has been reported so far is not sufficient as regards fulfilment of this undertaking, the following information is provided:

As before, elementary schools do not offer Low German as a regular subject of classroom instruction; the demand for Low German education continues to be met solely by the option of taking part in activity groups. Statistical data on the number of existing Low German activity groups and on the number of pupils making use of this option are not available and can be obtained only with extreme difficulty. No information is available on any cases where requests by parents or pupils for the establishment of additional activity groups would *not* have been met.

886. Low German (Low Saxon; *Niederdeutsch*, or *Plattdeutsch*) is the ancestral language of the German North and thus of northern Brandenburg. It is thus part of the autochthonous culture which, under Section 4, para. 5, sub-para. 11, of the Brandenburg Schools Act (*BbgSchulG*), is included in the targets and principles of education and instruction in Brandenburg schools. Consequently, inclusion of the Low German

language is ensured by local history/geography instruction - e.g. explanation of place names; performance of children's stage-plays written by local/regional authors; readings of region-specific texts (legends, folktales, short stories); information on events and facts of local history - or by classroom instruction in other regular subjects of school education; however, in view of the diversity of region-specific particularities, it is not possible to lay down exact qualitative and quantitative requirements or to inventory the actual Low German activities.

887. Schools have the general option to establish activity groups, and they support such groups by providing classrooms and teachers for the purpose. In addition to regular classroom instruction, activity groups can devote themselves to the in-depth study and learning of the Low German language and culture. At present, two Brandenburg schools offer Low German activity groups: The *Pestalozzi-Grundschule* in Prenzlau (Uckermark) offers one Low German activity group for participation by a number of grades/age-groups. At the elementary school in Berge (Prignitz), a guest teacher from among the staff of the local *Realschule* teaches an elective-subject course of 4 hours/week. This course, too, is offered to various grades/age-groups and even includes the lower secondary grades.

## 2. Saxony-Anhalt

888. The Framework Curricula for the subject 'German' recommend use of Low German literature and/or of texts characterized by vernacular forms of expression, with due regard to the particular local features and forms of the German language (especially Low German), and phased instruction in the vernacular. However, teachers are not under an obligation to follow these recommendations since conditions and circumstances vary from one region to another. As a general rule, such instruction is to be based on the pupils' current proficiency in the language and on the situation within the respective learning group.

889. All schools in the Low German speech area of Saxony-Anhalt - as a suggestion for classroom instruction and out-of-school activities - received the brochure "*Niederdeutsche Texte aus Sachsen-Anhalt*" ["Low German Texts from Saxony-Anhalt"] which in 1992 was developed by the *Arbeitsstelle Niederdeutsch* [Workshop for Low German] of what then was the Teacher Training College (now Otto von Guericke University) in Magdeburg. Also, the *Arbeitsstelle Niederdeutsch* at the Institute for German/Germanic Philology of Otto von Guericke University in Magdeburg in 1992 and 1997 published brochures entitled "*Niederdeutsch im Unterricht - Arbeitshilfen für den schulischen Umgang mit dem Niederdeutschen in Sachsen-Anhalt*" ["Low German in classroom instruction in Saxony-Anhalt"]. The 1997 brochure includes a CD, with Low

German text samples, which was produced by the *Landesinstitut für Lehrerfortbildung Sachsen-Anhalt* (LISA - Land Institute for Follow-up Training of Teachers). A second edition of this brochure was published in 2002.

890. In addition, the activities to be encouraged in schools can, on the one hand, be carried out within the framework of activity groups and optional-subject courses and, on the other, take the form of out-of-school activities. The latter are supported, for example, by the following promotional programmes:

- Programme: "*Gesundes Leben, gesunde Umwelt, Schule als kultureller Lernort*" ["A healthy life; a healthy environment; schools as a place of cultural learning"];
- Directive on the Promotion of Youth-Related and Educational Projects for Guidance on Lifestyle Choices;
- school-based leisure-time education as a contribution, at publicly maintained schools and by private providing bodies, to social prevention.

In addition, the schools in Saxony-Anhalt are urged to co-operate with non-school providing bodies/organizers, especially in the case of out-of-school activities.

891. The traditional Low German reading competition, which since 1995 has been organized annually - under the auspices of the Ministry of Education and Cultural Affairs - by the *Landesheimatbund Sachsen-Anhalt e.V.* [Saxony-Anhalt Land Union for Local and Regional Traditions] and the *Arbeitsstelle Niederdeutsch* of Otto von Guericke University in Magdeburg throughout this Land at all elementary and secondary schools and *Gymnasien* [grammar schools] in the Low German speech area of Saxony-Anhalt Land, has in the meantime become an important factor in promoting the Low German language. The past few years have seen a marked increase in the numbers of pupils participating in the competition: while in 1997 and 1998, 40 schools in Saxony-Anhalt took part in the Low German reading competition, their number rose to 45 already in 1999. The majority of these schools had already established activity groups for the cultivation and fostering of Low German; in some cases, the institution of such activity groups in schools was prompted by this competition so that the latter has in the meantime become an important factor in promoting the Low German language in Saxony-Anhalt. Every two years, a brochure containing suitable texts is developed for this competition and, through the Ministry of Education and Cultural Affairs, is distributed to all schools in the Low German region of the Land. These brochures can also be used in German lessons since they contain age-appropriate texts.

892. Another - out-of-school - form of promoting the proficiency of interested and particularly talented children in the Low German language was the first *Mundartcamp* [Dialect Camp] - open for participation nation-wide - organized by the *Landesheimat-*



*bund Sachsen-Anhalt e.V.* [Saxony-Anhalt Land Union for Local and Regional Traditions] in Schierke in Saxony-Anhalt from 30 July - 8 August 1999.

Follow-up *Mundartcamps* were organized in Gardelegen in 2000 and in Kietz in 2001, respectively. These camps, too, were supported by Land funding.

In 2002, a novel form of out-of-school activities promoting the Low German language was introduced when the *Landesheimatbund* [Land Union for Local and Regional Traditions], in co-operation with the *Arbeitsstelle "Niederdeutsch"* of Otto von Guericke University, organized a theatre competition for children and adolescents.

In 2003, the *Landesheimatbund* organized a Low German theatre workshop for children and adolescents in Magdeburg. Those activities, too, were supported by Land funding.

893. In response to the request of the Committee of Experts in No. 103 of the Monitoring Report [MIN-LANG (2002) 4 final] for further information on the presence of Low German in primary education, the following information is provided:

In the 2003/2004 school year, a statistical survey is made, as part of the annual school statistics, of participation in Low German activity groups in two Schools Office districts which are relevant in terms of Low German instruction: the Gardelegen Schools Office district for the *Landkreise* of Salzwedel and Stendal, and the Halberstadt Schools Office district for the *Landkreise* of Halberstadt, Quedlinburg and Wernigerode. However, extrapolation of figures for the whole Land is not possible on this basis because Low German is used mainly in the northern region of this Land. The results of this statistical survey will be available in late 2003/early 2004.

No statistical data can be collected on the extent to which teachers actually include Low German literature or vernacular texts as recommended by the framework curriculum for the subject 'German'. But in this respect, too, the instruction offered is largely dependent on the teachers' language proficiency. Therefore, the Land Government - in co-operation with the *Arbeitsstelle "Niederdeutsch"* of the *Landesheimatbund* and the Magdeburg Otto von Guericke University - increases the offers of pertinent further education for teachers, both at the regional and in-school levels.

894. As regards newly launched promotional programmes, reference is also made to the programme "*Kultur in Schule und Verein*" ["Cultural activities pursued by schools and clubs"], which was introduced in 2001 and which in future - first positive experience is already available - will help to further improve familiarization of pupils with Low German in an out-of-school context. At the same time, the programme aims - not only, of course, with regard to cultivation of the Low German language - at getting children and adolescents interested in subjects which, in the long term, i.e. after completion of school education, will make them aware of, and committed to, their ties with this cul-

tural region and thus its language. Therefore, the Low German Working Group discussed the possibility of long-term co-operative agreements between the relevant providing bodies - e.g. the *Landesheimatbund* - and the Ministry for Education and Cultural Affairs. The earliest date for the entry into force of such agreements would be the 2004 fiscal year.

Art. 8, para. 1, sub-para. (c) - Secondary Education -

- (i) *to make available secondary education in the relevant regional or minority languages; or*
- (ii) *to make available a substantial part of secondary education in the relevant regional or minority languages; or*
- (iii) *to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*

The following *Länder* have accepted the obligation under sub-paragraph (c) (iii).

1. Free Hanseatic City of Bremen

895. In response to the statement of the Committee of Experts in No. 256 of the Monitoring Report [MIN-LANG (2002) 4 final] that for lack of information it was not possible to conclude that the undertaking is fulfilled, the following information is provided:

**Lower secondary grades (secondary education stage I)**

The Bremen framework curriculum for 'German in secondary education stage I' prescribes Low German as a mandatory part of education in regional culture, the aims of which are threefold:

- acquiring in-depth knowledge of regional culture and history;
- acquiring language proficiency with regard to regional culture and history; and
- integrative and complementary acquisition of in-depth knowledge of the regional culture and history, and of Low German language proficiency.

As a rule, the majority of readers (especially for grades 5 - 7) authorized for Bremen schools contain Low German texts.

Low German activity groups are offered by lower secondary schools [secondary education stage I].

**Upper secondary grades (secondary education stage II)**

As of 1990, upper secondary grades of selected *Gymnasien* offer a one-year Low German course, forming part of the basic course [at the 6<sup>th</sup> form level] 'German', as an *Abitur* credit subject. The Senator for Education supports this measure by assigning class hours covering this extra teaching load.

## 2. Free and Hanseatic City of Hamburg

896. In a Circular addressed to all Hamburg schools, attention was drawn to the possibility to offer Low German, on a facultative basis, in the lower secondary grades [secondary education stage I], depending on the type of school, as part of a two-year or even four-year course, as a required elective subject. For this purpose, the [Senate] Authority for Education and Sports (BBS) published guidance material entitled "*Platt-düütsch för Lüüd in Hamburg un ümto*" ["Low German for People in Hamburg and its Environs"] which provides the didactic bases and examples for learning the Low German language, as well as many Low German texts, sketches and songs for classroom use. So far, little information is available on the extent to which use has been made of these facilities, since schools are not subject to any obligations of reporting.

897. Upon request, a two-semester elementary course 'Low German' can be offered in the second stage of secondary education [i.e. upper secondary grades]. For this purpose, the Authority for Schools, in co-operation with schools and Hamburg University, developed an educational concept. So far, no request to this effect has been submitted. However, on the basis of the Circular mentioned in No. 898 below, it will be possible to register pertinent requirements as indicated by respondents in the reply form attached to the Circular.

898. In response to the conclusion of the Committee of Experts in Nos. 290 and 291 of the Monitoring Report [MIN-LANG (2002) 4 final] that this obligation is not fulfilled because the optional elements do not provide for the teaching of Low German as an integral part of the curriculum, the following information is provided:

For secondary education stage I and upper secondary grades of *Gymnasien*, as is the case for elementary schools, the Low German language and literature will continue to be an integral part of the subject 'German' under the provisions of the current framework curricula. As of the 2003/2004 school year, the framework curricula for the subject 'German' for secondary education stage I and elementary schools will enter into effect for the testing phase. Also, the framework curriculum for the upper secondary grades of *Gymnasien* will be applicable as of the 2004/2005 school year for the testing phase. The problems encountered in implementation are the same as in the case of elementary schools: therefore, mandatory Low German elements of classroom instruction will, in addition to optional inclusion of Low German, be provided for the lower secondary grades.

The courses mentioned in the Monitoring Report [MIN-LANG (2002) 4 final] and to be provided for by the competent educational authority as part of the compulsory group of subjects taught at schools, are offered only to a very limited extent for lack of demand. In order to create greater demand, the competent educational authority will

address another circular to the Hamburg Schools to encourage establishment of such courses. The circular informs about the possibility to establish Low German courses for primary school classes up to the upper secondary grades [secondary education stage II]. The answers given by schools in the reply form attached to the circular will be gathered for a compilation which in future will enable the Authority to furnish detailed information on the Low German courses offered.

### 3. Mecklenburg-Western Pomerania

899. In this regard, cf. the comments in Nos. 870 - 874 above.

### 4. Schleswig-Holstein

900. Reference is made to the comments in No. 876 above.

901. The curricula which entered into force as of 01 August 1997 establish Low German as a task area of general educational importance; various subject-specific curricula (German, history, political science, etc.) explicitly include the Low German language.

902. The IQSH [Institute for Quality Development at Schools] and the Centres for Low German in Leck and Ratzeburg assist schools by providing, *inter alia*, guidance material for designing/organizing classroom instruction, and readers for use in class. In addition, a network of *Land*, Regional and *Kreis* Commissioners is available.

903. In No. 395 of the Monitoring Report [MIN-LANG (2002) 4 final], the Committee of Experts states that, on account of the lack of information as to how many secondary schools actually teach Low German within regular school hours, it cannot conclude that the undertaking is fulfilled.

In this case, too, the *Land* Government considers its obligation to be fulfilled. It was, not least, on account of the fact that Low German is not a compulsory subject that the *Land* Government accepted only the obligation to include Low German as an 'integral part of the curriculum'. In view of the non-availability of pertinent *Land*-wide statistics, various *Kreise* - in co-operation with the Schools Offices - carried out a survey of schools of all types so as to be better able to provide information on this matter in future.

904. The decree is binding upon the schools. Consequently, schools are under the obligation to include Low German in classroom instruction. The expert supervisor for Low German monitors compliance with the decree and pursues this task in close contact with the *Kreis* School Offices. Practical help with the inclusion of Low German

in classroom instruction is provided by the IQSH [Institute for Quality Development at Schools] with its "guidance material on Low German in the curricula" and by the *Zentren für Niederdeutsch* [Centres for Low German, in Leck and Ratzeburg] with the Low German teaching materials and learning aids developed by them. This combination of regularization and aid gives the organization of school instruction a binding character.

Art. 8, para. 1, sub-para. (c) (iv) - Secondary Education -

- (iv) *to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;*

1. Brandenburg

905. As regards the conclusion of the Committee of Experts in No. 86 of the Monitoring Report [MIN-LANG (2002) 4 final] that this undertaking is not fulfilled, reference is made to Nos. 883 - 887 above.

In addition, it is reported that the school in Berge (Prignitz) offers 4 hours/week of Low German instruction as an optional [elective] subject for the elementary school and lower secondary grades [secondary education stage I].

2. Saxony-Anhalt

906. In this regard, cf. the comments in Nos. 888 - 894 above.

907. The survey initiated in 1999 by the *Arbeitsstelle "Niederdeutsch"* of the Magdeburg Otto von Guericke University to assess Low German use by, and language proficiency and skills of, school children was not completed in this form, but was integrated into an on-going extended survey that covers both pupils and adults. For the result of this study, cf. No. 1234 below.

908. In response to the statement of the Committee of Experts in No. 104 of the Monitoring Report [MIN-LANG (2002) 4 final] that this undertaking is not fulfilled, the following information is provided:

It is especially in the field of secondary education that the *Land* Government, jointly with the *Arbeitsstelle "Niederdeutsch"* [Workshop for Low German], intensifies the efforts aimed at increased use of Low German in classroom instruction; in particular, this includes offering and making use of the teacher guidance material developed by the *Arbeitsstelle "Niederdeutsch"*. In secondary education (where Low German is offered primarily in optional-subject courses), competition of Low German with other offers is much greater than in primary education and therefore is chosen less often. In this

respect, too, the extent to which pupils or their parents opt for Low German is largely dependent on the teachers' language proficiency.

Also, additional teaching materials and aids related to didactics and methodology are developed with the help of *Land* funding, e.g. a Low German first reader in 2003/04, with the aim of enhancing implementation of the undertaking in classroom instruction.

**Art. 8, para. 1, sub-para. (d) (iii) - Technical and Vocational Education -**

*(iii) to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*

**1. Free and Hanseatic City of Hamburg**

909. German language/literature instruction at vocational/technical schools, which now is mostly called 'Language and Communication', largely focuses on working-life processes. In this respect, there is little room for interfacing with Low German. Wherever feasible, however, the Low German language is taken into account.

910. In response to the statement of the Committee of Experts in No. 292 of the Monitoring Report [MIN-LANG (2002) 4 final] that this undertaking was not fulfilled, the following information is provided:

Within technical and vocational education, the main reason for the non-availability of Low German courses or projects is lack of demand on the part of pupils and teachers (cf. the comments in No. 898 above) also in schools for trainees of the restaurants/catering trade and the care sector. At these schools, too, a possible solution would be to set up courses or activity groups.

The aforementioned circular will also be sent to vocational schools in order to increase their interest in providing Low German courses. If a given vocational school offers optional compulsory subjects, Low German can be included among these. There is a chance that, with the support given by the Authority [for Education and Sports], it will be possible, in particular, to get the vocational/technical schools for the aforementioned professions interested in such educational offers.

**2. Mecklenburg-Western Pomerania**

911. As regards the statement of the Committee of Experts in No. 324 of the Monitoring Report [MIN-LANG (2002) 4 final] that this undertaking was not fulfilled, reference is made to the comments in Nos. 870 - 874 above.

Art. 8, para. 1, sub-para. (e) (ii) - University and Other Higher Education -

(ii) *to provide facilities for the study of these languages as university and higher education subjects; or*

1. Free Hanseatic City of Bremen

912. Bremen University regularly offers Low German language/literature courses. The subjects covered by these courses are learning of the Low German language, Low German literature and comparative linguistic studies of Low German / standard German. These courses also deal with aspects of the history and culture of the Low German language.

2. Free and Hanseatic City of Hamburg

913. Hamburg University offers seminars in/on the Low German language and literature. Low German can be chosen as a minor for the examination for the Master's Diploma. This choice does not, however, exist under the teacher examination regulations.

3. Mecklenburg-Western Pomerania

914. In Mecklenburg-Western Pomerania, colleges/universities offer a large variety of Low German courses.

915. At **Rostock University**, the courses offered by the Chair for Low German Philology are integrated in all Germanic philology courses of study for the Master's diploma, as a major subject, as a minor (to be discontinued), B.A. / M.A., and all teaching professions. In some cases, credits for participation in Low German courses can be transferred to the following courses of study and/or study modules: "Verbal communication and defective communication", communicative competence, *studium generale* [courses in general education], inter-disciplinary studies. For the entire spectrum of Low German philology (linguistics, study of literature, medievalist studies, Low German didactics), this implies that seminar papers, written exams for the Master's Diploma and doctoral theses are written on Low German subjects.

Over the past few semesters, the following Low German studies were offered:

- Seminars for Low German language learners (beginners, advanced learners)
- Lectures "Overview of the Low German language and literature"
- Compulsory (advanced) seminars / Seminars on the following subjects:
  - present-day Low German (language system / social, functional aspects / geographic speech area)
  - the problem of language contact and language change in Mecklenburg

- Low German legends, folktales, proverbs, *Sagwörter* [Low German type of wellerism]
- contemporary Mecklenburg dialect writers, especially aspects of the sociological study of literature
- the authors Fritz Reuter and John Brinckman
- problems "Low German in the classroom subject 'German' "
- "Low German under National Socialism (Nazi era)"
- Low German medievalist studies ("*Narrenschyp*" ["The Ship of Fools"], "*Redentiner Osterspiel*" ["The Redentin Easter Play"], "*Reynke de Vos*" ["Reynard the Fox"]); language and communication at the time of the Hanseatic League)
- linguistic stages: "Middle Low German", "Old Low German" (Old Saxon)
- advanced seminars ("*Oberseminare*") in connection with the DFG\* project „*Atlas frühmittelniederdeutscher Schreibsprachen*“ [Linguistic atlas of early Middle Low German written languages], especially problems related to cartography, use of new media, etc.

For all students wishing to graduate as teachers, attendance of the lecture „*Überblick über die Niederdeutsche Sprache und Literatur*“ ["Overview of the Low German Language and Literature"] is a requirement to be met for admission to examinations in the subject 'German'. This lecture - which is also popular with Master's diploma students, B.A./M.A. students and foreign students - makes students take an interest in Low German with the result that all other Low German study offers are much in demand and greatly accepted by students; this is also reflected by students' opting for Low German as a major or for the Low German module when selecting a subject for a thesis (State examination, Master's diploma, doctoral thesis) and by their selection of examiners.

For a B.A./M.A. degree programme, students can select the module "Low German", or credits gained for Low German courses can be transferred to other modules (depending on their subject matter).

Thanks to funds obtained from third parties, a Low German songbook for pre-school and school children was printed. In co-operation with the *Hochschule für Musik und Theater* [Academy of Music and Theatre Studies], a project group (four Germanic philology students, four music students) developed an excellent songbook which is, in compliance with the sponsors' wish, distributed to pre-school establishments and schools with the aim of promoting the learning of the Low German language. The inclusion of music instruction, choir singing, etc. to promote Low German has proved very successful.

Co-operation with universities and colleges in the Baltic region on Low German was continued:

partnership of Germanistics Institutes, with the Riga University;

\* *Deutsche Forschungsgemeinschaft* (German Research Foundation)



participation, also by young scholars, in the international symposia on "Low German in Scandinavia" held in Sweden in 2000; "German Language and Literature in the Baltic Region", Riga 2002.

On the basis of, and thanks to, this co-operation, Master's theses or doctoral theses also cover subjects related to the status of Low German in Scandinavia and in the Baltic countries.

916. At the Greifswald **Ernst Moritz Arndt University**, a discussion is underway on whether, and in what form, the professorship for Low German Philology should be maintained.

In terms of the professorship for "Low German Philology", the study offers are ensured by the Germanist scholar Professor Dr. Schiewe. He holds a professorship for Germanist Linguistics, with a focus on 'linguistic varieties'.

Actual language teaching is the task of one of his academic assistants.

The Greifswald and Rostock universities concluded a co-operation agreement which, *inter alia*, also covers mutual exchanges of lectures. At Rostock University, the Chair of Low German Philology is held by Professor Dr. Rösler. At present, the Faculties of Humanities of the two universities are looking into the question of whether Dr. Rösler could support the relevant department of the Greifswald Ernst Moritz Arndt University - at least temporarily - with some of her teaching responsibilities.

917. The **Institute für Volkskunde (Wossidlo-Archiv)** [Institute of Folklore (Wossidlo Archives), Rostock University] carries out extensive scholarly activities promoting knowledge of Low German.

918. **Lectures/courses on folklore** [study of the material culture and customs], **covering linguistic/Low German aspects**

For many years already, staff members of the Institute regularly offer (usually eight) courses covering 16 hours/week per semester, which are attended by around 250 students. Some of these courses deal with regional folklore, i.e. aspects of Low German folk culture. As the Institute's teaching and research activities give priority to research on folk narrative art, some of the courses use Low German source texts which, however, are analyzed from a folklore point of view rather than in terms of linguistics. Occasionally, use is also made of recordings of Low German archival texts which are recorded separately by a working panel (cf. below). Such courses can be integrated into the subject 'German' (B.A./M.A., Master's diploma, all teaching professions), the subject 'elementary school pædagogics (language teaching, classroom instruction covering several learning fields) or are offered as a separate Inter-Disciplinary Module or as part of *studium generale* [courses in general education].

see [www.phf.uni-rostock.de/ivk/Lehrangebot.html](http://www.phf.uni-rostock.de/ivk/Lehrangebot.html)

**919. The unpublished works of Richard Wossidlo (1859-1939)**

The *Institut für Volkskunde* [Institute of Folklore] developed from the collection of Richard Wossidlo (1859 - 1939), the founder of Mecklenburgian folkloristics. Wossidlo assembled a folklore collection for all of Mecklenburg, which today is unequalled in the German speech area and which also throughout Europe is matched by only few comparable collections. The collection's worth lies in the central recording of the oral repertoire of the Mecklenburg people, which he collected, either by himself on the spot or with the help of numerous assistants, during the period between 1883 and 1939. Almost all of his notes were taken in the Mecklenburg dialect, and consequently, even today, they largely meet the standards of criticism of sources.

The starting point of Wossidlo's chronicling was the collection of synonyms in the Low German language; in this way, Wossidlo created the basis for the large-region *Mecklenburgisches Wörterbuch* [Mecklenburg Dictionary]; the dictionary's source material is also attended to by the Institute. Before long, however, Wossidlo added genres of folk narrative to his collection; later he recorded the many and various manifestations of local/regional customs, folk beliefs and folk medicine, and described regional types of foodstuffs, clothing and housing, the working life of peasants, day-labourers, craftsmen, fishermen and seamen, and many more subjects. Altogether, he collected two million "note-papers". Together with his collection of linguistic material, these created a body of information on the culture and lifestyles of the Mecklenburg people, which - when compared to the pertinent research on other regions - stands apart because of its unusual breadth and depth.

see [www.phf.uni-rostock.de/ivk/WossNachl.html](http://www.phf.uni-rostock.de/ivk/WossNachl.html); and  
[www.phf.uni-rostock.de/ivk/Wossidlo.html](http://www.phf.uni-rostock.de/ivk/Wossidlo.html)

**920. Mecklenburgisches Wörterbuch [Mecklenburg Dictionary]**

In 1919/1920, a Chair of the Low German and Dutch/Flemish Languages was founded at Rostock University. This was done with the expectation of compiling the *Mecklenburgisches Wörterbuch* (MWB - Mecklenburg Dictionary), the need for which had been perceived for quite some time already. This full professorship was conferred on the linguist and dialectologist Hermann Teuchert (1880 - 1972) who shaped the linguistics profile of the German Philology Department of Rostock University well into the post-War years. In 1965, Dr. Jürgen Gundlach took over as editor up to the publication of the seventh, and last, volume which appeared in 1992.

The Mecklenburg Dictionary sets a standard since it unites the qualities of a Low German dictionary covering a large region, on the one hand, and the character of an illustrated ethnological encyclopedia, on the other. Although Hermann Teuchert had his own surveys carried out and he actually edited the Dictionary, its source basis

largely stems from Richard Wossidlo's work. In 2001, the MWB's alphabetically sorted *Zettelarchiv* [archives of notes] was taken over by the *Institut für Volkskunde (Wossidlo-Archiv)* where it can now be used together with Wossidlo's systematically arranged *Zettelsammlung* [collection of notes].

[www.phf.uni-rostock.de/ivk/MWB.html](http://www.phf.uni-rostock.de/ivk/MWB.html)

#### 921. **Fachbibliothek Volkskunde [Specialized Library of Folklore]**

The *Fachbibliothek Volkskunde* [Departmental (Specialized) Library of Folklore] stems from Richard Wossidlo's private library. With 11,500 books, and a journal collection of approximately 2,800 volumes, this specialized library is the largest in Mecklenburg-Western Pomerania dedicated to folklore research. In addition to *Mecklenburgica*, including the library of one Low German association, it contains the most important folkloric/ethnological journals and publication series in the German speech area and in Northern Europe. On the occasion of its integration into Rostock University, the library was incorporated into the existing network of specialized departmental libraries of Rostock University. While new acquisitions are already accessible through the online catalogue of the University Library, the older holdings will be successively entered into the catalogue. Eight work places (with Internet terminals for access to the Online Public Access Catalogue [OPAC]) are available to users.

[www.phf.uni-rostock.de/ivk/bibliothek.html](http://www.phf.uni-rostock.de/ivk/bibliothek.html)

#### 922. **Making Low German archival holdings accessible to the public**

Since its integration into Rostock University, efforts have been made to make the Low German archival holdings accessible to the academic community and to the public at large. A number of projects, for which the Ministry for Education provided co-funding, are aimed at achieving this objective:

#### 923. **Recording of Richard Wossidlo's collection of notes on microfilms**

With the funds obtained in response to a call for donations, it is intended to record Richard Wossidlo's *Zettelsammlung* [collection of notes], comprising around two million notes, on microfilms. Recording on microfilms is envisaged in view of the value of this body of data, both in terms of national culture and in an international context, and for the specific reason that it is threatened by a critical rate of paper decay. In addition, this sub-project is supported by volunteers who were involved in founding the *Gesellschaft zur Förderung des Wossidlo-Archivs* [Society for the Promotion of the Wossidlo Archives] which supports the (overall) project. Under a follow-up project, for which funding is not yet secured, the microfilm recordings are planned to be transferred to digital recording media. A subsequent project stage is planned to cover in-depth processing of digital material with the aim of providing linkage; the adaptation of the pertinent

special reference catalogue to the modern specialized nomenclature; and the development of user guidance.

The project's aim is processing, and making accessible, Richard Wossidlo's extensive correspondence with individuals who contributed to his collection and with the academic community, as well as his autobiographical writings. For the context of the collection, analysis and appraisal of this part of Wossidlo's work are indispensable.

#### 924. **In-depth digital acquisition of the *Mecklenburgisches Volksliedarchiv***

Under this project, the *Mecklenburgisches Volksliedarchiv* (MVA - Archives of Mecklenburg Folk Songs), which comprises around three thousand songs of Mecklenburgian oral tradition, are registered by means of a database specifically developed for the purpose (Access). This database offers the advantage that the various items of information on the songs can be sorted and that it also permits relational linkage of these data. In addition to input of refined primary (basic) data, this requires in-depth acquisition of at least part of the song material. Thus, not only the *incipita* (introductory words of songs), the respective originator of the given notes, and the data related to the recording itself are given in alphabetical order, but it is also possible, for instance, to separately retrieve the song genres recorded by a given collector.

At the same time, a large-format scanner saves the paper slips with handwritten melodies so that they can be retrieved over a monitor.

see [www.phf.uni-rostock.de/ivk/projekte.html](http://www.phf.uni-rostock.de/ivk/projekte.html)

#### 925. ***Gesellschaft zur Förderung des Wossidlo-Archivs e.V.* [Society for the Promotion of the Wossidlo Archives, reg'd]**

The *Gesellschaft zur Förderung des Wossidlo-Archivs* [Society for the Promotion of the Wossidlo Archives] was founded in Rostock on 26 August 2002. Under its statutes, it gives priority to the promotion of measures for the preservation and scholarly use of Richard Wossidlo's unpublished works and dissemination of his works. The founders adopted some of the objectives laid down for the *Wossidlo-Stiftung* which was founded in 1929 and, in 1954, was *de facto* integrated in the *Wossidlo-Forschungsstelle* [Wossidlo Research Institute] which had been established as a field branch of the Berlin Academy of Sciences. Although this Society is of a scholarly nature, it also has an important bridging function linking research and preservation activities.

see [www.phf.uni-rostock.de/ivk/Gesellschaft.html](http://www.phf.uni-rostock.de/ivk/Gesellschaft.html)

#### 926. **"Arbeitskreis Wossidlo-Archiv" of "Förderkreis Seniorenakademie"**

The Working Panel "Wossidlo Archives" was set up in 2000 as a spin-off to the project "*Archivtexte - hörbar gemacht*" ["Archival texts made audible"]. The aim of this project is to make audible Low German archival texts since their pronunciation can be recorded in writing only insufficiently. The project only includes source texts as are

handed down by word of mouth. In addition, a series of Low German fairy tales are published, together with the respective information booklets. The first CD was already reproduced, confined to a small number of copies.

**927. IGA 2003** (*Internationale Gartenausstellung* - International Horticultural Exhibition):  
**Low German Popular Botany**

This project was a spin-off of a folkloristic seminar spread over two semesters which, at its end, was followed up by a 'summer academy' (i.e. a series of lectures) held in the lecture hall of the German Pavilion at the IGA. As initiated by the seminar, the Low German names are given for plants outside the German Pavilion; these Low German botanical names were researched and/or checked in the *Wossidlo-Archiv* and the *MWB-Archiv* [archives of the Mecklenburg Dictionary]. The subjects of the lectures are based on these botanical names.

see [www.phf.uni-rostock.de/ivk/Kommentare](http://www.phf.uni-rostock.de/ivk/Kommentare) (the IGA website is still under preparation)

**928. Low German folkloristic activities of the Landesheimatverband [Land Union for Local and Regional Traditions]**

The Subject-Matter Group "Low German" and the Subject-Matter Group "Regional Folklore and Customs", which are directed by the Land Union, organize joint meetings and conferences. The latest meeting was held in Rostock in November 2002 on the subject of "Low German Folk Traditions". (cf. the most recent report in *Heimathefte* 1/2003, pp. 42 - 43)

**929. Publications**

The scholarly publications of the Institute (IVK), including Low German items, can be accessed over the Internet, either directly or under the sites of IVK scholars:

[www.phf.uni-rostock.de/ivk/Neumann2.html](http://www.phf.uni-rostock.de/ivk/Neumann2.html)

[www.phf.uni-rostock.de/ivk/schmitt2.html](http://www.phf.uni-rostock.de/ivk/schmitt2.html)

[www.phf.uni-rostock.de/ivk/steusloff2.html](http://www.phf.uni-rostock.de/ivk/steusloff2.html)

**930. Press and public relations work**

Cf. the Institute's homepage for recent press reports on the Institute and the related information on Low German activities:

[www.phf.uni-rostock.de/ivk/presse.html](http://www.phf.uni-rostock.de/ivk/presse.html)

#### 4. Lower Saxony

931. Two major universities in Lower Saxony offer courses on Low German. The Low German Language and Literature Department of *Deutsches Seminar* [Institute for German] of Göttingen University is responsible for the independent course of study 'Low German Language and Literature' where the Low German language and lite-

rature are studied in the component subject areas of linguistics, literature, and medievalist studies. Main study fields are, *inter alia*, historical and contemporary dialectology of Low German, and sociolinguistic research on Low German and Frisian. The professor holding this chair is the editor of "*Niedersächsisches Wörterbuch*" ["Lower Saxon Dictionary"] which on a continuing basis is developed further by the Göttingen University *Arbeitsstelle* directed by this professor. As the Chairman of *Ostfälisches Institut* [Eastphalia Institute], the professor holding the chair also dedicates his efforts to the cultivation of Low German as used in Ostfalen.

932. *[deleted: paragraphs contained in the 1<sup>st</sup> State Report]*

## 5. Schleswig-Holstein

933. As part of the course of studies for the teaching profession, a requirement stipulated by the Universities in Kiel and Flensburg for admission to examinations in the subject 'German' is proof of attendance of a course in Low German or Frisian. In addition, Low German may be selected as a supplementary subject for all courses of study for the teaching profession.

934. *Germanistisches Seminar* [Institute for German/Germanic Philology] of Kiel University has its own Low German Language and Literature Department. For the major part, the credits obtained for courses/lectures of this Department can be taken over for the course of study in German/Germanic philology. Within the latter course of study, a main subject can be chosen from the Low German study field. The same can be done in the 'German' course of study for grammar school teachers. In addition, Low German exercises in subject-specific didactics are offered also to students graduating as teachers for other subjects.

935. Within the framework of university education, the Low German Language and Literature Department offers a wide range of courses and lectures also for students enrolled in other faculties. For instance, one course per semester is held specifically for students of theology, on the subjects of Low German preaching and parochial work. The annual "*Internationaler Wissenschaftlicher Ferienkurs der Universität Kiel*" ["International Academic Holiday Course of Kiel University"] entitled "*Deutschland heute - Sprache, Gesellschaft, Staat, Kultur*" ["Present-Day Germany - Language, Society, State, Culture"] offers a series of courses and lectures on Low German, which are attended by the foreign participants of the holiday course.

936. In response to the criticism expressed by the group of Low German speakers, Schleswig-Holstein once more points out that extensive offers for the study of Low

German are available at Kiel University. Flensburg University offers lectures on the Low German language and practical courses and seminars in the Low German language. In Flensburg, the offers are, however, not yet sufficient in quantitative terms to properly allow students to meet the requirements stipulated in the currently applicable teacher examination regulations (2 hours/week of Low German or Frisian).

**Art. 8, para. 1, sub-para. (e) (iii) - University and Other Higher Education -**

- (iii) *if, by reason of the role of the State in relation to higher education institutions, subparagraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;*

This obligation has been accepted by the *Land* of North Rhine/Westphalia.

937. In North Rhine/Westphalia, universities or colleges can offer instruction in Low German or a course of study in the Low German language. However, Low German is not (yet) offered as a separate subject of study/course of study. In view of the strained financial situation, it remains to be seen how things will develop in the course of future semesters.

938. Within the framework of their mandates, the Low German Language and Literature Department of Münster University and the Faculty of Linguistics and Literature of Bielefeld University, in particular, dedicate their efforts to the cultivation of the Low German language and literature.

Research priorities of the Low German Language and Literature Department of Münster University during the period 1997/1998 included, for instance, "*Niederdeutsch-hochdeutscher Sprachwechsel*" ["Low German/High German language transition"], "*Niederdeutsche Toponomastik*" ["Low German Toponomastics\*"], "*Studien zur mittelniederdeutschen Literatur*" ["Studies on Middle Low German Literature"], and "*Studien zum Werk von Augustin Wibbelt*" ["Studies on Augustin Wibbelt's Work"].

To give another example: Münster University during the 1996/1997 [winter] semester held seminars on the subjects of "*Von Emden bis Maastricht: Sprache im deutsch-niederländischen Grenzraum*" ["From Emden to Maastricht: Language in the German/Dutch border area"] and "*Münsterländer Plattdeutsch*" ["Münsterland Low German"], and during the 1998/1999 [winter] semester offered lectures on "*Niederdeutsch in der Schule*" ["Low German in school"]; during the 1999/2000 [winter] semester it held seminars on "*ältere Sprachstufen des Deutschen (Niederdeutsch)*" ["early linguistic stages of German (Low German)"] and on "*Dialektologie des Niederdeutschen*" ["Study of Low

\* study of the body of all place names; toponymy research [Translator's Note]

German Dialects and Dialectal Variations"], and during the 2003 [summer] semester a literature reading course "Contemporary Westphalian Low German Poetry", and an introductory seminar on "Low German in the media".

Over the past few years, the Research Group 'Study of Literature' of Bielefeld University has dealt with the following research subjects: 'Low German and National Socialism [Nazism]', 'Low German cultural scene'/'Low German literature', Reference Grammar of Low German Usage, and the Low German spoken by repatriates. Thus, during the 1999/2000 semester, Bielefeld University offered a lecture on "*Niederdeutsche Autorinnen des 20. Jahrhunderts*" ["20<sup>th</sup> Century Female Authors writing in Low German"]. In the 2003 summer semester, a seminar was held on the subject "Sprachinselforschung: American Low German/Niederdeutsch im Mittleren Westen der USA" ["Speech Island Research: American Low German/Niederdeutsch in the Midwest of the U.S.A."]. During the 2003/04 winter semester, Bielefeld University will offer a seminar on "Middle Low German as a language used for drafting deeds/legal documents and as a legal language".

Also, research is carried out at Bielefeld University on the subject: "*Sprachinselforschung: Niederdeutsch in den USA*" ["Speech Island Research: Low German in the U.S."]. For more than six years already, the university's linguistics section has worked on documenting spoken Low German as used in the U.S. Midwest ("American Low German") and already now has what may be regarded the largest body of documents on American Low German.

Also, the Bochum *Ruhr-Universität* and Paderborn University regularly offer seminars on Low German subjects.

The pertinent study offers are not yet secured in institutional terms. The present financial situation at the universities will not allow a positive development in the near future as regards intensification of the pertinent offers and thus precludes institutional backstopping.

Art. 8, para. 1, sub-para. (f) (i) - Adult Education -

- (i) *to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or*

This obligation has been accepted by the Free Hanseatic City of Bremen.

939. The adult education centres of the *Land* offer courses in/on the Low German language and literature.



Art. 8, para. 1, sub-para. (f) (ii) - Adult Education -

(ii) *to offer such languages as subjects of adult and continuing education; or*

This obligation has been accepted by the Free and Hanseatic City of Hamburg.

940. The Hamburg adult education centre at present offers two courses for learning and practising the Low German language (one in the city district Hamburg-Mitte, and one in the city district Hamburg-Ost).

Art. 8, para. 1, sub-para. (f) (iii) - Adult Education -

(iii) *if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;*

1. Brandenburg

941. Section 4, paras. 1 and 2, of the Act to regulate and promote Continuing Education in Brandenburg Land (abbrev. *BbgWBG*, or *WBG*) of 15 December 1993 embodies the *Land's* obligation to promote continuing education and to support the recognized providing bodies of continuing education. Under Section 27 of the *WBG*, the *Land* shall fund a share of the personnel expenses and of the cost of materials related to basic educational services. In addition, courses organized by residential educational institutions and model projects focusing on topical subjects can be subsidized. Care must be taken to ensure diversity of providing bodies.

942. The Brandenburg part of the Low German speech area has four *Kreisvolkshochschulen*, i.e. the *Kreis* Adult Education Centres of Uckermark, Prignitz, Ostprignitz-Ruppin and Oberhavel. Detailed programming is the responsibility of the respective *Kreis* Adult Education Centres themselves. Generally the willingness to include the Low German language and the Low German cultural heritage does exist. In instances, however, language courses were not held on account of insufficient demand. Nevertheless, attempts will be made also in future, for instance in the Uckermark region, to offer such courses. There also have been occasional activities in the framework of co-operation projects, for instance readings by Low German writers.

2. Lower Saxony

943. In Ostfriesland, Low German is offered by various adult education centres, both for language learning and as proficiency consolidation and conversation courses.

944. As regards the request of the Committee of Experts in No. 357 of the Monitoring Report [MIN-LANG (2002) 4 final] for information concerning the situation in other areas of

Lower Saxony, this *Land* stated that the adult education centres *Land*-wide offer courses in/on the Low German language. In 2001, for example, more than 170 courses and events were held at 33 adult education schools (among others, in Hildesheim, Göttingen, Northeim, Hameln, Goslar).

### 3. Schleswig-Holstein

945. In Schleswig-Holstein, there are many possibilities of following continuing education for people wishing to learn and study Low German. In 2002, twenty-eight adult education centres in this *Land* offered 52 courses for learning and practising the Low German language. These courses were attended by a total number of 575 participants.

946. The *Zentrum für Niederdeutsch* [Centre for Low German] in Ratzeburg pursues specific public information/education activities in this field.

947. Courses and seminars are also offered - in part with *Land* funding - by associations committed to the promotion of the Low German language, especially by *Schleswig-Holsteinischer Heimatbund* (SHHB) [Schleswig-Holstein Union for Local and Regional Traditions].

948. Moreover, other associations offer a large variety of activities: the Writing Workshops for biographical writing, fiction writing (stories), radio plays; recital and rhetoric seminars, seminars on journalism and the media; orthography; club-based activities organized by SHHB; or activities offered by *Niederdeutscher Bühnenbund* [Union of Low German Theatres] and *Amateurtheaterverband* [Association of Amateur Theatrical Societies] as well as by SHHB with regard to Directing Workshops, meetings of amateur theatre groups, etc.

949. [blank]

### Art. 8, para. 1, sub-para. (g) - Teaching of the History and Culture Education -

(g) *to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;*

950. Under the federal structure of the Federal Republic of Germany, implementation of this provision primarily is incumbent on the *Länder*. In the field of education in the *Länder*, promoting the knowledge of the culture, history, languages and religion of the respective minorities/language groups as well as of the majority population is part of the curricula of publicly maintained and private schools. An important role in imparting knowledge of the culture of the language groups, in and outside schools, is

played by the state institutions for political education, i.e. the Federal Centre (BpB) and the *Land* Centres for Political Education. In this regard, cf. the broader comments in Nos. 179 - 184 above.

The undertakings entered into by the *Länder* ensure that also non-speakers of Low German have access to this language.

### 1. Brandenburg

951. In Section 4, para. 5, sub-para. 11, of the Brandenburg Schools Act of 12 April 1996, the *Land* embodied the obligation of schools to ensure that, in imparting knowledge, skills and value concepts, the readiness and ability of pupils to understand their own culture as well as other cultures, also within their own *Land*, will be particularly promoted. This includes imparting the Low German culture which, as an autochthonous culture of Northern Germany, plays an important role in this respect. The additional obligation to impart these cultural fundamentals also to those pupils whose culture is not the Low German culture ensures that, at least in the Low German speech area and cultural area, also those pupils whose family roots are not in the Low German area will be instructed in the fundamentals of the Low German culture.

952. The educational objectives shall not be pursued in one classroom subject only, but shall be included in all appropriate subjects. Thus, it must be ensured that both the historic aspects of the Low German culture and the diversity of present-day forms of cultural expression will be reflected in literature, music, visual arts, etc.

### 2. Free Hanseatic City of Bremen

953. In No. 259 of the Monitoring Report [MIN-LANG (2002) 4 final], the Committee of Experts asked for further information regarding implementation of this undertaking in the non-university sector ["the other areas"]. In this regard, cf. the comments in No. 939 above.

954. Bremen at present reviews the pertinent curricula for compatibility with the accepted obligation. Where any deficits are identified, the necessary adjustments will be made.

### 3. Free and Hanseatic City of Hamburg

955. In Hamburg, the Low German language was flourishing at the time of the Hanseatic League and determined daily life. History lessons in school draw attention to this fact and inform about this particular part of history and culture. Depending on the

respective concept, such classroom instruction also makes use of the offers by museums and other cultural institutions (e.g. *Literaturhaus*), or pupils are made aware of such offers.

#### 4. Mecklenburg-Western Pomerania

956. In response to the request of the Committee of Experts, in No. 326 of the Monitoring Report [MIN-LANG (2002) 4 final], for further information on the state of implementation, the following information is provided:

Under the Schools Act and other regulations in force, the Low German culture and history shall be imparted to pupils in schools providing general education.

Over the past few semesters, Low German studies were offered in seminars and/or compulsory (advanced) seminars:

- on the problem of language contact and language change in Mecklenburg and Pomerania
- on Low German legends, folktales, proverbs, *Sagwörter* [Low German type of wellerism] in Mecklenburg and Pomerania
- on contemporary dialect writers, especially aspects of the sociological study of literature
- on the authors Fritz Reuter, John Brinckman
- on "Low German under National Socialism (Nazi era)"
- on Low German medievalist studies ("*Narrenschyp*" ["The Ship of Fools"], "*Redentiner Osterspiel*" ["The Redentin Easter Play"], "*Reynke de Vos*" ["Reynard the Fox"]; language and communication at the time of the Hanseatic League)

Seminars and compulsory (advanced) seminars - offered at Greifswald University, in particular - on the history of the Hanseatic League round off the cultural history aspect of the regional language Low German.

The Fritz Reuter Literature Museum in his native town of Stavenhagen studied Reuter's reception/acceptance during the Nazi era. Another subject were Reuter's reception in music and/or his work's status in the cultural life of the two German states (i.e. FRG and GDR before German re-unification).

The Institut für Volkskunde (IVK, Institute of Folklore - *Wossidlo-Archiv*) held courses on "regional customs and traditions", on the region's inventory of tales and songs, on regional foodstuffs/cooking and housing, and on working life. One example was the study of seafaring life on Mecklenburgian sailing ships as gleaned from Richard Wossidlo's collection. At the initiative of the Institute of Folklore (IVK - *Wossidlo-Archiv*), the Low German botanical names were displayed for all plants shown by the German Pavilion during the 2003 International Horticultural Exhibition (IGA) in the Hanseatic

City of Rostock. In connection with this project, Rostock University offered a seminar on Low German popular botany.

In 2002, the project "routes of Brick Gothic" was carried out in the Hanseatic Cities of Rostock, Greifswald and Stralsund. Under this project, both the Low German book culture and the history of the Hanseatic League as well as the impressive brick architecture were explained to visitors.

## 5. Lower Saxony

957. Under the extended educational mandate laid down in the Lower Saxony Schools Act as amended in 1993, pupils shall be enabled to develop their faculties of perception and sensitivity and their capacity for expressing themselves, with the inclusion of the relevant regional variety of Low German or of Frisian. Implementation of this mandate in classroom instruction can be supported by all school subjects. Particularly suited are 'German', the subjects covered by the 'world history and geography' complex and by social sciences (history, geography, politics) as well as elementary science, arts, music, and religious instruction; for vocational/technical schools, the preferred subjects are German and politics.

958. The Ministry of Education and Cultural Affairs - in co-operation with schools, *Niedersächsischer Heimatbund* (NHB) [Lower Saxony Union for Local and Regional Traditions], the *Landschaften* or *Landschaftsverbände* [regional local authorities] and the *Bezirk* Governments - develops a differentiated support system. In detail, this involves the following:

959. Through the completed pilot project "*Plattdeutsch in der Schule*" ["Low German in school"], the on-going school-based model test at the Obenstrohe (Varel) secondary school, which also includes "*Niederdeutsch im Unterricht*" ["Low German in Classroom Instruction"] as one of the priority subjects, is designed to give a clear idea of the way in which, and the extent to which, the Low German language is imparted. Also, following the "Model Test: Bilingualism in Nursery School", Low German is to be included in the instruction given at primary schools in Ostfriesland. The pilot project "Low German in school" is described in a final report (Gerdes, Dirk: *Pilotprojekt „Plattdeutsch in der Schule“*, Aurich, 1996) which also lists the many project-related publications. After an inventory of the current status (Low German in our days; the status of Low German in school education; Low German linguistic potential at Ostfriesland schools; teachers' attitudes towards the regional language and regional identity), the report describes general conditions and curricular minimum require-

ments with regard to the re-integration of the Low German language in school education.

960. At the level of the *Bezirk* Governments, the Commissioners for Low German in Classroom Instruction who were first designated in 1997 have, in co-operation with representatives of the *Landschaften* and *Landschaftsverbände* or of local associations, begun to establish regional working panels. These panels are considered appropriate institutions for identifying existing activities, pursued in and outside school with regard to the regional language, for mutually complementing them and improving them for the school sector through regional further training.

961. Finally, the *Bezirk* Governments can, in the procedure for inviting applications for a position, indicate school-specific requirements in addition to the subjects to be taught by the applicant. During job interviews, these special requirements, e.g. Low German in classroom instruction, can be taken into account.

962. At the schools level, education department officers, especially the Commissioners for Low German in Classroom Instruction, assist the various schools in their efforts to develop a regional education concept, taking particular account of the regional language.

963. Within the framework of optional-subject courses and of courses in subjects chosen from a compulsory group at *Realschulen* [secondary technical schools] and in courses in required elective subjects at secondary modern schools, teachers already make use of the possibility to offer Low German and to include it in marking.

964. The teaching material and learning aids developed by *Ostfriesische Landschaft* within the framework of the pilot project "*Plattdeutsch in der Schule*" ["Low German in school"] respond to the need of many teachers for appropriate educational material; they are based on the extended educational mandate of schools, and take account of the pupils' previous knowledge. Thus, in terms of their approach, they can be adapted to the work in other regions. The same goes for the questionnaires developed for pupils and for teachers. With the development, by *Ostfriesische Landschaft*, of the teaching and learning system and of the survey instruments, the *Land* Government has provided basic prerequisites for modern promotion of the regional language, which should now be applied in practice in the various regions. In this regard, cf. the comments in No. 959 above.

965. The objective of supraregional specialist conferences (organized by *Niedersächsischer Heimatbund* (NHB) [Lower Saxony Union for Local and Regional Traditions] in co-operation with the Ministry of Education and Cultural Affairs) in a three-year cycle, is

to present the work of regional institutions from aspects of methodology/didactics and to interlink those activities in a long-term perspective.

The third specialist conference was held in 2003:

Lecture on the "Utility of the Internet for an effective information structure".

Meetings of working groups:

- information structures
- continuous training
- regional projects
- projects regarding the regional language

The Lower Saxony Ministry of Education and Cultural Affairs and *Niedersächsischer Heimatbund* [Lower Saxony Union for Local and Regional Traditions] plan a documentation on this specialist conference.

966. Under the "*Leitbild für die Schulaufsicht in Niedersachsen*" ["Model for Supervisory School Offices in Lower Saxony"], it is the responsibility, first of all, of the individual school to achieve the pedagogical, subject-related and organizational objectives specified by state authorities and agreed internally. This entails the task for schools to develop their respective regional education concept on the basis of the state-defined requirements and of their competencies for in-school and extracurricular activities. This can be done, for instance, in the course of the development of the school programme. Aids are already provided by the results of the pilot project "*Plattdeutsch in der Schule*" ["Low German in school"] and by further training measures in various regions and at centres for environmental education, by the documentation published by regional working panels or school discussion groups that deals with the region, e.g. from a linguistic, geographic, historical or economical angle. Many schools asked for the documentation on the findings of this pilot project.

## 6. North Rhine/Westphalia

967. In North Rhine/Westphalia, the Guidelines and Curricula issued by the Schools Ministry encourage the discussion and study of specific regional aspects. Thus, the Guidelines for the Lower Secondary Grades of *Gymnasien* [grammar schools] call upon schools to develop a school programme which, *inter alia*, will cover the "cultural traditions of the local environment and home region". Regional languages are included in the learning field "*Reflexion über Sprache*" ["Reflections on Language"] forming part of the grammar school curriculum for the subject 'German'. Also the curricula for the secondary grades and for the primary education level of schools of other types provide for inclusion of an adequate proportion of regional languages in German lessons.

968. In addition, since the start of the new school year 1999, Low German lessons have been given, or have been expertly supported, at Schalksmühle primary school by several members of *Niederdeutscher Arbeitskreis* [Low German Working Panel] of *Geschichtsverein Schalksmühle* [Schalksmühle Historical Society]. Also, a school in Lüdenscheid will offer Low German instruction in future. These lessons are taught by part-time staff or volunteers.

## 7. Saxony-Anhalt

969. In Saxony-Anhalt, the Low German language has, for many centuries, determined daily life. The Framework Curricula for the subjects 'History' and 'German' take account of this fact and recommend to provide information on the history, language and culture, for instance in connection with regional or local topics.

For further details, cf. the comments above on sub-para. (b) (iv) [primary education].

## 8. Schleswig-Holstein

970. The curricula of publicly maintained schools provide for many ways of including Low German in classroom instruction. Thus, the 'German' curriculum provides for "discussion and study of the languages and speech communities in Schleswig-Holstein".

Reference is made to the comments in Nos. 875 - 882 and 900 - 904 above.

### Art. 8, para. 1, sub-para. (h) - Basic and Further Training of Teachers -

*(h) to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;*

#### 1. Free Hanseatic City of Bremen

971. The *Landesinstitut für Schule* [Land Institute for Schools] offers regular teacher follow-up training in the Low German language and culture.

972. In response to the statement of the Committee of Experts in No. 260 of the Monitoring Report [MIN-LANG (2002) 4 final] that it would need more information in order to be able to conclude that this undertaking is fulfilled, the following is reported: in 1998, Bremen University introduced the priority subject matter (main subject) "Low German: regional language and regional culture" as an additional pædagogical qualification within the framework of teacher training. The subjects covered by this study programme are: learning of the Low German language; Low German linguistics



(grammar, stylistics); the history of the Low German language; literature and culture; regional history; and subject-specific didactics 'Low German'.

## 2. Free and Hanseatic City of Hamburg

973. While teachers can study Low German at Hamburg University and select it as a minor for the M.A. examination, this is not possible as regards the examination for the teaching profession at Hamburg University (at other universities, however, such inclusion is possible, e.g. in Bremen). For the near future, it is planned to introduce the mention "main subject Low German" in the State Examination certificates issued to students who successfully fulfilled certain enrolment requirements regarding Low German as part of the German Philology degree programme (Seminar Ia and Ib and Seminar II, and selection of a Low German subject for either the special subject (homework) paper, the written examination under supervision, or any part of the oral exam). In addition, it is planned to offer an additional study programme 'Low German', probably covering three semesters, as an additional teaching qualification for students and graduated teachers. A date for introducing this programme has not yet been set because the organizational and funding arrangements are not yet in place. On the other hand, most of the many teachers who would like to include Low German in classroom instruction or plan such activities did not study this subject at university. They mostly know the language from their childhood days.

974. The *Landesinstitut für Lehrerbildung und Schulentwicklung* (LI) [Land Institute for Teacher Training and School Development] offers continuing education both on a regular basis and within the framework of special activities. The one-time course "*Platt in de Grundschool*" ["Low German in elementary school"] organized in August 1999 had fifteen participants while the "*Plattdüütsche Schoolmesterkrink*" ["Low German Teachers' Circle"], which met every two weeks, was attended by six to twelve persons; in the school year 2002/2003, it was attended by 15 persons.

975. In response to the statement of the Committee of Experts in No. 296 of the Monitoring Report [MIN-LANG (2002) 4 final] that, on the basis of the information provided so far, this undertaking could not be considered fulfilled, the following information is provided:

As part of compulsory subject studies under the teacher training programme, Low German is offered as a priority subject matter (main subject) by Hamburg University; also, the State Examination paper may be written on a Low German subject.

At present, the mention 'main subject: Low German' is not yet included on the State Examination certificate; however, if an examinee wrote his/her State Exam special

subject (homework) paper on a Low German subject, its title is given on the certificate, thus indicating the graduate's pursuit of such studies. As regards the planned changes, cf. No. 979 above.

The Committee of Experts correctly states that, under the present State Examination system, courses or examinations taken on/in Low German subjects are not shown on the certificate and do not provide a specific/formal qualification as "teacher in/of Low German".

Apart from the planned changes, efforts to include more explicit mention of study programmes followed, or examinations taken, in the specialized field of Low German might be successful in the context of future re-organization of this teacher examination system, which would provide for greater university influence than is now the case.

Possibilities in this respect exist already now within the framework of the 'German' study programme, and would also be provided by an eventual amendment of the examination regulations. The process of revising the modalities of teacher examinations is at present not yet completed: discussions and coordination talks are underway with the so-called *Sozietäten* established a year ago [2002] on the various study/examination subjects. It is not yet foreseeable when this amendment will actually take place. The speakers of the *Institut für Germanistik I* of Hamburg University and the representatives of the authorities responsible for the subject 'German' will contribute their ideas on Low German aspects to the future work of the *Sozietät „Deutsch“*.

### 3. Mecklenburg-Western Pomerania

976. University studies of Low German are based on the Training and Examination Regulations of the Rostock and Greifswald Universities. Continuing training of teachers for schools offering general education is governed by the provisions of the Schools Act. During the second training phase at the *Landesinstitut Mecklenburg-Vorpommern für Schule und Ausbildung* (LISA - Mecklenburg-Western Pomerania Land Institute for Schools and Training), teachers in training in the primary school sector or for the subject 'German' in secondary schools can select and treat, from a pedagogical angle, topics specifically referring to Low German aspects, in their respective special-subject paper or the trial lessons to be prepared for the Final State Examination. These are mostly instruction sequences which they tried out themselves in the classroom. These activities build up on, and continue, the Low German training taken up at Greifswald University and the course of study followed at Rostock University, with Low German as a main subject.

977. Since 1992, follow-up training of teachers for Low German in schools has been organized by the *Landesinstitut Mecklenburg-Vorpommern für Schule und Ausbildung* (LISA). The focus is on didactics/methodology support for teachers; in this respect, the principle of the trainees' self-initiative and own work - in addition to information and reading lists - is an important element.

978. In the 2000/2001 and 2001/2002 school years, L.I.S.A. gave priority support to the following projects:

- further education on various Low German topics
- participation in, and as of 2002 chairing of, the "Schools" Working Panel
- participation in the preparation of a Low German reader for elementary schools (to be published in 2003)
- publication of further education materials on strategies for imparting/teaching the regional language Low German
- participation, also in a lead function, in conferences, including meetings across *Land* borders, on Low German subjects
- launching inter-generation projects: a Low German children's group learning the Low German language and performing plays in that language
- help with the writing of examination papers on school theatre performance of Low German plays, and - in the 2003/2004 school year - follow-up monitoring of the second phase of teacher training (so-called preparatory service) for 'Low German' trainee teachers at elementary and secondary modern schools
- in co-operation with the *Landesheimatverband* [*Land* Union for Local and Regional Traditions], supporting the organization of the competition "*Kinner snackt Platt*" ["Children talking in Low German"].

979. The subjects of teacher further education covered both linguistic-literary aspects and regional history, geography and culture. Also for these courses and lectures, various materials were developed and distributed to the participating teachers. A new focus of attention emerged as a result of the regulation applying to the "orientation stage" [5<sup>th</sup> and 6<sup>th</sup> grades], under which - *inter alia* - Low German and instruction in performing/interpretative play should be combined. On this basis, L.I.S.A. [*Land* Institute for Teacher Follow-up Training] developed a further education programme entitled "*Theater-SPÄLtiED*" [theatre playing time], initially comprising five courses which are professionally supported by *Niederdeutsche Bühne Schwerin* [Schwerin Low German Theatre].

980. Another novel feature of the strategy for teacher further education is that Low German follow-up training is given "on site" at the respective schools, thus providing teaching staffs and further education institutions (e.g. *SCHILF* - *Schulinterne Lehrerfortbildung* [In-School Teacher Follow-Up Training, provided by a theological college]) and specialized groups with many new ideas for Low German classroom instruction. In

the 2001/2002 school year alone, 28 schools and their teaching staffs and/or specialized groups were given further training by L.I.S.A.

Since 2002, L.I.S.A. has participated in the development of a large body of Low German teaching materials. In co-operation with the *Förderverein Seniorenakademie* of the Rostock *Wossidlo-Archiv* and with the involvement of native speakers, Low German legends, fairy/folk tales and other texts are recorded on digitalized sound recording media. L.I.S.A. attends to the screening, sorting and didactization of these materials for use by schools.

981. A new project of teacher further training in 2003 is a language-acquisition course 'Low German for Teachers'. This course was realized in co-operation with the Schwerin adult education centre, and is supported and certified by L.I.S.A.

#### 4. North Rhine/Westphalia

982. The Circular [Decree] on "*Niederdeutsch in der Schule*" ["Low German in school"], issued by the Münster *Bezirk* Government, contains guidance on the inclusion of regional linguistic culture in the curricula. In addition, the Münster *Bezirk* Government offers teachers' follow-up training conferences on linguistic theory and practice. A volume for use at such meetings and entitled "*Niederdeutsch in der Schule - Beiträge zur regionalen Zweisprachigkeit*" ["Low German in school - material on regional bilingualism"] was published already in 1989. An up-dated/revised version of this material is at present precluded by the financial situation of public-sector budgets, among others.

#### 5. Saxony-Anhalt

983. Training and continuing education of teachers in Saxony-Anhalt in the field of the Low German language are ensured, on the one hand, by *Arbeitsstelle Niederdeutsch* [Workshop for Low German] of *Germanistisches Institut* of Otto von Guericke University in Magdeburg ("Teacher Training: Aspects of Language Cultivation, and Facultative Offers for Participants Interested in Linguistics") and, on the other hand, through follow-up and further training activities offered on a regular basis by *Landesinstitut für Lehrerfortbildung Sachsen-Anhalt* (LISA - Saxony-Anhalt Land Institute for Follow-up Training of Teachers) in co-operation with *Landesheimatbund Sachsen-Anhalt e.V.* [Saxony-Anhalt Land Union for Local and Regional Traditions].

#### 6. Schleswig-Holstein

984. Training and continuing education of teachers are regulated in Training and Examination Regulations. In future, proof of attendance of a course in Low German

or Frisian will be required for admission to the First State Examinations in the subject 'German'.

985. As part of a supplementary course of study for the teaching profession for all schools, which comprises about 20 hours a week per semester, an additional exam can be taken in Low German and Frisian.

986. Within the limits of the capacities available, colleges and universities offer further training in Low German. In the 1998 summer semester, the Universities of Kiel and Flensburg introduced Low German seminars for students training to become teachers for all types of schools.

987. The Low German Language and Literature Department of Kiel University provides advisory services on a continuous basis, including counselling for teachers, who also have access to the holdings of its library.

Art. 8, para. 1, sub-para. (i) - Supervisory Bodies -

- (i) *to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings which will be made public.*

1. Free and Hanseatic City of Hamburg

988. The 'German Language' Section of the [Senate] Authority for Education and Sports (BBS) was assigned the responsibility for the European Charter for Regional or Minority Languages.

989. The Hamburg *Landesinstitut für Lehrerbildung und Schulentwicklung* (LI - Land Institute for Teacher Training and School Development) also takes care of the counselling of specialized teachers who receive follow-up training or additional qualification for teaching in the regional language Low German and the minority language Romany. The Institute keeps a list of the activities offered at Hamburg schools, which are reported in the Institute's periodical publication "*LI Magazin*".

With regard to any extension required, or the qualification, of the offered courses, the responsible lecturers of the Institute confer with the supervisory school authorities and with the 'German Language' Section of the Senate Authority for Schools.

990. In response to the comment of the Committee of Experts, in No. 297 of the Monitoring Report [MIN-LANG (2002) 4 final], that it concluded that the obligation was not fulfilled, it is reported that in future, a staff member of the school supervisory section

of the competent *Behörde für Bildung und Sport* (BBS - Senate Authority for Education and Sports) will be tasked with the co-ordination, in co-operation with all school supervisory bodies, of the measures to promote and further the Low German language and literature in classroom instruction or other school activities. It is planned to have regular reporting on this activity.

991. The *Landesinstitut für Lehrerbildung und Schulentwicklung* (LI) will be assigned responsibility for teacher follow-up training measures (*inter alia*, continuation of the *Plattdüütsche Schoolmesterkrink* ["Teachers' Circle", a Low German Working Panel] which was created a number of years ago) and for other Low German activities.

## 2. Mecklenburg-Western Pomerania

992. In publications and on the occasion of further training activities or at meetings, *Landesinstitut Mecklenburg-Vorpommern für Schule und Ausbildung* (LISA - Mecklenburg-Western Pomerania Land Institute for Schools and Training) provides information on the situation of Low German at the general-education schools in Mecklenburg-Western Pomerania.

993. In 1996, the Ministry of Education founded a *Niederdeutsch-Beirat Mecklenburg-Vorpommern* [Mecklenburg-Western Pomerania Low German Consultative Council]. This body has 15 members and is chaired by the Minister of Education. The members of the *Niederdeutsch-Beirat* represent all main subject areas (schools, science and research, linguistic and cultural work). The *Niederdeutsch-Beirat* has the function to discuss and network the various Low German activities in Mecklenburg-Western Pomerania. For more efficient and effective use of the staffing and financial resources, knowledge of the main study areas in the various fields of activity relating to Low German is essential. Moreover, there is an urgent requirement for discussing and treating a large number of issues regarding the cultivation and promotion of Low German.

In response to the Committee's comment in No. 328 of the Monitoring Report [MIN-LANG (2002) 4 final] that the obligation was not yet fulfilled, it is reported that the Low German Consultative Council, *qua* supervisory body, will in future submit regular reports on the measures taken to further develop education in Low German in Mecklenburg-Western Pomerania.

## 3. Lower Saxony

994. In November 1997, a Working Group was established, with representatives from the *Landschaften* and *Landschaftsverbände* [regional local authorities], *Nieder-*

*sächsischer Heimatbund* (NHB) [Lower Saxony Union for Local and Regional Traditions] and the schools offices. The task of this Working Group is to monitor the proper implementation of the obligations under the Charter which have been accepted by the *Land* of Lower Saxony.

995. In response to the Committee's request for further information on the aforementioned Working Group, cf. No. 359 of the Monitoring Report [MIN-LANG (2002) 4 FINAL], the following information is provided:

On account of its membership (departmental heads of *Bezirk* [district] governments, representatives of *Landschaften/Landschaftsverbände*, of the Lower Saxony Ministry of Education and Cultural Affairs, and *Niedersächsischer Heimatbund*), the existing Working Group is qualified to implement the decree on "The Region in Classroom Instruction", covering also the knowledge of the regional language and the related linguistic skills.

An overview of the current activities in the four *Regierungsbezirke* of Lower Saxony [*Land* administrative units, "districts", i.e. Braunschweig, Hannover, Lüneburg, Weser-Ems] is provided by the existing information structures, such as the ombudsperson systems and the available inventories made in the *Regierungsbezirke*, as well as by the development of an Internet-based information and communications system.

The status of current debate is reflected by the minutes of the Working Group's discussions; by the documentation on the specialized conferences which are planned by the WG and are held at three-year intervals; by subject-related publications in the *Schulverwaltungsblatt für Niedersachsen*; and by the critical annual reports on the status of the preservation of regional traditions and culture in Lower Saxony (so-called *Rote Mappe* - "red book"), which also contain comments on the Low German language, and the Lower Saxony *Land* Government's response (so-called *Weisse Mappe* - "white book") to these reports.

996. Responsibility for the preparation and regular publication of the report regarding the provisions on education lies with the Lower Saxony Ministry of Education and Cultural Affairs.

#### 4. Schleswig-Holstein

997. For the supervision of the measures taken in primary schools, secondary modern schools and *Realschulen* [secondary technical schools], responsibility lies with the supervisory school authorities of the *Kreise* [administrative districts] or *kreisfreie Städte* [non-district municipalities]. For the *Gymnasien* [grammar schools] and comprehensive schools, responsibility for supervision lies with the Ministry for Education, Science, Research and Cultural Affairs. The tasks of the supervisory school authorities include

co-ordination and monitoring of measures taken for the promotion of Low German. Responsibility for subject-specific matters lies with the *Land* Commissioners for Follow-up Training, the regional commissioners and the *Kreis* specialist commissioners. Nordfriesland, for instance, has the "*Plattdütsche Stuvv*" ["Low German Parlour"], a centre installed at the initiative of the supervisory school authority. It runs a lending library for Low German writings. At the same time, it is a meeting place for teachers interested in Low German.

998. As an important measure for cultivating and promoting Low German in and outside school, the two "*Zentren für Niederdeutsch*" ["Centres for Low German"] for the *Land* regions of Schleswig (in Leck) and Holstein (in Ratzeburg) were established as working centres by the *Land* Government in 1994. As of August 2000, the teachers temporarily assigned to those Centres are released from their regular duties, amounting to two established posts.

The task of the two Centres for Low German is to advise the schools, providing bodies for education and further education, and individuals, associations and other organizations dealing with Low German, and to support and, where appropriate, to co-ordinate their activities. This includes the development of support and guidance materials for designing/organizing classroom instruction. A landmark activity is the production of readers which were developed in close co-operation with the foundation *Stiftung Mecklenburg*. As part of their tasks, the Centres for Low German pursue specific public information/education activities.

999. The *Institut für Qualitätsentwicklung an Schulen* (IQSH - Institute for Quality Development at Schools) also supports the schools. Five regional commissioners, one *Land* and Further Training Commissioner and ten *Kreis* commissioners advise the schools on matters regarding the regional language Low German. Cf. the comments in No. 876 above.

1000. In No. 400 of its Monitoring Report [MIN-LANG (2002) 4 final], the Committee of Experts concluded that this undertaking was not fulfilled. At the same time, it encouraged the authorities to establish a supervisory body designed to monitor the measures taken in developing education in Low German in Schleswig-Holstein and to draw up periodic reports.

The *Land* Government does not perceive any need for establishing a special/separate supervisory body. Supervision is ensured in co-operation with those responsible for the promotion of Low German in a school context, i.e. the public official responsible for expert supervision, the Schools Offices and the *Zentren für Niederdeutsch*. A separate/independent supervisory body would be contrary to the intention to introduce 'lean government' (reduction of bureaucracy, of agencies and regulations).



1001. The *Land* Government submits reports on the situation of the Low German language to the Schleswig-Holstein *Landtag*. This report covers both cultural and school-related aspects of Low German. In addition, the Schleswig-Holstein *Landtag* in 1992 set up a *Consultative Council for Low German*. The Consultative Council, which is chaired by the *Landtag* President, meets at least twice a year. Its members are representatives of the *Landtag* parliamentary groups, the Minister-President's Commissioner for Low German, one representative of the Ministry for Education, Science, Research and Cultural Affairs, and representatives of the Low German community, associations and institutions. The Consultative Council deals with all aspects of the Low German language and culture, including school matters.

#### Article 8, para. 2

##### *Paragraph 2*

*With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.*

1002. As regards colleges and universities, this obligation - in the sense of "undertake ... to allow" - is met for the entire territory of the Federal Republic by virtue of Article 5, para. 3, of the *Basic Law* (autonomy of institutions of higher education).

#### 1. North Rhine/Westphalia

1003. This obligation is met in North Rhine/Westphalia in the sense of "undertake ... to allow". Any instruction - at colleges and universities - in the regional language Low German is, of course, "allowed" also in *Land* regions other than those where the regional language is spoken. A state-imposed ban, with regard to institutions of higher education, would not be compatible with the constitutional provisions of Article 5, para. 3, of the *Basic Law*.

1004. In response to the statement of the Committee of Experts in No. 119 of the Monitoring Report [MIN-LANG (2002) 4 final] that for lack of information it was not possible to conclude that the undertaking is fulfilled, the following information is provided:

A systematic analysis of the various education offers regarding the Low German language in North-Rhine/Westphalia is not available. Schools decide, on their own responsibility, on whether they will offer courses or optional activity groups for "Low German". Previous experience has shown that in areas where Low German dialect groups or similar groups are active, various activities are also carried out with schools or Schools Offices (teacher further education).

## 2. Schleswig-Holstein

1005. This obligation is met in Schleswig-Holstein in the sense of "undertake ... to allow".

1006. In No. 401 of the Monitoring Report [MIN-LANG (2002) 4 final], the Committee of Experts stated that it had not been made aware of any measures on the part of the German authorities in this respect.

With regard to Schleswig-Holstein *Land*, it should be noted that the Low German speech area must be considered to comprise the entire *Land* - even though with varying intensity of language use. Therefore, it is not clear what 'other territories' might be referred to. This undertaking is fulfilled for the entire *Land* of Schleswig-Holstein.

## Article 9 Judicial Authorities

### *Paragraph 1*

*The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

### Art. 9, para. 1, sub-para. (b) - Civil Proceedings -

*(iii) to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;*

This obligation has been explicitly accepted by the Länder of Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine/Westphalia and Schleswig-Holstein.

1007. With the proviso that documents and evidence drafted in a minority language must be presented in a form obviating misunderstandings or errors with regard to their translation, this obligation is met by the legal situation prevailing in Germany (cf. the comments in Nos. 213 - 215 above). Therefore, it has not been necessary to take any special measures.

### Art. 9, para. 1, sub-para. (c) - Proceedings before Courts concerning Administrative Matters -

*(c) in proceedings before courts concerning administrative matters:*

*(iii) to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;*

This obligation has been explicitly accepted by the Länder of Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine/Westphalia and Schleswig-Holstein.

1008. In this regard, cf. the comments in No. 1007 above.

1009. As regards this branch of the judiciary, it must be pointed out that administrative courts are obliged to conduct *ex officio* investigations and, where necessary and appropriate, will on their own initiative rely on the services of interpreters. Thus, the members of a given language group suffer no prejudice by the use of their language.

**Art. 9, para. 2, sub-para. (a) - Validity of Legal Documents -**

*The Parties undertake:*

- (a) *not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or*

This obligation has been explicitly accepted by the Länder of Brandenburg, Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine/Westphalia, Saxony-Anhalt and Schleswig-Holstein.

1010. In this regard, cf. the comments in No. 1007 above.

**Article 10****Administrative Authorities and Public Services***Paragraph 1*

*Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

**Art. 10, para. 1, sub-para. (a) (v) - Submission of Documents -**

*(v) to ensure that users of regional or minority languages may validly submit a document in these languages;*

**1. Free Hanseatic City of Bremen**

1011. With the entry into force of the Regional/Minority Language Charter as of 01 January 1999, the provision under sub-para. (a) (v) has become applicable law for the authorities of the Free Hanseatic City of Bremen. In order to stem the flood of legal rules, the Hanseatic City of Bremen will refrain from adopting any special administrative regulations referring to the existing applicable legal provisions.

1012. As regards the criticism expressed by the Committee of Experts in Nos. 263 to 267 of the Monitoring Report [MIN-LANG (2002) 4 final] with regard to the obligations accepted under Article 10 - i.e. that the obligations are only formally or partly fulfilled - the Free Hanseatic City of Bremen provides the following information:

Adoption of any directives or administrative regulations with reference to the accepted undertakings is not envisaged in future, either. Nor have any cases become known where problems arose in the context of the admission of the Low German language in practice. No cases are known where documents or requests drafted in the Low German language would have been rejected. As a rule, in order to ensure legal certainty, the official language "standard German" is used for the drafting of official documents, although the administrative authorities are well aware that they could also be drafted in Low German.

**2. Free and Hanseatic City of Hamburg**

1013. In Hamburg, as in Bremen (cf. the foregoing comments under Nos. 1011 and 1012 which also apply to Hamburg), it is possible to submit documents drafted in Low German to the authorities. No use has so far been made of this facility by members of this language group.

1014. As regards the criticism expressed by the Committee of Experts in Nos. 300 to 303 of the Monitoring Report [MIN-LANG (2002) 4 final] with regard to the obligations

accepted under Article 10 - i.e. that the obligations are only formally or partly fulfilled - the Free and Hanseatic City of Hamburg provides the following information:

In 1997, when the Senate ratified the European Charter for Regional or Minority Languages, the provisions of Article 10 became directly enforceable law ("self-executing") in Hamburg. To this extent, the respective voluntary undertakings are formally fully fulfilled. In order to stem the flood of legal rules, Hamburg quite deliberately decided against translating implementation of the voluntary undertakings under Art. 10 into formal rules or directives. In view of the fact that, on account of Hamburg's particular City-State constitution, the administration is clearly organized and easy to survey and Senate decisions take immediate effect for the entire administration, the Senate Authority of Finance considers it unnecessary to enforce and/or publicize the voluntary undertakings under Art. 10 on a wider scale than is already provided by the practice of informally disseminating the related information (in-service briefings/conferences, etc.). Thus, Hamburg's practice is in agreement with that of the other North German *Länder*.

Hamburg is not aware of any cases where documents or requests drafted in the Low German language would have been rejected or refused as a result of the non-existence of administrative regulations regarding implementation of Article 10. A pragmatic solution was put in place by providing in-house doorplates and/or stickers to identify language-proficient staff members of administrative authorities.

Within their respective area, administrative authorities have own responsibility for press and public relations work which they design in specific orientation on their inhabitants. It is not planned to issue centrally organized Hamburg-wide public notices.

### 3. Mecklenburg-Western Pomerania

1015. Notwithstanding the applied principle of using German as the official language, Section 23 of the *Land Administrative Procedure Act* does not, on principle, rule out use of Low German. Accordingly, documents drafted in Low German, e.g. purchase deeds, etc., can be submitted in this regional language.

1016. As regards the lack of practical information pointed out by the Committee of Experts in No. 331 of the Monitoring Report [MIN-LANG (2002) 4 final], the following information is provided:

With regard to the submission of documents/deeds drafted in the Low German language, Mecklenburg-Western Pomerania has a model case dating back to the 1960's, which is also used in student training: In connection with a private-way dispute, a Low German deed was submitted. Submission of Low German documents is

generally admissible, but in practice - given the bilingual language proficiency of speakers - only occurs in the case of historical deeds.

#### 4. Lower Saxony

1017. Submission of legal documents in the Low German language is admissible. So far, no information is available regarding the extent to which members of this language group have actually made use of this facility.

1018. As regards the criticism expressed by the Committee of Experts in Nos. 362 to 367 [366] of the Monitoring Report [MIN-LANG (2002) 4 final] with regard to the obligations accepted under Article 10 - i.e. that the obligations are only formally or partly fulfilled - the *Land* of Lower Saxony provides the following information:

In the area of the Government of the Weser-Ems *Regierungsbezirk*, intensive and communicative use is made of the Low German language in the administration's contacts with citizens. A major part of the staff members understand and speak Low German. Thus it is ensured that citizens can submit oral and written requests (in Low German) and obtain answers (in that language). The same goes for submission of documents.

#### 5. Schleswig-Holstein

1019. The legal basis for the adoption of this obligation by Schleswig-Holstein *Land* is Article 82a, para. 2, of the *Land* Administration Act. This discretionary regulation provides for the general possibility to submit applications, petitions, records, deeds or other documents in a foreign language, i.e. a language other than the official language.

"Section 82a - Official language

- (1) The official language is German.
- (2) If applications or petitions, records, deeds or other documents drafted in a foreign language are submitted to an authority, the latter may require a translation to be produced. (...)"

1020. According to a non-representative survey carried out among subordinate agencies of the Ministry of the Interior of Schleswig-Holstein *Land*, use was made of this possibility, *inter alia*, by land survey offices [cadastral offices] and by the *Land* Statistical Office.

1021. In this context it should also be noted that, according to the legal commentary by Foerster, Friedersen and Rohde (as of 2/97; no. 1, para. 4, regarding Section 82a of the *Land* Administration Act), the term 'German language' not only covers standard

German ("*Hochdeutsch*"), but also dialects, including the Low German language. This is also in conformity with the supreme-court decisions on the parallel regulation applying to courts, cf. Section 184 of the Organization of the Courts Act. The prerequisite, however, is that all parties involved understand the dialect. To this extent, the obligation is already met for Low German. Following this commentary, though, Low German would not be considered a language in its own right, but a dialect - and as such would not come under the Regional/Minority Language Charter. Linguistically, however, it is an established fact that Low German is an independent language differing from standard (High) German.

1022. In No. 404 of its Monitoring Report [MIN-LANG (2002) 4 final], the Committee of Experts, on account of the lack of practical information, did not yet feel able to conclude that this undertaking was fulfilled.

The lack of practical examples of documents being submitted in Low German is primarily an indication of the status of Low German as a *spoken* regional language. However, in the *Land* Government's view, such lack of examples does not preclude the conclusion that the undertaking is implemented.

#### Art. 10, para. 1, sub-para. (c) - Drafting of Documents -

(c) *to allow the administrative authorities to draft documents in a regional or minority language.*

##### 1. Free Hanseatic City of Bremen

1023. In this regard, cf. the comments in Nos. 1011 and 1012 above.

##### 2. Free and Hanseatic City of Hamburg

1024. In this regard, cf. the comments in Nos. 1013 and 1014 above.

##### 3. Mecklenburg-Western Pomerania

1025. In this area, the European Charter for Regional or Minority Languages has already had the effect that, for instance, documents, speeches, letters and messages of greeting are written in Low German both within the *Land* Administration and in local administrations. The *Arbeitsleiter* serving with the Nordvorpommern *Landkreis* in 2003 followed a 36-hours' Low German course held at the Grimmen adult education centre. Cultural events (e.g. *Hanse Sail*, *Landeskulturtage* [*Land* Cultural Days], *Mecklenburg-Vorpommern-Tag*) are opened, and newly published Low German books are presented, by the Minister-President of Mecklenburg-Western Pomerania



*Land* in the Low German language. This means significant upgrading and recognition of Low German. To the extent possible, Low German letters sent by citizens will also be answered in Low German.

1026. The employment of Low German Commissioners within the *Land* Administration and local administrations should be examined in a long-term perspective. The task of such Commissioners for Low German could be to develop concepts for enhancing (oral/written) proficiency in the Low German language in administration.

For the outcome of this particular issue, cf. the comments in Nos. 1038 - 1045 below.

1027. As regards the criticism expressed by the Committee of Experts in No. 332 of the Monitoring Report [MIN-LANG (2002) 4 final] concerning the lack of corresponding instructions issued to the authorities, the *Land* of Mecklenburg-Western Pomerania takes the view that use of Low German within administrative authorities was admitted to the extent reasonably practicable, and that consequently the accepted undertaking was entirely fulfilled.

#### 4. Lower Saxony

1028. In this regard, cf. the comments in Nos. 1017 and 1018 above.

1029. In the context of a survey carried out among the Ostfriesland local authorities, however, the respondents assessed the scope for using Low German, also as a written language within the administration, as rather negative - for reasons of feasibility (their staff members cannot write this language) and of practical need (many speakers of Low German can read their language only with difficulty).

#### 5. Schleswig-Holstein

1030. This obligation has been accepted by Schleswig-Holstein in the sense of "undertake ... to allow". Reference is made to the general comments in Nos. 1019 - 1022 above.

1031. In particular, written messages of greeting for events related to Low German issues are quite frequently drafted in the Low German language. Also, there are a number of documents drawn up in Low German. Thus, for instance, the Minister-President used the Low German language in a letter addressed by her to the Bremen-based *Institut für Niederdeutsche Sprache* [Institute for the Low German Language].

1032. [deleted: paragraph contained in the 1<sup>st</sup> State Report]

1033. In No. 405 of its Monitoring Report [MIN-LANG (2002) 4 final], the Committee of Experts considered that this undertaking was only formally fulfilled and recommended that corresponding instructions be issued to the authorities and made public so as to make it clear to the speakers of Low German that they may submit applications in this language and to ensure that the administration is aware of this.

In this case, too, the lack of written communication primarily evidences the fact that Low German is used mainly as an oral language in daily life.

Notwithstanding, under item 15 of its brochure „*Sprache ist Vielfalt*“ [“Language is diversity”], the *Land* Government pointed out that a request submitted in a regional or minority language could be answered in the same way as other requests provided that the given administration had staff speaking the respective language. At the same time, however, this means that the answer must be sufficiently clear and intelligible so as to stand up to scrutiny, e.g. under a protest procedure [administrative proceeding reviewing an individual administrative decision upon a protest by the party aggrieved].

This is of particular significance in the case of Low German which largely gets along without nouns so that one-to-one translation or an unequivocal translation is not always possible. By contrast, the German administrative language uses many substantivized forms (verbs or adjectives used as nouns). To give a recent example: in connection with the publication of a Low German/standard German dictionary (*Plattdeutsch - Hochdeutsch; Hochdeutsch - Plattdeutsch*), a discussion came up on the extent to which a popular regional language should be receptive to modern terminology.

The *Land* Government plans to discuss the scope provided by this provision with the associations of local authorities.

## Article 10, para. 2

### *Paragraph 2*

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

## Art. 10, para. 2, sub-para. (a) - Use of a Regional or Minority Language -

- (a) *the use of regional or minority languages within the framework of the regional or local authority;*

1034. This accepted obligation - like the other obligations under paragraph 2 - is generally met by the *Länder* at least in the sense of "undertake to allow". Therefore, the members of this language group are free to make use of the pertinent provisions

also in everyday life. If at all, this is at present done in a few cases only. However, practical implementation of this obligation very much depends on whether, and how many, staff members of the respective authorities have a command of the Low German language. To the extent that implementation measures - in addition to the general applicability of this provision - can be taken, or where *Länder* already have practical experience in this regard, examples are given below.

### 1. Free Hanseatic City of Bremen

1035. With the entry into force of the Regional/Minority Language Charter as of 01 January 1999, this provision has become applicable law for the authorities of the Free Hanseatic City of Bremen. Specific measures have not been taken. For detailed information, cf. the comments in Nos. 1011 and 1012 above.

### 2. Free and Hanseatic City of Hamburg

1036. In Hamburg, Civil Registry Offices can, upon request, conduct marriage ceremonies in the Low German language. For detailed information, cf. the comments in Nos. 1013 and 1014 above.

### 3. Mecklenburg-Western Pomerania

1037. Under Section 23 of the *Land* Administrative Procedure Act, the official language is German. The German language, by definition, also comprises all dialects and, regarding the official language, also covers Low German as a regional language. Thus, the use of Low German as an official language is not generally precluded by the principle of German being the official language as stipulated in Section 23 of the *Land* Administrative Procedure Act. Use of Low German within the framework of regional or local authorities depends on whether suitable staff members having a command of Low German are available within the given administration.

1038. Stavenhagen, the native town of [the Low German writer Fritz] Reuter, designated a female official of the Civil Registry Office as a Low German Commissioner. It is now possible to perform marriage ceremonies also in Low German.

1039. Another example of the active use of the Low German language is presented by *Staatliches Museum* in Schwerin where guided tours of the museum are regularly conducted in Low German. Also, guided city tours conducted in Low German, e.g. in the *Land* capital Schwerin, are very popular.

1040. The *Landesheimatverband Mecklenburg-Vorpommern e.V.* [Mecklenburg-Western Pomerania Land Union for Local and Regional Traditions, reg'd] developed a sticker "*Ick snack platt*" ["I speak Low German"] and a cup with the same inscription. These articles signal the person's language proficiency, and 'canvass' for Low German.

1041. These are only a few examples from among a wide range of other initiatives in the *Land* of Mecklenburg-Western Pomerania where Low German is also used within authorities at the regional level. In this respect, a good basis has been provided which can be further developed in all areas.

1042. In response to the request of the Committee of Experts in No. 333 of the Monitoring Report [MIN-LANG (2002) 4 final], the following additional information is provided:

1043. In Mecklenburg-Western Pomerania, "*Landesweite Plattdeutsche Tage*" and/or "*Regionale Plattdeutsche Tage*" [Land-wide or regional Low German Days] have been organized for the past four years. The *Land* Government appealed to the political and administrative representatives of the various regions, municipalities, towns and villages to use the Low German language within the administrative authorities.

1044. *Marnitz Amt*, for example, drafted the "Vision and Values" concept for its administration in the Low German language. The staff of many local authorities indicate their command of Low German on office doorplates.

1045. The Fritz Reuter Literature Museum in Reuter's native town of Stavenhagen regularly organizes discussion rounds entitled "*Plattdütscher Stammtisch - Kommunalpolitik im Gespräch*" [Low German regular discussions on local politics]. In response to the appeal to encourage use of Low German within the framework of the regional or local authority, the following initiatives were launched:

- *IGA GmbH* [company responsible for organizing the International Horticultural Exhibition] of the Hanseatic City of Rostock and the Institute of Folklore (IVK - *Wossidlo-Archiv*) had the Low German names displayed for all plants of the German Pavilion during the 2003 IGA exhibition.
- The IGA bases (information centres) in the Hanseatic City of Rostock are staffed with Low German speakers of the Low German chat club "*Klön snack Rostocker 7*" e.V.;
- Since October 2002, two trips with the traditional streetcar have been organized every month in Rostock, where information on the exhibition IGA 2003 and the Hanseatic City of Rostock is given in Low German.

#### 4. Lower Saxony

1046. In coastal regions of Lower Saxony, particularly in rural areas, many municipalities and other local governments employ staff proficient in the Low German language. In Ostfriesland and Ammerland, information on bilingualism is provided region-wide, e.g. with reference to the registration of newly born children with the competent authority.

1047. In addition, [civil] marriage ceremonies can be performed in Low German. Also at official events, representatives of the *Land* or of local governments give speeches in Low German.

1048. In Ostfriesland and in Ammerland, representatives of *Landkreise* [rural administrative districts] and local governments formed working panels dealing specifically with the implementation of Article 10 of the Charter.

1049. For detailed information, cf. the comments in Nos. 1017 and 1018 above.

#### 5. Schleswig-Holstein

1050. Use of Low German within the framework of regional or local authorities depends on whether staff members having a command of Low German are available within the given administration. Even though no statistical data are available on the use of Low German in this field, it can be assumed that, especially in rural communities, people communicate also in Low German.

1051. Thus, the town of Schleswig distributed stickers inscribed "*Ick snack Platt*" ["I speak Low German"] to staff members speaking Low German so as to reduce any inhibitions which visitors might still have with regard to the use of the regional language in their dealings with public agencies or authorities.

#### Art. 10, para. 2, sub-para. (b) - Submission of Applications -

*(b) the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

#### 1. Brandenburg

1052. This provision concerns local self-administration units. It is not known whether - and if so, to what extent - citizens have so far submitted oral or written applications in the Low German language to local authorities; in this regard, no statistical data are collected.

1053. If a citizen submits an application drafted in Low German to an official who does not know the Low German language, it usually is quite easy to arrive at a practical solution by calling in another staff member speaking that language.

1054. It is not planned to issue administrative rules for specifically regulating the treatment of applications drafted in the Low German language since there is no apparent practical need for such a regulation. So far, no case has become known where a pragmatic solution was *not* found.

1055. In response to the view expressed by the Committee of Experts in No. 90 [91] of the Monitoring Report [MIN-LANG (2002) 4 final] that this undertaking was only formally fulfilled, the following information is provided:

Under this provision, local and regional authorities have the obligation to allow or encourage the possibility for users of Low German to submit oral or written applications in this language. On the basis of previous experience, the practical need for making use of this right can be assessed as minor. So far, no case has become known where it would not have been possible to arrive at a practical and satisfactory solution, e.g. through the assistance by another staff member speaking that language.

1056. In response to the Committee's view that it was advisable to issue corresponding instructions to the authorities or to enact formal legal rules in order to make the speakers of Low German aware of the possibility to use this language in their dealings with administrative authorities, it must be noted that, in the *Land's* view, such an obligation cannot be derived from this provision of the Charter, which has been accepted as an undertaking. By its wording and purport, this provision only lays down that the possibility to use the Low German language should be provided. Thus, it aims at meeting an existing demand; it does not, however, imply the obligation of administrative authorities to create a demand that is not there in the first place. The Committee's interpretation goes far beyond the scope of protection afforded under the Charter and differs from the perception on which the Brandenburg *Land* Government based its acceptance of this undertaking.

## 2. Free Hanseatic City of Bremen

1057. In this regard, cf. the comments in Nos. 1011 and 1012 above.

## 3. Free and Hanseatic City of Hamburg

1058. It is possible to submit texts or applications drafted in Low German to the Hamburg Administration, but no use has been made of this possibility so far. For detailed information, cf. the comments in Nos. 1013 and 1014 above.

#### 4. Mecklenburg-Western Pomerania

1059. Under Section 23 of the *Land* Administrative Procedure Act, Low German may be used for oral and written communication within local and regional authorities.

#### 5. Lower Saxony

1060. Applications may be submitted in the regional language. For detailed information, cf. the comments in Nos. 1017 and 1018 above.

#### 6. Schleswig-Holstein

1061. The general possibility to submit applications, petitions, records, deeds or other documents in another (foreign) language - i.e. a language other than the official language - derives from Section 82a, para. 2, of the *Land* Administrative Procedure Act.

1062. In No. 407 of the Monitoring Report [MIN-LANG (2002) 4 final], the Committee of Experts considers the obligation - providing for the possibility for users of the Low German language to submit oral or written applications in this language - as being only formally fulfilled. In its brochure "*Sprache ist Vielfalt*" ["Language is Diversity"] which was distributed to all local authorities in Schleswig-Holstein, the *Land* Government draws attention to the possibilities and limits presented by the accepted provision.

1063. Reference is made to the comments in Nos. 1030 - 1033 above. In addition, information is provided on experience gained within fiscal administration (tax offices). It is particularly in rural areas that the possibility to communicate in Low German creates an agreeable atmosphere. People feel more at ease when they can discuss their tax matters with the agency staff in their familiar language.

#### Art. 10, para. 2, sub-para. (c) - Publication by Regional Authorities of Official Documents -

- (c) *the publication by regional authorities of their official documents also in the relevant regional or minority languages;*

#### 1. Free Hanseatic City of Bremen

1064. In this regard, cf. the comments in Nos. 1011 and 1012 above.

## 2. Lower Saxony

1065. Also the regional authorities of Lower Saxony employ staff having knowledge of the regional language. However, publication of official documents in Low German meets with some reserve. But on a case-by-case basis, the question as to whether such action is expedient and/or effective as regards the intended addressees will be considered.

1066. For detailed information, cf. the comments in Nos. 1017 and 1018 above.

### Art. 10, para. 2, sub-para. (d) - Publication by Local Authorities of Official Documents -

*(d) the publication by local authorities of their official documents also in the relevant regional or minority languages;*

#### 1. Free Hanseatic City of Bremen

1067. In this regard, cf. the comments in Nos. 1011 and 1012 above.

#### 2. Lower Saxony

1068. The publication of official documents in Low German is admissible in the *Land* of Lower Saxony, and is not hampered by any legal stipulations. A survey conducted in the Ostfriesland region of this *Land* has shown that, at present, the various local authorities have not yet established such publication practices.

1069. For detailed information, cf. the comments in Nos. 1017 and 1018 above.

### Art. 10, para. 2, sub-para. (e) - Use by Regional Authorities of the Language in Debates of Their Assemblies -

*(e) the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

#### 1. Free Hanseatic City of Bremen

1070. In this regard, cf. the comments in No. 1035 above.

#### 2. Free and Hanseatic City of Hamburg

1071. Interpellations and questions in Low German were occasionally presented in the City-State Parliament [*Bürgerschaft*] and District Councils. As a rule, these were discussed and answered in Low German.



### 3. Lower Saxony

1072. So far, no empirical data are available. Where relevant, the respective authorities may include appropriate regulations in their Rules of Procedure.

1073. In response to the request made by the Committee of Experts in No. 367 of the Monitoring Report [MIN-LANG (2002) 4 final], the following additional information is provided:

Within Hannover *Regierungsbezirk*, each year the first meeting of the local assembly of Hagen, a town district of Neustadt am Rübenberge, is exclusively held in Low German. The assemblies of many local authorities belonging to Schaumburg *Landkreis* make frequent use of the Low German language.

In the area of the Government of Lüneburg *Regierungsbezirk*, meetings of the *Kreistag* in Harburg, Winsen/Luhe *Landkreis*, at irregular intervals have debates in Low German on various agenda items. The related bills are also drafted in Low German. The *Kreistag* of Rotenburg/Wümme *Landkreis* at irregular intervals discusses a number of agenda items in the Low German language.

Occasionally, the *Gemeinde* and *Samtgemeinde* assemblies in the Lüneburg *Regierungsbezirk* also have debates in Low German.

A sample survey in the Weser-Ems *Regierungsbezirk* showed that all meetings of the *Gemeinde* or *Samtgemeinde* assemblies of Hesel, Filsum and Detern (Leer *Landkreis*) are held in Low German, and one meeting per year of the assemblies of Jümme and Westoverledingen is conducted in Low German. Also in Broomerland *Samtgemeinde* (Aurich *Landkreis*), all assembly meetings are held in Low German. The local assemblies of Dornum and of Krummhörn conduct their meetings in both Low German and standard German. The local assemblies of Schortens (Friesland *Landkreis*), Jade (Wesermarsch *Landkreis*) and Wiefelstede (Ammerland *Landkreis*) occasionally use Low German in their meetings. The *Gemeinden/Samtgemeinden* in the *Landkreise* of Emsland, Osnabrück, Oldenburg and Vechta hardly ever use Low German in their assemblies.

#### Art. 10, para. 2, sub-para. (f) - Use by Local Authorities of the Language in Debates of Their Assemblies -

- (f) *the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

#### 1. Free Hanseatic City of Bremen

1074. In this regard, cf. the comments in No. 1035 above.

## 2. Free and Hanseatic City of Hamburg

1075. In this regard, cf. the comments in No. 1071 above.

## 3. Mecklenburg-Western Pomerania

1076. In local and regional assemblies, the Low German language is used by councillors. For instance, the assembly of the town of Anklam has since 1992 held meetings in Low German. In rural areas, use of Low German is more frequent and widespread.

## 4. Lower Saxony

1077. In various places, the Council meetings are often held in Low German or are bilingual (Low German/German). In this regard, cf. the comments in No. 1073 above.

## 5. Schleswig-Holstein

1078. The provision is implemented, *inter alia*, by the Schleswig-Holstein Land Ministry of the Interior which, in response to pertinent inquiries made by local authorities or local government supervisory authorities, will refer to Article 10, para. (2) (f), of the Charter and to the possibility to conduct assembly meetings in Low German. In rural areas, in particular, it is quite common to hold meetings of local councils in Low German, provided that nobody objects to the use of this language.

1079. In 1999, the town of Schleswig conducted a council meeting "*op platt*", i.e. in Low German. Also, various *Kreistag* meetings are, either for their full length or in part, held in Low German. The Land Government knows that Dithmarschen Kreis, for example, held a *Kreistag* debate in Low German on 21 February 2003.

### Article 10, para. 3

#### Paragraph 3

*With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*

- (a) to ensure that the regional or minority languages are used in the provision of the service; or*
- (b) to allow users of regional or minority languages to submit a request and receive a reply in these languages; or*
- (c) to allow users of regional or minority languages to submit a request in these languages.*

The obligation under sub-paragraph (c) has been entered into by the *Land* of Brandenburg.

1080. Sub-paragraph (c) covers the undertaking to allow persons wishing to use the Low German language to do so when submitting a request. This is interpreted by the *Land* Government to imply an obligation to refrain from action: the *Land* may not bar or prevent the use of the Low German language for the submission of requests; and this is ensured since there is no legal provision or administrative regulation prohibiting the use of the Low German language for the submission of requests to administrative authorities. Any positive regulation laying down that use of the Low German language is admissible in this context is not considered necessary and therefore is not intended to be introduced.

1081. In response to the statement of the Committee of Experts in No. 92 of the Monitoring Report [MIN-LANG (2002) 4 final] that this undertaking was only formally fulfilled, the following information is provided by the *Land* of Brandenburg:

The comments in Nos. 1052 - 1056 above apply *mutatis mutandis*. It is the *Land* Government's understanding that it complies with this provision by allowing users of the Low German language to submit a request in this language with regard to public services provided by the administrative authorities. There are no legal or practical obstacles as regards use of this language in Brandenburg. However, this provision of the Charter, which has been accepted as an undertaking, does not call for active encouragement of the use of the Low German language by inhabitants of the region in their contacts with administrative authorities.

#### Article 10, para. 4

##### *Paragraph 4*

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

#### Art. 10, para. 4, sub-para. (a) - Translation or Interpretation -

*(a) translation or interpretation as may be required;*

This obligation has been accepted by the *Land* of Lower Saxony.

1082. Since the authorities of those regions where Low German is spoken, usually also employ staff having a knowledge of the regional language, problems will not be encountered as regards translation or interpretation. At any rate, no deficits have so far become known.

**Art. 10, para. 4, sub-para. (c) - Appointment of Public Service Employees having a Knowledge of a Regional or Minority Language -**

- (c) *compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

**1. Free and Hanseatic City of Hamburg**

1083. Applications for re-assignments have not yet been submitted by public service employees wishing to be appointed in the territory in which Low German is used. In some District Council Offices, however, employees were asked whether they spoke Low German so that they might, if required, be appointed to appropriate posts.

**2. Mecklenburg-Western Pomerania**

1084. The Mecklenburg-Western Pomerania variety of Low German is spoken throughout this *Land* so that, e.g. in the appointment of teachers, administrative employees, nursery-school teachers and doctors, account can be taken of individuals proficient in the Low German language. This fact does not, however, establish any causal relationship between the Low German proficiency of public service employees and the definitive assignment of the place of employment.

1085. As regards additional information on the pertinent policy of the authorities, as requested by the Committee of Experts in No. 336 of the Monitoring Report [MIN-LANG (2002) 4 final], the following information is provided:

The speech area of the regional language Low German covers the entire territory of Mecklenburg-Western Pomerania *Land*. Staff members of the *Land* administration who wish to be appointed to a post elsewhere can address a request to this effect to the personnel co-ordination section of the Ministry of the Interior. The application must list all qualifications - including, for example, knowledge of the Low German language. If knowledge of the Low German language is required for a particular post, such knowledge will be included in the eligibility criteria for employment. No applications with specific reference to Low German have so far been filed by staff members, including those of the Supreme *Land* Authorities.

**3. Lower Saxony**

1086. The *Land* of Lower Saxony does not apply any restrictions as regards the wishes of public service employees for appointment to posts where they can make use of their knowledge of the Low German language. So far, no information is available on any cases where such requests were made and employees were actually appointed to such posts.

1087. In response to the Committee's request for further information, cf. No. 370 of the Monitoring Report [MIN-LANG (2002) 4 final], it is reported that a formalised procedure does not exist. Within the area of the Government of *Weser-Ems Regierungsbezirk*, on the occasion of superiors/staff personnel management interviews on the assignment wishes of staff members, on the one hand, and the administration's requirements, on the other hand, such wishes will be complied with provided that there are no conflicting service requirements. Experience shows that this approach has proved successful over the past few years. Lower-level administrative agencies usually proceed along the same lines.

#### 4. Schleswig-Holstein

1088. With regard to the implementation of this accepted obligation, announcements to this effect were made at the *Personalreferentenkonferenz (PRK - Conference of Personnel Officers)* in 1999 and in 2003. The PRK brings together the personnel officers of the supreme *Land* authorities at regular meetings with the aim of coordinating and harmonizing the essential decisions taken by authorities with cross-departmental responsibilities in the field of personnel management. If a staff member within the *Land* Administration expresses a wish regarding such an appointment, the scope for complying with the request will be examined. So far, however, there have been no requests to this effect at the level of the supreme *Land* authorities.

1089. As regards the Committee's comment in No. 409 of the Monitoring Report [MIN-LANG (2002) 4 final], that the information provided did not allow it to conclude that this undertaking was fulfilled, reference is made to the comments, in Nos. 291 - 301 above, concerning similar problems encountered with regard to Danish.

1090. As regards Low German, it should also be pointed out that this regional language is spoken throughout the *Land*, although the extent to which it is used varies from one region to another. In this sense, the entire *Land* of Schleswig-Holstein must be regarded as the speech area of this language. In all practical respects, therefore, this obligation would seem to be of little relevance as regards Low German. Nevertheless, the *Land* Government considers this undertaking fulfilled. Reference is made to No. 1088 above.

## Article 11 Media

### *paragraph 1*

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

### Art. 11, para. 1, sub-para. (b) (ii) - Broadcasting of Radio Programmes -

- (ii) *to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*

### 1. Brandenburg

1091. In the *Land* of Brandenburg, radio and television broadcasts of *Norddeutscher Rundfunk* (NDR) can be received in the Low German speech area, and in part NDR broadcasts are taken over by *Rundfunk Berlin-Brandenburg* (RBB) in its own programme schedule.

1092. In response to the Committee's statement in No. 93 of the Monitoring Report [MIN-LANG (2002) 4 final] that, in view of the lack of information on radio programmes of private stations, it was not in a position to conclude that this undertaking was fulfilled, the following information is provided by Brandenburg *Land*:

Private broadcasters are, to a large extent, free to lay down their own programming; outside very narrowly defined limits, the *Land* has little scope for either direct intervention or indirect influence. This provision of the Charter intrinsically obliges the *Land* to encourage the broadcasting of programmes in the Low German language only to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field. Against this background, this undertaking must be fulfilled essentially by public service broadcasting. As regards private broadcasters, the *Land* Government must confine its intervention to general efforts to create an opinion-forming climate well-disposed towards minorities and aimed at fostering the regional or minority languages (cf. the comments under No. 851 above).

### 2. Free Hanseatic City of Bremen

1093. Broadcasting of regular Low German programmes by the *Radio Bremen* station shows a downward tendency. These are radio plays, local/regional programmes on weekends, Low German news and Low German magazine programmes. The station encourages its editors and anchormen and anchorwomen to include Low German in the programme; in all other respects, programming is gov-

erned by the *Land* Media Act. The station produces its own Low German programme sections which are transmitted over the sound broadcasting frequency bands.

1094. In response to the Committee's statement in No. 269 of the Monitoring Report [MIN-LANG (2002) 4 final] that, in view of the lack of information on radio programmes of private stations, it was not in a position to conclude that this undertaking was fulfilled, the following information is provided by Bremen:

Under the provisions of the Basic Law, the *Land* is not allowed to stipulate any requirements regarding private broadcasters' programming. However, in Sections 17 to 19 of its *Land* Media Act, the Bremen legislator laid down a number of principles that must be observed in the production of programmes. These include the programming mandate under Section 17, which requires full information and underlines the cultural mission of broadcasting. In our view, any obligation that would go beyond this cannot, under constitutional law, be imposed on private broadcasters.

### 3. Free and Hanseatic City of Hamburg

1095. The Inter-State Treaty on *Norddeutscher Rundfunk (NDR)* in many and various respects takes account of the interests of the Low German language. Thus, the programming mandate under Section 5 of the Inter-State Treaty contains the stipulation that "adequate room must be given in the programme to the North German region, its culture and language". The radio broadcasting programme of "*Hamburg-Welle 90.3*" covers regular broadcasts in Low German (on Sundays: "*Wi snackt Platt*" ["We speak Low German"]); on weekdays, the news are read in Low German once per day). Once per month, the public event "*Sonntakte*"\* is transmitted by *Hamburg-Welle* and often contains programme parts in Low German.

Section 5 of the NDR Inter-State Treaty is merely a discretionary regulation. On the basis of the constitutional rule of governmental non-intervention in broadcasting, the *NDR* cannot be required to provide a quantifiable portion of Low German programmes. However, the programming mandate contains the stipulation that "adequate room must be given in the programme to the North German region, its culture and language" (Section 5, para. 2, of the NDR Inter-State Treaty).

1096. In response to the Committee's comment on the obligations regarding broadcasting - cf. Nos. 306 - 308 of the Monitoring Report [MIN-LANG (2002) 4 final] - that, in view of the lack of information on radio programmes of private stations, it was not in a position to conclude that this undertaking was fulfilled, the following information is provided by Hamburg:

\* wordplay on *Sonntage* (Sundays) and *Takte* (bars of music) [Translator's Note]

The constitutional rule of governmental non-intervention in broadcasting precludes any influence on programming. With its Low German programme items, public-service broadcasting fulfils its mandate to provide basic services to the entire population. Private broadcasting programming is the exclusive responsibility of private stations. In this respect, "encouragement", or even stipulation of requirements, is not possible. Public-service broadcasting, of its own accord, honours its responsibility for the Low German language and literature in accordance with Hamburg's voluntary commitment regarding the obligations under the European Charter. The relevant programme offers are already very extensive. As before, the Government does not have any scope for exerting an influence on broadcasting stations; such influence would run counter to the political objective of enhancing the broadcasters' autonomy.

#### 4. Mecklenburg-Western Pomerania

1097. Both in the NDR programme *Radio Mecklenburg-Vorpommern* (RMV) and in the programme of *Antenne Mecklenburg-Vorpommern*, Low German has regular broadcasting times and enjoys unflagging popularity. Since the Low German sector is represented also by a representative of the cultural sector on the *Land* Broadcasting Board, consideration has to be given, on a case-by-case basis, to the possibilities for including Low German also in the context of 'Open Channels'.

1098. In response to the Committee's statement in No. 337 of the Monitoring Report [MIN-LANG (2002) 4 final] that, in view of the lack of information on radio programmes of private stations, it was not in a position to conclude that this undertaking was fulfilled, the following information is provided by Mecklenburg-Western Pomerania:

The *Niederdeutsch-Beirat* [Consultative Council for Low German] of Mecklenburg-Western Pomerania had talks and exchanges of views with the editors responsible for 'Low German in radio broadcasting', with the aim of encouraging radio broadcasts of Low German programmes. Contacts with both public-service and private broadcasting stations are being further developed.

In a letter of 20 June 2003 addressed to the representatives of the media (television, newspapers, radio broadcasting, *Kulturelle Filmförderung Mecklenburg-Vorpommern e.V.*, etc.), the Minister-President of Mecklenburg-Western Pomerania *Land* requested the addressees to use the regional language Low German in the media.

#### 5. Lower Saxony

1099. Under the Inter-State Treaty on *Norddeutscher Rundfunk* which was concluded by the Free and Hanseatic City of Hamburg and the *Länder* of Mecklenburg-



Western Pomerania, Lower Saxony and Schleswig-Holstein, the programming mandate of *Norddeutscher Rundfunk* (NDR) as a broadcasting corporation under public law stipulates, *inter alia*, that adequate room must be given in the programme to the North German region, its culture and language (Section 5, para. 2, of the NDR Inter-State Treaty).

1100. The Broadcasting Centres of the *Länder* produce *Land* programmes, as a full-day radio and a regional TV programme which present, *inter alia*, the cultural and social life of the respective *Land* (Section 3, para. 3, of the NDR Inter-State Treaty). This also covers various broadcasts in the Low German language, either at fixed broadcasting times or in the context of current affairs reporting.

1101. The programme of *NDR 1 Radio Niedersachsen* [Radio Lower Saxony] covers regular daily thematic sections, including the pastoral talk in Low German ("*plattdeutsche Ansprache*"). In addition, there are two 1-hour thematic broadcasts in Low German and two Low German radio plays per month. Also, a weekly 2-hour magazine programme is presented in Low German.

1102. Generally it is to be noted that the airtime (in minutes) devoted by *Norddeutscher Rundfunk* to Low German broadcasts over the past years has, in most areas, remained constant, and in some cases has even been increased.

1103. The Lower Saxony *Land* Broadcasting Act lays down, *inter alia*, that the programmes of private broadcasters must make appropriate allowance also for the cultural diversity of the regions and for the regional languages used in Lower Saxony (Section 17, para. 2, of the *Land* Broadcasting Act). Compliance with these requirements is also monitored by the minimum number of 41 members of the Assembly of the Lower Saxony *Land* Supervisory Authority for Private Broadcasters (*Niedersächsische Landesmedienanstalt*). All major groups of society or organizations in the *Land* are entitled to make nominations as regards representation on the Assembly.

1104. In the past, the radio station *Hit-Radio Antenne* broadcast a programme featuring a comedy figure speaking Low German, and now is planning further regional-language activities as part of its regional programme.

1105. On the other hand, the radio station *radio ffn* does not provide programme sections in minority languages because it considers that integration of such broadcasts would be very difficult in a success-oriented private medium catering for a mass audience.

1106. The Lower Saxony *Land* Supervisory Authority for Private Broadcasters also supports non-commercial local broadcasters and the 'Open Channels'. It is especially in the programmes of these broadcasters with a focus on regional and local settings that specific cultural features and linguistic minorities are included and presented.

1107. The multifarious programme structure of the Open Channels and local broadcasting stations provides for a number of Low German broadcasts, some of them on a regular basis. For example, *Offener Kanal Emsland - Grafschaft Bentheim* on Wednesdays and Thursdays airs a 1-hour Low German programme. *Radio Jade* broadcasts Low German news every day at 16.30 hours, and once per month, on Wednesdays, airs a 2-hour broadcast entitled "*Wi snackt platt - för jeden wat*" ["We speak Low German - something for everybody"]. Also, *Offener Kanal Osnabrück* airs a half-hour programme entitled "*Wi küert platt*" ["Chatting in Low German"] on Wednesdays.

1108. Broadcasters, also in view of their own interest, strive to meet the legal requirements. In addition, the *Land* of Lower Saxony - within the limits of its scope for exerting an influence - encourages radio and television broadcasters to take account of region-specific features [of the culture and language].

## 6. Saxony-Anhalt

1109. In Saxony-Anhalt, radio and TV broadcasting corporations under public law as well as private broadcasters regularly air programmes in the Low German language and report on Low German events.

1110. In the northern part of Saxony-Anhalt, radio and TV broadcasts of *Norddeutscher Rundfunk* (NDR) can be received in the Low German speech area. In part, broadcasts of *Rundfunk Berlin-Brandenburg* (RBB) are also taken over by *Mitteldeutscher Rundfunk* (mdr) in its own programme schedule.

1111. Also, Open Channels and local radio stations established in Saxony-Anhalt include Low German broadcasts in their programmes.

## 7. Schleswig-Holstein

1112. In 1999 and again in 2003, the Minister-President of Schleswig-Holstein *Land* encouraged the radio and TV station programme directors of *Norddeutscher Rundfunk* (NDR), *Zweites Deutsches Fernsehen* (ZDF - Second German Television, or Channel II), *DeutschlandRadio*, *Radio Schleswig-Holstein* (R.SH), *NORA* (NordOstsee-Radio), *delta radio* and *POWER RADIO Nord* as well as the *Unabhängige Landesanstalt für Rundfunk und neue Medien* (ULR - Independent *Land* Supervisory Authority for

Broadcasting and the New Media), the TV stations RTL and SAT1, the *Gesellschaft zur Förderung audiovisueller Werke in Schleswig-Holstein mbH* (MSH - Limited Liability Company for the Promotion of Audiovisual Works in Schleswig-Holstein) and *Kulturelle Filmförderung* [registered association Cultural Film Promotion, Schleswig-Holstein] that "further avenues should be explored for integrating contributions in the minority languages and in the regional language Low German into their programmes, as a service for the citizens and in support of this element of the culture of Schleswig-Holstein".

1113. In addition, the following provisions were laid down:

- The broadcasting corporation under public law (*NDR*) has the legal mandate to report on the cultural diversity and the special features of the respective *Land* and to give its support to the protection of minorities.
- Adequate room must be given in the programme to the North German region, its culture and language.
- Programming principles for private broadcasting: "Broadcasting programmes shall contribute (...) to the protection and promotion of minorities (...)."
- Protected minorities have access to the media, and scope for participation, on the same conditions as other groups of society. The provisions of the *Land Broadcasting Act* promote programming diversity and the variety of broadcasters.
- The *Land Broadcasting Act* was amended in 1999. Under this amendment, the previous Assembly of the supervisory authority ULR [Schleswig-Holstein *Land* broadcasting institution for private broadcasters] was replaced by a Media Council. Any socially relevant group, organization or association of supraregional standing is entitled to make nominations for the election of the Media Council.
- In addition, the ULR operates two radio broadcasting "Open Channels" in Schleswig-Holstein. Through these Open Channels, anybody who is not a broadcaster him/herself, can disseminate his/her own contributions via radio broadcasting.

1114. Relevant legal bases are:

Inter-State Treaty on *Norddeutscher Rundfunk* [NDR State Treaty] (of 26 February 1992): Section 3, para. 3; Section 5, para. 2, 1<sup>st</sup> sentence; Section 7, para. 2, 3<sup>rd</sup> sentence;

Inter-State Agreement on the Public Corporation *Zweites Deutsches Fernsehen* (*ZDF*) (of 15 December 2000): Section 5, para. 2;

*Land Broadcasting Act* (of 22 May 2002): Section 17, para. 2, nos. 1 and 2; Section 24, para. 3; Section 34, para. 1, 1<sup>st</sup> - 3<sup>rd</sup> sentences; Section 54, para. 3.

1115. Examples of pertinent broadcasts are:

The sound broadcasting department of *Landesfunkhaus* [*Land Broadcasting Centre*] in Kiel has a Low German central office. The latter is responsible for the regular programme "Low German Radio Play" and the programme "*Niederdeutsche Chronik*" ["Low German Chronicle"].

*NDR 1 - Welle Nord* airs many Low German programmes:

- "*Von Binnenland und Waterkant*" ["Inland and Seaside Life"]

- "*Bi uns to Huus*" ["At home, in our region"] (parts are in Low German)
- "*Hör mal'n beten to*" ["Just listen for a bit"]
- "*Ünner't Strohdack*" ["Under the thatch roof"] (North German reading)
- "*Vertell doch mal*" ["Tell me ..."] (Low German story-telling competition)

In addition, there are broadcasts with Low German sections (consumer topics in Low German, the Low German weekly review, and the Low German morning prayers).

Also, at irregular intervals, *Radio Schleswig-Holstein* (R.SH) airs [Low German] broadcasts dispersed throughout its overall programme. Open Channels also broadcast Low German items.

1116. Cf. the additional comments in No. 314 above.

**Art. 11, para. 1, sub-para. (c) (ii) - Broadcasting of Television Programmes -**

- (ii) *to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

**1. Brandenburg**

1117. In this regard, cf. the comments in Nos. 1091 and 1092 above.

1118. Regarding the Committee's understanding - cf. No. 94 of the Monitoring Report [MIN-LANG (2002) 4 final] - that only the programmes of *radio bremen* are available to Brandenburg, it should be noted that the *NDR* regularly airs the talk-show "*Talk op platt*". In addition, information or documentation programmes at irregular intervals include Low German topics, e.g. "*da bist Du platt*" (a full inventory) or "*moin Missouri*" ["hello, Missouri"] (on the use of Low German in the American Midwest). Regular folkloric entertainment programmes include presentation of Low German songs, e.g. by groups such as *Godewind* or *Torfröck* in the programmes "*Lieder so schön wie der Norden*" or "*Lüders Krug*".

**2. Free Hanseatic City of Bremen**

1119. *[deleted: paragraph contained in the 1<sup>st</sup> State Report]*

1120. In response to the statement of the Committee of Experts in No. 270 of the Monitoring Report [MIN-LANG (2002) 4 final] that this undertaking was not fulfilled, Bremen reports that the public-service TV broadcasting station (i.e. *Radio Bremen*) - without any government influence, but under the control of the *Rundfunkrat* [Broadcasting Board] composed of representatives of relevant groups of society - includes the regional language Low German in its programme.

### 3. Free and Hanseatic City of Hamburg

1121. The broadcasting station *N 3* of *Norddeutscher Rundfunk* (NDR) regularly broadcasts the talk show "*Talk op Platt*" ["Talk in Low German"]. The daily "*Hamburg Journal*" programme reports on local events and, occasionally, on events in which Low German plays a special role.

The talk-show "*Talk op Platt*", which is quite an asset to the NDR's programme, has been on the air since 1982.

In this context it is quite obvious, however, that the NDR in many ways fulfils its mandate under Section 5 of the NDR Inter-State Treaty, i.e. to give adequate room in its programme to the regional language and culture. As in the past, the radio broadcasting programme of "*Hamburg-Welle 90.3*" covers regular broadcasts in Low German: on Sundays, "*Wi snackt Platt*" ["We speak Low German"]; on weekdays, Low German stories "*Hör mal'n beten to*" ["Listen for a while"]; on weekdays, the news are read in Low German once per day; the programmes "*Dat Plattdüütsche Hörspeel*" ["Low German radio play"] (twice per month), "*Melodien van de Waterkant*", and "*Sonntakte*" (on Sundays, cf. No. 1095 above).

The talk-show "*Talk op Platt*" continues to be an established Low German part of the NDR's television programme. This also is the case with the performances of the Hamburg *Ohnsorg-Theater*, which are shown on NDR TV and are very popular with viewers. The efforts currently made to integrate the Low German language into the programme are reflected, not least, by the weekly "*Sportclub*" programme, with reporting in Low German on one of the week's soccer games. In addition, NDR TV, in connection with the "*Talk op Platt*" programme, prepares a Low German dictionary which it wants to offer to its viewers. Also, NDR TV asks its viewers to help with the preparation of this dictionary by sending in Low German words/terms and their standard German equivalents.

1122. For detailed information, cf. the comments in Nos. 1095 and 1096 above.

### 4. Mecklenburg-Western Pomerania

1123. The *Land* television programme of *Landesfunkhaus Mecklenburg-Vorpommern* [Mecklenburg-Western Pomerania *Land* Broadcasting Centre] only sometimes features the Low German language in occasional broadcasts as part of the programmes "*Nordmagazin*" ["Magazine of the North"], "*Zwischen Elbe und Oder*" ["Region between the Elbe and Oder Rivers"], "*Mecklenburg-Vorpommern heute*" ["Mecklenburg-Western Pomerania today"]. At present, it is not planned to produce specific Low German programmes. The same goes for feature broadcasts produced by *Landesfunkhaus Mecklenburg-*

*Vorpommern* for *Norddeutsches Fernsehen N 3*, which also only occasionally include Low German texts or songs.

1124. Regarding the TV programme of *Norddeutscher Rundfunk* (NDR), particular mention must be made of the programme "*Talk op platt*" ["Talk in Low German"]. This two-hour live broadcast is aired six times per year on TV Channel III of NDR from different places in the transmission area, *inter alia* from Mecklenburg-Western Pomerania. The editorial office for this programme, which is exclusively in Low German, is located in Hamburg.

1125. In response to the Committee's finding in No. 338 of the Monitoring Report [MIN-LANG (2002) 4 final] that, in view of the lack of information on radio programmes of private stations, it was not in a position to conclude that this undertaking was fulfilled, the following information is provided by Mecklenburg-Western Pomerania:

Since October 2001, *Rostocker Offener Kanal* (ROK-TV) has aired a live TV programme (1 x 45 minutes per month; with five re-runs) on Low German, maritime and cultural traditions in the Hanseatic City of Rostock. In this programme, Low German and standard German are spoken alternately. The programme is called "*Klön snack im alten Hafenhäus*" ["Chatting in the old waterfront house"] (presented by Karin Ahrens and Werner Völschow). The TV programme is a coproduction of the association "*Klön snack Rostocker 7*", the "*Schiffahrtsgeschichtliche Gesellschaft Ostsee*" e.V. [Society for Baltic Maritime History] and the *Hansefilmstudio*, and is produced by the Media Workshop of ROK-TV.

The most recent broadcast, on 13 February 2003 was also transmitted over the Internet. The covered subjects and invited guests included, among others: history of the Rostock harbour, shipbuilding in Rostock, presentation of the Low German youth group *De Rosenkinner*, Low German writers, the *Wendisches Quartier der Hanse* [the "Wendish Quarter of the Hanseatic League", i.e. the Hanseatic Cities of Lübeck, Rostock, Stralsund, Wismar, etc.], Low German discussions with Rostock's chief burgomaster (mayor), the *Hansesail*, the international horticultural exhibition *IGA 2003*, and the Low German language and the history of the Hanseatic League.

The Open Channel in the town of Neubrandenburg and in the *Land* capital Schwerin also starts operations and will include Low German.

## 5. Lower Saxony

1126. Reference is made to the general comments in Nos. 1099 - 1108 and Nos. 665 - 670 and 671 - 672 above.

1127. *Norddeutscher Rundfunk* - the broadcasts of which are received in the Low German speech area of Lower Saxony *Land* - regularly airs the talk-show "*Talk op Platt*" ["Talk in Low German"]. In addition, entertainment programmes such as "*Bi uns to Hus*" ["At home, in our region"] and "*Melodie der Meere*" ["Melody of the Seas"] often feature poems and songs in the Low German language. Lower Saxony has its own 10-minute Low German broadcast which is aired every second Friday.

1128. In response to the Committee's comment in No. 373 of the Monitoring Report [MIN-LANG (2002) 4 final] that it had no information on the measures aimed at encouraging the broadcasting of television programmes (in Low German), Lower Saxony provides the following information:

The programming mandate of *Norddeutscher Rundfunk* (NDR), as a broadcasting corporation under public law, is defined by Section 5 of the NDR Inter-State Treaty (*NDR-StV*) to include, among others, the obligation to give adequate room in the programme to the North German region, its culture and language (Section 5, para. 2). A similar obligation applies to private broadcasting under Section 15, para. 2, 2<sup>nd</sup> sentence, of the Lower Saxony Media Act. On appropriate occasions, the *Land* Government appeals to both public-service and private broadcaster to comply with this obligation and to provide programmes also in regional languages. However, in view of the programming autonomy of broadcasters and, in the particular case of public-service broadcasting, of the constitutional rule of non-governmental intervention in broadcasting, there is no scope for the *Land* Government to exert an influence on specific detailed programme contents.

## 6. Saxony-Anhalt

1129. In this regard, cf. the comments in Nos. 1109 - 1111 above.

## 7. Schleswig-Holstein

1130. In this regard, cf. the comments in Nos. 1112 - 1116 above.

1131. In addition, it should be noted that the *Schleswig-Holstein-Magazin* - which is aired daily, except on Sundays, from 19.30 - 20.00 o'clock - includes broadcasts on/ in the Low German language, e.g. the talk show "*Talk op Platt*" ["Talk in Low German"].

1132. The criticism expressed by the Committee of Experts in No. 411 of the Monitoring Report [MIN-LANG (2002) 4 final] prompted the Minister-President to inform, in writing, the directors and managers of public-service and private broadcasting institutions of the Committee's findings (letter of 9 January 2003). At the same time, she encouraged the addressees "to support, to the best of their ability, the presence of

minority and regional languages in TV and radio broadcasts, in the print media and in the context of promoting audiovisual works, and to focus their programming on new lines".

Art. 11, para. 1, sub-para. (d) - Audio and Audiovisual Works -

(d) *to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

1. Brandenburg

1133. The *Land* of Brandenburg implemented this obligation especially by means of legislative measures. The ORB's obligation is anchored in Section 5, para. 2, of the *Act on Ostdeutscher Rundfunk Brandenburg* (ORB Act), i.e. in fulfilment of its programming mandate, to rely on private-sector providers and services and in this regard to include production firms domiciled in Brandenburg *Land*. This obligation also benefits the producers and distributors of audio and audiovisual productions in the northern region of the *Land*, which is part of the Low German speech and cultural area.

1134. As regards additional information on practical measures, as requested by the Committee of Experts in No. 95 of the Monitoring Report [MIN-LANG (2002) 4 final], the following information is provided:

Within the framework of the reorganization of broadcasting in Berlin and Brandenburg, these two *Länder* concluded the Inter-State Treaty on the Establishment of a Joint Broadcasting Corporation for the *Länder* of Berlin and Brandenburg of 25 June 2002 [RBB Inter-State Treaty]. *Rundfunk Berlin-Brandenburg* (RBB) unites the broadcasting stations *Ostdeutscher Rundfunk Brandenburg* (ORB) and *Sender Freies Berlin* (SFB). The new Broadcasting Treaty entered into force as of 17 March 2003.

Section 5, para. 3, of the RBB Inter-State Treaty allows the RBB to purchase broadcasting productions of other providers, on condition that such productions are not purchased or produced for the main purpose of commercial exploitation. This applies irrespective of whether or not these productions are in the Low German language.

Various efforts are made in the field of film promotion with the aim of facilitating the production and distribution of audio and audiovisual works and to encourage filmmakers in this sense.

These measures are addressed to the cinema sector in general and, of course, are also open to producers whose projects are realized in a regional or minority language. Both in the past and in future, film promotion attached, and will attach, particular importance to cultural diversity. So far, however, no Low German works were submitted, and no applications were filed for promotional funding for such works. Pertinent applications would be received favourably.



## 2. Free Hanseatic City of Bremen

1135. Some of the productions of *Radio Bremen* - e.g. *Plattdeutsche Nachrichten* [Low German News], *Plattdeutscher Sprachkursus für Anfänger* [Low German Language Course for Beginners] - are disseminated, as texts with audio versions, on the Internet. Topical news can be downloaded from *Radio Bremen-Online*.

1136. In response to the statement of the Committee of Experts in No. 271 of the Monitoring Report [MIN-LANG (2002) 4 final] that this undertaking is not fulfilled, the following information is provided: the *Länder* of Lower Saxony and Bremen established the media company *nordmedia*, i.e. *Mediengesellschaft Niedersachsen/Bremen mbH*, which has the priority task of promoting audiovisual productions. With this new instrument of film and TV promotion, also works in the Low German language are subsidized.

## 3. Free and Hanseatic City of Hamburg

1137. Hamburg, as an important media site, welcomes the production of pertinent audio and audiovisual works by Hamburg-based media companies.

Radio and TV broadcasts in the regional language Low German are aired by *Norddeutscher Rundfunk - N 3*. Radio-play musicassettes are used in classroom instruction for the subjects 'German' and 'music'.

Within the limits set by the aforementioned rule of governmental non-intervention, Hamburg provided a legal framework for greater inclusion of the Low German language in broadcasting programmes. Apart from the NDR's programming mandate as defined in Section 5 of the NDR Inter-State Treaty, a similar legal basis is provided for *Zweites Deutsches Fernsehen (ZDF)* in Section 5, para. 2, of the ZDF Inter-State Treaty.

As regards private broadcasting, Section 4 of the amended Hamburg Media Act of 02 July 2003 requires private broadcasters to work towards harmonious community life based on non-discrimination. Protected minorities have access to the media, and scope for participation, on the same conditions as other groups of society. Under Section 25 of the amended Hamburg Media Act, transmission capacities shall, on a priority basis, be allocated to those programmes which make the greatest contribution to programme diversity. In this respect, particular emphasis is given to the inclusion of aspects of the region's culture. Responsibility for allocating transmission capacities lies with the executive board of the Hamburg *Anstalt für neue Medien* [Land supervisory authority for new media]. Any Hamburg-based, socially relevant group, organization or association is entitled to make nominations for the election of the executive board. Also, it is planned to provide a new "*Bürger- und Ausbildungskanal*" ["Citizens'

and Education Channel"] dedicated to media education, to projects of children and youth work, to integration, and to neighbourhood-specific and regional culture (Section 32 of the Hamburg Media Act).

1138. For detailed information, cf. the comments in Nos. 1095 and 1096 above.

#### 4. Mecklenburg-Western Pomerania

1139. As part of cultural promotion, various projects for language promotion by audiovisual means have been carried out. Interesting materials for Low German instruction are, for instance, the video "*Norddeutsche Märchen und Sagen*" ["North German Folk Tales and Legends"] produced by the Hagenow *Kreis* Adult Education Centre, the audio cassette "*Plattdütsch for juch*" ["Low German for you"] produced by *Landesheimatverband Mecklenburg-Vorpommern* [Mecklenburg-Western Pomerania *Land* Union for Local and Regional Traditions], the cassette "*Oll Hinning vertellt*" ["Old Hinning telling his tales"] by Karl-Heinz Madauß/Parchim, and the CD edited by Werner Völschow and published by the "*Nordkurier*" newspaper and containing texts from Fritz Reuter's work "*Dörchläuchting*" ["Serene Highness"].

1140. The foundation *Stiftung Mecklenburg* in Ratzeburg, which is subsidized jointly by Schleswig-Holstein and Mecklenburg-Western Pomerania, collects Low German films which also can be viewed at the Foundation headquarters. The 'Media Workshop' provides comprehensive information on the fullest range possible of persons and groups working in the Low German sector (reciters/readers, theatre groups, singer-songwriters, radio and TV programmes, etc.). The technical information levels depend on the collected material (CD, video, cassettes, etc.). The material and information offered by *Stiftung Mecklenburg* are designed, in particular, for children and youngsters. Another aim is to collect speech samples through interviews. Also, video cameras are available for reviewing one's own rehearsals of Low German theatre scenes.

#### 5. Lower Saxony

1141. The programming principles for public broadcasting corporations, as stipulated in the *NDR Inter-State Treaty*, and those for private broadcasters, as laid down in the *Land Broadcasting Act* - which are described above (cf. the comments under Nos. 1099 - 1100 and 1126 - 1128 referring to sub-paras. (b) and (c)) - are also intended to provide incentives for the production and dissemination of audio and audiovisual works in the Low German language.

Upon application, the *Land* of Lower Saxony, in view of supporting such productions within the framework of cultural promotion, grants subsidies to the production costs.

## 6. North Rhine/Westphalia

1142. In the context of the preservation of regional traditions, the *Landschaftsverband* [regional local authority] *Westfalen-Lippe* which promotes the Low German language mainly in the cultural sector (see also the comments below on Article 12) subsidizes the production costs of Low German sound recordings. The production and dissemination of audiovisual works in Low German are also encouraged in this way.

1143. In response to the request of the Committee of Experts in No. 122 of the Monitoring Report [MIN-LANG (2002) 4 final], the following additional information is provided: the *Westfalen-Lippe Landschaftsverband* [regional local authority] does not on its own initiative take part in activities for the production of audio(visual) works in the Low German language. In the past, funds and - if so desired - scholarly support were provided for a large variety of works produced by outside firms.

## 7. Saxony-Anhalt

1144. Pursuant to the Decision of 19 November 1991 adopted by the *Landtag* of Saxony-Anhalt (Parliamentary Publication 1/24/908 B), the *Land* Government is obliged to promote, in particular, the Low German language, together with its cultural traditions. The Directives on the Allocation of Grants, *inter alia* for the cultivation and preservation of local/regional customs, explicitly lay down that promotion of Low German - in the form of musical, literary or language-related activities in the pre-school and extracurricular sectors, e.g. in clubs, workshops and self-organized groups - is eligible for allocation of funds. On the basis of these Directives, natural persons and associations can receive *Land* funding to a maximum amount of 70 per cent of the expenses eligible for allocation of funds. Within the framework of such *Land* funding, it is also possible to grant subsidies for the production of visual or audiovisual media in the Low German language. The production and dissemination of audiovisual works in Low German are also encouraged in this way.

Information on the availability of promotional funding is provided by the *Land* in pertinent decrees published in the *Ministerialblatt* [Ministerial Bulletin of Orders and Decrees] of Saxony-Anhalt *Land* and, in addition, on the Internet (*Landesportal Sachsen-Anhalt*) under the heading *Kultur*. Also, potential users are, on an increasing scale, informed on the eligibility criteria for allocation of promotional funds through the AG "*Niederdeutsch*" [Low German Working Group] established at the Ministry of Education and Cultural Affairs, which more or less performs multiplier functions.

1145. In response to the statement of the Committee of Experts in No. 109 of the Monitoring Report [MIN-LANG (2002) 4 final] that, for lack of information on the extent of the mentioned possibilities for funding, it was not in a position to conclude that this undertaking was fulfilled, the following information is provided:

*Land*-provided promotional funding for audio and audiovisual works in Low German can be effected both within the framework of film and media promotion and under other cultural promotion schemes. This means that a relatively large range of possibilities are open. In the past, however, no promotional funds were allocated to works of the film and media sector for lack of pertinent applications, but in the promotional area of 'cultivation of traditions, and preservation of regional culture', for example, CD productions (e.g. *Harzer Kraus*) were subsidized. No information can be provided, however, on all those works which were produced without any *Land* funding whatsoever. Nor can any statistical survey be made of such works.

In the *Land* Government's view, encouragement and facilitation could be achieved best by offering and further developing the various forms of promotion available to users. Good possibilities and chances exist in this respect as regards production of Low German audio and audiovisual works; in some cases, however, demand lags behind these offers.

## 8. Schleswig-Holstein

This provision is implemented in Schleswig-Holstein in the following way:

1146. The programming principles laid down for public service broadcasting and for private broadcasting provide an indirect incentive: the Act lays down that (...) the broadcasting programmes shall contribute (...) to the protection and promotion of (linguistic) minorities. The programming principles provide for the production of audiovisual works in the regional language.

"The *Unabhängige Landesanstalt für Rundfunk und neue Medien* (ULR) is entitled to provide financial support to non-profit organizations with cultural (...) aims, especially in the audiovisual sector (...)." Additional support is provided by the *Gesellschaft zur Förderung audiovisueller Werke in Schleswig-Holstein mbH* (MSH - Limited Liability Company for the Promotion of Audiovisual Works in Schleswig-Holstein). MSH obtains funds from the *NDR* broadcasting corporation and from *ULR* [the Schleswig-Holstein supervisory authority for private broadcasters]. These funds are used for the promotion of commissioned productions and of coproductions in the cinema sector, television and sound broadcasting, which are made by producers who are native to, or resident in, Schleswig-Holstein.

1147. Legal Basis:

*Land* Broadcasting Act (of 13 October 1999): Section 24, para. 3; Section 53, para. 2; and Section 73, para. 2

1148. Otherwise, it is left to the users of the Low German language, on the basis of the cultural promotion by the *Land* and of the principle of self-government, to decide on pertinent measures and to implement these within the limits of the overall funds available.

Art. 11, para. 1, sub-para. (e) (ii) - Newspaper Articles -

(ii) *to encourage and/or facilitate the publication of newspaper articles in the regional or minority languages on a regular basis;*

1. Brandenburg

1149. On account of the freedom of the press guaranteed by the Constitution, there is little scope for direct *Land* influence on the editing of printed media. However, the *Land* Government takes a favourable view of the publication of articles in the Low German language. Low German articles actually appear quite frequently in the printed media of the Low German speech and cultural area.

1150. The most important daily newspapers of the region are "*Uckermark-Kurier*" ["Uckermark Courier"], "*Oranienburger Generalanzeiger*" ["Oranienburg Gazette"] and "*Der Prignitzer*" ["Prignitz Post"].

1151. The newspaper "*Der Prignitzer*" which is read in the north western region of the *Land* at regular intervals prints articles in the Low German language. These are, in particular, articles on regional history, nature study, and local history and geography, and literary items. In addition, there is reporting, also in standard German, on the work of clubs dedicated to the preservation of local and regional traditions and of similar associations devoted, *inter alia*, to the cultivation of the Low German language and culture, so as to familiarize also non-speakers of Low German with the work of such clubs and associations.

1152. Every two weeks, the newspaper "*Uckermark-Kurier*" which is read in the north eastern region of the *Land* publishes one page with Low German items. For the major part, these are stories written by contemporary authors from the region, but the works of authors from earlier epochs and other regions are included as well. There are also reports on the impact of Low German.

1153. *Oranienburger Generalanzeiger* does not regularly print items in the Low German language.

1154. In response to the request of the Committee of Experts in No. 96 of the Monitoring Report [MIN-LANG (2002) 4 final] for additional information on how publication of newspaper articles is encouraged or facilitated, Brandenburg reports the following:

The *Land* Government supports use of the Low German language by creating a climate where cultural diversity is not perceived as a threat, but as an enriching asset, and where cultivation and preservation of autochthonous forms of language and culture are not viewed as backward and outdated, but as a valuable contribution to forging and preserving a regional identity.

## 2. Free Hanseatic City of Bremen

1155. Publication of the monthly *INS PRESSE* by the *Institut für Niederdeutsche Sprache e.V.* (INS - Institute for the Low German Language) for providing the regional and supraregional media with information on Low German matters.

1156. As regards the request of the Committee of Experts in No. 272 of the Monitoring Report [MIN-LANG (2002) 4 final] for additional information on how publication of newspaper articles is encouraged or facilitated, Bremen takes the view that the free press independently makes its own decisions on regular publication of Low German texts, without any scope for the state to exert an influence.

## 3. Free and Hanseatic City of Hamburg

1157. Low German articles appear every day in the daily evening paper "*Hamburger Abendblatt*" (cf. below, information provided by Schleswig-Holstein *Land*) and regularly in various weeklies of the city districts (e.g. in the weekly "*Niendorfer Wochenblatt*") and in relevant information bulletins.

The state has no influence on such publications. The publishers concerned decided, of their own accord, to promote Low German, i.e. without relying on any governmental regularization.

1158. As regards the Committee's request in No. 309 of the Monitoring Report [MIN-LANG (2002) 4 final] for additional information on how publication of newspaper articles is encouraged or facilitated, Hamburg takes the view that, on account of freedom of the press, constitutional law precludes any governmental influence on press contents, and "encouragement", or even stipulation of requirements, is not possible.

There is no change to Hamburg's position. On account of freedom of the press as guaranteed by the Constitution, there is, on principle, no scope for direct [state] action/influence. Moreover, with a view to competitiveness, it is not possible to impose binding requirements on publishing houses. In addition, it should be noted that Hamburg has a particularly diversified press landscape that is free of constraints also as regards Low German publications.

#### 4. Mecklenburg-Western Pomerania

1159. Both in towns and rural areas, dailies, advertising papers and Sunday papers play an important role in the dissemination of Low German texts. About once per week, the newspapers of this *Land* publish Low German texts which are very popular with the reading public. As a rule, Low German texts (e.g. stories, poems, "*Läuschen un Rimels*" [the title of droll stories by Fritz Reuter], features) appear in the local/regional section or the feature supplement [feuilleton]. The "*Mecklenburg-Magazin*" of *Schweriner Volkszeitung* also assigns a regular section to Low German. The "*Mecklenburg-Magazin*" is published once per week. Also, the local/regional sections of newspapers often publish articles on Low German stage performances and events/meetings organized by Low German clubs and authors.

1160. The use of Low German as an occasional 'language of politics' is also reflected in the newspapers when these publish entire articles in Low German or often choose a Low German headline which, for instance, might be quoted from a speech. The wide-spread popularity of Low German is demonstrated by Low German personal (birth, marriage, death) announcements or personal congratulations. Occasionally, readers also draft their letters to the editor in Low German.

1161. Business and industry, too, have discovered the Low German language as a vehicle of great publicity appeal. A number of advertisements - of special events or specialties of the *Land* - contain Low German texts.

1162. In response to the request of the Committee of Experts in No. 340 of the Monitoring Report [MIN-LANG (2002) 4 final] for additional information on how publication of newspaper articles is encouraged or facilitated, the following is reported:

On appropriate occasions, the *Land* Government repeatedly makes appeals to include and present the Low German language also in press publications. The addressees are the regional and supraregional newspaper publishing companies. *Ostsee-Zeitung* devoted a series of articles to the subject of Low German in pre-school education, schools providing general education, and in language-related and cultural activities. In connection with this series, *Ostsee-Zeitung* engaged its readers in a

three-month discussion under the motto "*Hoch dat Platt*" ["Up with Low German"]; it received 300 letters from readers and, in conclusion, organized a public readers' forum where hundreds of participants engaged in a lively discussion. This initiative also attracted attention in areas outside Mecklenburg-Western Pomerania.

1163. Low German items appear in *Ostsee-Zeitung* regularly every two weeks.

*Schweriner Volkszeitung* every week publishes a supplement entitled "*Mecklenburg Magazin*". *Mecklenburg Magazin* also includes Low German texts and poems.

Every two weeks, *Nordkurier Neubrandenburg* publishes a Low German page entitled "*Dit un dat*" ["this and that"]. In order to encourage all Low German writers to increase their contributions to this page, *Nordkurier* advertised a literature competition for Low German writers in September 2001 and in May 2002. The newspaper received hundreds of yet unpublished short stories and poems. These texts and poems are published on this Low German page.

The *Fritz Reuter Literature Museum* in Reuter's native town of Stavenhagen publishes the periodical "*kikut*" ["lookout"]. This publication - its 24<sup>th</sup> edition appeared this year [2003] - combines research on Low German subjects with Low German poetry and prose of more recent date.

In its regional journal "*kikut-Magazin*", the Fritz Reuter Literature Museum regularly publishes Low German items and also runs competition puzzles in Low German.

The publication series "*heimathefte für Mecklenburg-Vorpommern*" published by *Landesheimatverband Mecklenburg-Vorpommern e.V.* devotes a relatively large portion of this quarterly publication to Low German texts, poems, stories as well as to reports on events and to book reviews. The following overview, which covers the latest 12 issues published in the years 2000 - 2004 [? 2000 - 2002], shows the respective Low German share.



Overview by main thematic sections

<b>Main thematic sections</b> Annual volumes 10 - 12 of the <i>Heimathefte</i> (12 issues) <b>total, on an average</b>	<b>no. of publ.</b> <u>articles/reports</u>	<b>no. of pages</b>	<b>section per-</b> <b>centage of</b> <u>total</u>
<i>Land und Leute</i> [The region and its people]	95	327	42.8
" <i>Hier ward Platt snackt</i> " ["Low German spoken"]	166	137	17.9
<i>Kaleidoskop</i> ["Kaleidoscope"]	76	91	11.8
" <i>Aus Vereinen and Verbänden</i> " ["Club news"]	126	134	17.5
Recommendations for further reading / Book reviews	138	70	9.0
Letters to the editor	9	5	1.0
<b>Total</b>	<b>610</b>	<b>764</b>	<b>100.0</b>

The number of pages - total: 896 pages - of the individual issues varies from 80 to 64.

Overview of the share of Low German items

<b>Main thematic sections</b> Annual volumes 10 - 12 of the <i>Heimathefte</i> (12 issues) <b>total, on an average</b>	<b>no. of publ.</b> <u>articles/reports</u>	<b>no. of pages</b>	<b>Low German</b> <b>percentage of</b> <u>total</u>
<i>Land und Leute</i> [The region and its people]	6	3	1.5
" <i>Hier ward Platt snackt</i> " ["Low German spoken"]	166	137	68.2
<i>Kaleidoskop</i> ["Kaleidoscope"]	7	8	4.0
" <i>Aus Vereinen and Verbänden</i> " ["Club news"]	55	45	22.3
Recommendations for further reading / Book reviews	17	6	3.0
Letters to the editor	3	2	1.0
<b>Total</b>	<b>254</b>	<b>201</b>	<b>100.0</b>

5. Lower Saxony

1164. On account of freedom of the press as guaranteed by the Constitution, there is, on principle, no scope for direct [state] action/influence. Moreover, with a view to competitiveness, it is not possible to impose binding requirements on publishing houses.

1165. Also the supraregional newspapers, but especially the regional and local papers, carry many and various articles in the Low German language, in part as regular columns.

1166. On appropriate occasions, the *Land* Government repeatedly makes appeals to include and present the Low German language also in press publications. This appeal is addressed both directly to publishing houses and through the *Verband Nordwestdeutscher Zeitungsverleger* [Association of North West German Newspaper Publishers].

## 6. Saxony-Anhalt

1167. Both in towns and rural areas, the regional daily press plays an important role in the dissemination of Low German texts. The weekend edition of "*Volksstimme*" ["People's Voice"], for its entire circulation area, every week publishes various Low German texts (tales, short stories, poems, etc.). In addition, Low German texts (e.g. stories, legends, poems, songs, recipes, features) can be found in the local/regional section or in the feature section of both the "*Volksstimme*" and other local or regional newspapers.

1168. As regards the request of the Committee of Experts in No. 110 of the Monitoring Report [MIN-LANG (2002) 4 final] for additional information on how publication of newspaper articles is encouraged or facilitated, Saxony-Anhalt takes the view that it cannot be the duty of any public authority whatsoever to encroach upon the freedom of the press and to insist on regular publication of Low German items. Publication of Low German articles is, however, facilitated by supporting the writers of pertinent articles through the activities of the AG "*Niederdeutsch*" [Low German WG] of the Ministry of Education and Cultural Affairs, through co-ordination provided by the *Landesheimatbund*, or grants allocated under *Land* promotional schemes.

In the *Land* Government's view, the number of publications can only be increased significantly if the communication between the users and providers of this language and the press could be improved. Therefore, the Ministry's AG "*Niederdeutsch*" on 2 April 2003 reached a number of agreements on this point, which primarily aim at developing a procedure which will ensure that the relatively wide range of Low German offers will reach the press more effectively. On this occasion, schools - press communication and associations/clubs - press communication also were discussed.

## 7. Schleswig-Holstein

1169. There is little scope for *Land* action/influence on account of the guaranteed freedom of the press (in this respect, cf. the comments above in No. 230).

1170. However, the *Verband der Zeitungsverlage Norddeutschland e.V.* [Association of Newspaper Publishers for Northern Germany] takes the regional culture very seriously. As a result, and on account of requests to this effect by readers, reports in the Low

German language have become an integral part of newspapers in Schleswig-Holstein.

1171. In addition, in 1999 and again in 2003 in letters addressed, *inter alia*, to *Zeitungsverlegerverband Schleswig-Holstein e.V.* [Schleswig-Holstein Association of Newspaper Publishers, reg'd], the Minister-President of Schleswig-Holstein *Land* encouraged the addressees to integrate "linguistic particularities which determine the specificity of our *Land*" in their publications; intensification of first action already taken in this respect would be welcomed.

1172. The press share of Low German is as follows:

**Hamburger Abendblatt** (Hamburg Evening Paper; 248,430 copies), weekly Low German section in the main edition, a 2-column article on Saturdays (100-120 characters)

**Uetersener Nachrichten** (Uetersen News; 5,84 copies), a "Low German Corner" every Saturday

**Pinneberger Tageblatt** (Pinneberg Daily; 16,850 copies), every Sunday about one quarter of a page

**Elmshorner Nachrichten** (Elmshorn News; 12,222 copies), occasionally Low German items

**Barmstedter Zeitung** (Barmstedt Newspaper; 2,053 copies), a Low German column about every two weeks (irregularly)

**Lübecker Nachrichten** (Lübeck News; 114,124 copies), once per week a Low German column (60-80 lines); three times per month "*Platt lesen*" ["Reading Low German"] (100 lines)

**Dithmarscher Landeszeitung** (Newspaper of Dithmarscher Land; 26,197 copies), about 5,800 lines/year

**sh:z** (Schleswig-Holstein Newspaper; 165,983 copies), a daily "*Extrablatt*" [extra page; supplement], once per week "*Maandagmorrn*" ["Monday mornings"], and irregularly items in the *sh:z-magazin*.

**Schleswiger Nachrichten** (Schleswig News; 15,892 copies), about once per month "*Brev up Brarup*" ["Brarup Letter"]

**Schlei-Bote** (Schlei Herald; 4,445 copies), about once per month "*Brev up Brarup*" ["Brarup Letter"]

**Kieler Nachrichten** (Kiel News; 113,082 copies), irregularly one page (about 12 pages per year)

Art. 11, para. 1, sub-para. (f) (ii) - Financial Assistance for Audiovisual Productions -

- (ii) *to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;*

1. Brandenburg

1173. In response to the Committee's request, in No. 97 of the Monitoring Report [MIN-LANG (2002) 4 final], for examples of cases where financial assistance was provided, Brandenburg reports that the film promotion directives do not contain any restrictions regarding the promotion of films in the Low German language. The same principles are applied to projects in regional or minority languages as to projects in standard German, and such projects are not subject to any specific separate restrictions.

1174. The fact that so far no film in the regional language has been subsidized is primarily due to the reason that promotion of a film in the Low German language has as yet not been applied for.

2. Free Hanseatic City of Bremen

1175. 'Open Channel' (radio and television) productions are granted subsidies.

1176. In response to the Committee's request, in No. 273 of the Monitoring Report [MIN-LANG (2002) 4 final], for examples of cases where financial assistance was provided, Bremen reports that the Open Channels in Bremen and Bremerhaven support productions in the Low German language. Thus, every year the Open Channels regularly make recordings of theatre performances of Low German stage-plays for TV broadcasts - about two or three times on a yearly average. In addition, the Bremen Open Channel airs a monthly radio programme entitled "*Die Plattsnuten*".<sup>\*</sup> In music selection, great store is set by including Low German songs. Every Wednesday, news in Low German are broadcast over the frequency assigned to Bremerhaven Open Channel.

3. Free and Hanseatic City of Hamburg

1177. Tape-recordings and videograms of readings by authors and of stage productions in the Low German language are on sale.

1178. In response to the Committee's request, in No. 310 of the Monitoring Report [MIN-LANG (2002) 4 final], for examples of cases where financial assistance was provided, Hamburg reports that the Senate Authority for Cultural Affairs, which has responsi-

<sup>\*</sup> word play on "*Platt*"="Low German" and "*platt*"="flat"; "*snuten*" = "mouths"/"faces"

bility for this subject matter, does not intervene in the market for radio play or other audiovisual productions. It is not possible to give examples of cases where audiovisual productions have been subsidized. Radio play productions are welcome; it should also be noted that the demand for such productions shows an upward tendency in the market. Applications filed with the Senate Authority for Cultural Affairs for promotional funding, e.g. for radio play productions, are considered carefully with due regard to Hamburg's voluntary commitments concerning the obligations under the Charter.

#### 4. Mecklenburg-Western Pomerania

1179. Grants for the making and funding of audiovisual productions in the regional language Low German can be applied for within the framework of project-oriented promotion. The basis for such applications is the Cultural Promotion Directive. One example of successful video productions is the video "*Norddeutsche Märchen und Sagen*" ["North German Folk Tales and Legends"] produced by tje Hagenow *Kreis* Adult Education Centre and used in Low German classroom instruction.

#### 5. Lower Saxony

1180. In this regard, cf. the explanations in No. 1141 above.

#### 6. Schleswig-Holstein

1181. Direct financial assistance by the State is problematic, due to the constitutional guarantee of freedom of broadcasting. However, the following promotional/subsidizing possibilities exist:

"The *Unabhängige Landesanstalt für das Rundfunkwesen* (ULR) is entitled to provide financial support to non-profit organizations with cultural (...) aims, especially in the audiovisual sector (...)."

Additional support is provided by the *Gesellschaft zur Förderung audiovisueller Werke in Schleswig-Holstein mbH* (MSH - Limited Liability Company for the Promotion of Audiovisual Works in Schleswig-Holstein). MSH obtains funds from the NDR broadcasting corporation and from ULR [the Schleswig-Holstein supervisory authority for private broadcasters]. These funds are used for the promotion of commissioned productions and coproductions in the cinema, television and sound broadcasting sectors, which are made by producers who are native to, or resident in, Schleswig-Holstein.

1182. Although eligible applicants are aware of the possibilities to obtain promotional funds, they actually file pertinent applications only very infrequently. According to information provided by *Kulturelle Filmförderung Schleswig-Holstein e.V.*, a current Low German production is the film entitled "*in Delve*". In 2000, the MSH company - *Gesellschaft zur Förderung Audiovisueller Werke in Schleswig-Holstein mbH* - subsidized "*Die Sesamstraße auf Platt*" ["Sesame Street in Low German"], a programme forming part of a children's series.

#### Article 11, para. 2

##### *Paragraph 2*

*The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

1183. Free reception of radio and television broadcasts from neighbouring countries is guaranteed by the *Basic Law throughout the Federal Republic of Germany*. In this regard, cf. the detailed comments in Nos. 226 - 239 above.

1184. In addition, this obligation has once more been explicitly adopted by the *Land of Brandenburg*, the Free Hanseatic City of *Bremen*, the Free and Hanseatic City of *Hamburg* and the *Länder of Mecklenburg-Western Pomerania, Lower Saxony, North-Rhine/Westphalia, Saxony-Anhalt and Schleswig-Holstein*; this acceptance did not entail the need for any special implementation measures.

## **Article 12** **Cultural Activities and Facilities**

### *Paragraph 1*

*With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

### **Art. 12, para. 1, sub-para. (a) - Types of Expression, and Access to Works**

- (a) *to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*

1185. The *Institut für niederdeutsche Sprache* (INS - Institute for the Low German Language), with headquarters in the Free Hanseatic City of Bremen, plays a prominent role as regards cultivation of the Low German language and implementation of the accepted undertakings. The Institute is subsidized by the *Länder* of Bremen, Hamburg, Lower Saxony, North Rhine/Westphalia and Schleswig-Holstein under an Agreement concluded to this effect.

1186. The Institute for the Low German Language (INS) in Bremen is highly esteemed by the academic community as well as by writers, the theatre, choral societies, etc. The activities of the INS refer to the entire Low German speech area, have explicitly been put on a cross-State, supraregional basis, and essentially are oriented towards all aspects and/or problems of Low German language culture. A major research focus is on the facts and issues related to the social functions of regional languages in modern times. The findings and research results are passed on by the INS to the interested public. Recently, the INS placed its site on the Internet and can be contacted by e-mail so that many items of information can be obtained decentrally.

1187. The INS publishes, *inter alia*, the "*Plattdeutsch-Hochdeutsches Wörterbuch*" ["Low German/Standard German Dictionary"] and the "*Hochdeutsch-Plattdeutsches Wörterbuch*" ["Standard German/Low German Dictionary"]. In addition, it developed a comprehensive exhibition on Low German. Its library comprises some 14,000 media units.

1188. Section 2, "Purpose", of the Statute of the providing body [sponsoring Association] describes the Institute's terms of reference as follows:

"The *Ostfälisches Institut* ["Eastphalian" Institute] shall be organized as an academic/scholarly centre and shall fulfil the following tasks:

- a) collection, classification and scholarly analysis of works in the Low German language, with particular reference to the present time;
- b) editing the work results for the general public;
- c) co-ordination of, and support for, all efforts aimed at cultivating and preserving the Low German language;
- d) maintenance and development of contacts with similar institutions, also abroad."

## 1. Brandenburg

1189. Promotion of Low German culture is project-oriented, within the framework of the *Land's* general cultural promotion activities. For instance, a number of printing-cost subsidies were granted for publications in the Low German language or on subjects of the North German culture. Also, other literary projects or projects relating to other forms of cultural expression will, upon application, be subsidized within the limits of the available resources; Low German is not placed at a disadvantage in relation to works in the standard German language.

1190. As regards additional information on concrete means of access to such works, as requested by the Committee of Experts in No. 99 of the Monitoring Report [MIN-LANG (2002) 4 final], the following is reported:

The "*Prignitz-Sommer*" festival, a cultural event organized by Prignitz *Landkreis*, comprised the following single events in Low German:

1 - 2 July 2000, Lenzersilge: 225<sup>th</sup> anniversary festivities "*De Plattsnacker ut de Berger Schaul*" ["The Low German speakers from the Berg school"], followed by "*Danz up de Deel*" ["dance in the dance hall"]

16 September 2000, Lanz: a Low German programme on the occasion of the *Kreis* 'harvest home' fair, with Wolfgang Gildhoff

12 July 2001, Groß Breese: 20<sup>th</sup> Meeting of Low German speakers from four *Länder*

27 June 2002, Seddin: A Low German evening get-together with Vicar Winter

Overhavel *Landkreis*: the *Verein zur Brauchtumspflege Mecklenburg-Vorpommern e. V.* [Club for the Cultivation and Preservation of Customs and Traditions, Mecklenburg-Western Pomerania] held events on the occasion of both the Oranienburg castle festival and the Gransee historical festival. In Zehdenick, an author from Templin read from her books.

The town of Prenzlau (Uckermark) maintains a so-called Black Friars monastery where Low German events are regularly held.



## 2. Free Hanseatic City of Bremen

1191. In Bremen, access to works in the Low German language is ensured through the promotion and maintenance of the *Institut für niederdeutsche Sprache* (INS - Institute for the Low German Language) which has adequate stocks of literature at its disposal. Also, a large number of works are held by the archives and libraries in Bremen. In addition, the adult education centres offer literature courses which make it possible for all sections of the population to have access to works in the Low German language.

1192. For the additional information requested by the Committee of Experts in No. 276 of the Monitoring Report [MIN-LANG (2002) 4 final], cf. the remarks in Nos. 1315 - 1318 below.

## 3. Free and Hanseatic City of Hamburg

1193. In Hamburg, this obligation is implemented through financial support provided to the INS [Institute for the Low German Language] and to the Hamburg *Ohnsorg-Theater*. Due account is taken of the applications by various institutions for funding of Low German activities (e.g. *Quickborn-Vereinigung* [Quickborn Association for Low German Language and Literature], *Fehrgilde* [Fehrs Guild, an association for the cultivation of the Low German linguistic heritage, named after the Low German writer J.H. Fehrs]).

## 4. Mecklenburg-Western Pomerania

1194. It is with great commitment, in the context of voluntary activities, that the people of Mecklenburg-Western Pomerania *Land* use and cultivate the regional language Low German as "their" language. Numerous associations, literary societies, libraries, the music sector, the theatre and the literature sector pursue regional and supraregional activities which include many and various possibilities for active encounters with the Low German language and culture.

1195. In addition to its traditional activities - e.g. the Low German competition "*Wi snacken platt - plattdütsch läwt*" ["We're talking in Low German - Low German is alive"], the *Rostocker Plattdeutsch-Tag "Plattdütsch läwt"* [Rostock Low German Day "Low German is alive"], and the Low German song festival "*Nu kaamt to hoop*" [song title "Come now in large numbers"] - the ***Volkskulturinstitut Mecklenburg und Vorpommern im Kulturbund e.V.*** [Folk Culture Institute of the *Kulturbund*, for Mecklenburg and Western Pomerania] organized six follow-up training events for Low German teachers in the period 2001 - 2003. An average number of 55 persons attended these training events. In Rostock, on 8 June 2001, Low German groups, teachers and educators held an exchange of experience on "Schools and Low German associations - fields for co-operation".

The *Volkskulturinstitut* took care of organizational matters related to the preparation for, and organization and funding of, an academic conference held jointly by the Ministry for Education, Scientific and Cultural Affairs of Mecklenburg-Western Pomerania *Land*, the University of Magdeburg and the *Landesheimatbund Sachsen-Anhalt e.V.* on "cultivation and preservation of Low German, and voluntarism - current strategies for imparting the regional language Low German" in Salzwedel on 2 to 3 November 2001.

Under the lead responsibility of *Volkskulturinstitut*, a number of events were organized within the framework of a job creation measure under the motto "*Plattdeutsch für Rostock*" ["Low German for Rostock"]; the staff members of the public make-work schemes - both during classes and in their leisure time - maintained contacts between the Rostock Low German clubs and association and schools/children's day-care centres in Rostock, and took school children and adults on guided tours of the city in Low German.

Under the non-profit employment promotion project "Revival of the historical-cultural tradition of the Hanseatic City of Rostock", Low German activities were included as well. For example, Low German was repeatedly used in the performances of the "*Rostock Bursprake*" (three stage performances of this historical town meeting, with 25 amateur actors; one performance on the occasion of the so-called "asparagus market" held in Rostock every year, and one performance on the "open House" day of the Rostock Town Hall), in the performances of the play "*Slüters Hochzeit*" ["Slüter's Wedding"] (five performances, with 30 actors, in the churches Petrikerche and Marienkerche), and in literary-musical programmes.

In addition to its participation in events organized on ROK-TV (*Rostocker Offener Kanal*) and co-funding of the yearly publication "*kikut*" ["lookout"], the *Volkskulturinstitut* published a CD with texts by John Brinckman for use in classroom instruction.

In co-operation with the employers'/trade association *Unternehmerverband Rostock und Umgebung e.V.*, the *Volkskulturinstitut* produced a publication on "*Rostocker Burspraken/Bürgeraussprachen*" in which these 'town meetings' (citizens' debates) of Rostock are placed in their historical context and analyzed. The two *Burspraken* are given in their (Middle Low German) original version and in standard German translation.

1196. The *Landesverband Mecklenburg und Vorpommern Kulturbund e.V.* is a union of 18 associations and groups dedicated to the cultivation of the Low German language. These associations are established throughout the *Land* of Mecklenburg-Western Pomerania. In addition to regular club meetings, they set up groups to de-

velop and perform Low German programmes. The Low German group also takes part in the Mecklenburg-Western Pomerania *Landeskulturtage*. Some members of these associations work with children's groups, teach Low German lessons at children's day-care centres, and sit on juries set up for the Low German competition.

1197. During the 2001 - 2003 report period, the ***Landesheimatverband Mecklenburg-Vorpommern e.V.*** [Mecklenburg-Western Pomerania *Land* Union for Local and Regional Traditions] carried out the following supraregional and *Land*-wide events/projects:

- *Land*-wide Low German Competition: In co-operation with the *Volkskulturinstitut Mecklenburg und Vorpommern im Kulturbund* [Folk Culture Institute], the *Land* Institute for Schools and Training [L.I.S.A.] and the savings banks in Mecklenburg-Western Pomerania (main sponsor), the *Landesheimatverband Mecklenburg Vorpommern e.V.* organizes the *Land*-wide Low German competitions. The 6<sup>th</sup> *Land*-wide competition took place during the 2001 - 2003 report period.

The 2001/2002 Low German competition met with great response among the public. Many groups made their own stage setting and décor for their performances. Topical-interest plays, adapted to young people's needs and interests, were presented, in particular, by pupils of the upper secondary grades (of grammar schools).

1198. Low German competitions in Uecker-Randow *Kreis*:

In 2000 and all subsequent years, regional Low German competitions were held in Uecker-Randow *Landkreis*; they were organized in co-operation with the *Landesheimatverband*, Ueckermünde *Gymnasium* and the *Landkreis*. This "small edition" of the Low German competitions was well received not only by the many active participants, but also by guests and other interested persons. 41 plays alone were put on stage during the 3<sup>rd</sup> competition in January 2002, in which 60 active members of 4 institutions took part.

1199. Reuter Festival:

In 2001 and 2002, the *Landesheimatverband* - in co-operation with Fritz Reuter's native town of Stavenhagen and with the Stavenhagen Culture and Local Traditions Club - organized the Reuter Festival. The Festival was attended by about 10,000 spectators in the years 2001 and 2002.

1200. *Plattdeutsches Wort* ["Low German Word of the Year"]:

The *Landesheimatverband Mecklenburg-Vorpommern*, Reuter's native town of Stavenhagen and the *Fritz-Reuter-Literaturmuseum* launched a call for nominations for "*Plattdeutsches Wort*" ["Low German word of the year"].

1201. Low German Days of Mecklenburg-Western Pomerania *Land* / regional Low German Days:

Low German Days (*Plattdeutsche Tage*) for Mecklenburg-Western Pomerania were organized in 2001 and in 2002. Also, the 2<sup>nd</sup> *Plattdüütsch-Dag* [Low German Day] was held in Grimmen in 2002.

1202. Committee work:

*Fachgruppe Niederdeutsch* ["Low German" Subject-Matter Group]: The 13-member *Fachgruppe Niederdeutsch* holds several meetings per year and develops concepts to help with the preparation of specialist meetings, exchanges of experience and seminars.

*Niederdeutscher Rat* [Low German Council]: The *Landesheimatverband Mecklenburg-Vorpommern* is a member of the newly established *Niederdeutscher Bundesrat* [federal Low German council] of the *Bund für Heimat und Umwelt Deutschland* (BHU - a union dedicated to the preservation of local/regional culture, to the conservation of the architectural heritage and to environmental protection in Germany). The *Landesheimatverband* has two representatives on *Niederdeutscher Bundesrat*.

1203. Fostering of voluntarism:

Co-operation with members, and help with the cultivation of the Low German language and Low German customs and traditions: At present, 54 of 100 corporate members of the *Landesheimatverband*, including Low German *Land* unions with their affiliated organizations from Mecklenburg-Western Pomerania, and unions from Bremen and Schleswig-Holstein, directly engage in Low German activities. This also includes more than 65 Low German speaking individual members and 8 institutional members from Mecklenburg-Western Pomerania and Schleswig-Holstein. This means that members of the *Landesheimatverband* regularly cultivate and publicize the Low German language in more than 80 places in all *Landkreise*. The organized events include 'Low German evenings', readings by the authors of Low German works, or song recitals, and excursions to towns forming part of the Low German cultural heritage.

1204. Presentation on the Internet:

The subjects 'Low German' and 'cultivation of customs and traditions' are presented on the Internet. In co-operation with the *Institut für Niederdeutsche Sprache* and *Schleswig-Holsteinischer Heimatbund*, publication of a leaflet on "Low German in the European Charter" (2001): With this publication, the *Heimatverband* fulfils its objective of promoting and advertising the implementation of undertakings relating to the

Low German language, as provided under the European Charter for Regional or Minority Languages.

1205. The foundation **Stiftung Mecklenburg** in Ratzeburg - in co-operation with the *Institut für niederdeutsche Sprache* (INS) in Bremen - now completed the three-volume Low German reader project for schools in Mecklenburg-Western Pomerania and Schleswig-Holstein: three volumes each of the reader (for the lower secondary grades, the *Mittelstufe* [grades 5 to 10 of a *Stufenschule*, or grades 8 to 10], and the upper secondary grades, respectively) were developed for Mecklenburg-Western Pomerania and Schleswig-Holstein.

1206. As a result of this co-operation with *Stiftung Mecklenburg*, the **Holstein-based Zentrum für Niederdeutsch** also supports Low German activities in Mecklenburg-Western Pomerania. This is done in close co-ordination with the Low German Consultative Councils of the *Länder* of Schleswig-Holstein and Mecklenburg-Western Pomerania.

1207. With regard to Low German-related work across *Land* borders, the Holstein-based *Zentrum für Niederdeutsch* established special key activities:

- working within the Low German Consultative Councils of both Schleswig-Holstein and Mecklenburg-Western Pomerania;
- organization of lectures/meetings, in *Haus Mecklenburg*, also with speakers from Mecklenburg-Western Pomerania;
- contacts/co-operation with institutions, associations/clubs and individuals in Mecklenburg-Western Pomerania;
- as part of information and advisory services: supply of information also on activities pursued in Mecklenburg-Western Pomerania;
- making many and various Low German media available;
- increased activities in the field of the new media (e.g. Internet), thus extending its sphere of activity beyond the Holstein region into Mecklenburg-Western Pomerania.

1208. Within the framework of project-oriented promotion from Mecklenburg-Western Pomerania, the *Institut für niederdeutsche Sprache e.V.* (INS) in Bremen published the volumes "*Niederdeutsch in Literatur und Gesellschaft*" ["Low German in Literature and Society"] and "*John Brinckman: Briefe, Dokumente, Texte. Band I*" ["John Brinckman: Letters, Documents, Texts. Volume I"]. A second volume on Brinckmann is currently under preparation.

1209. **Fritz Reuter Gesellschaft e.V.** [Fritz Reuter Society], under the motto "*Fritz Reuter, John Brinckman, Dethloff Carl Hinstorff*", organized the *Reuter-Tage* [Reuter Days] in Rostock in 2001. In the *Neues Tor* building in Neubrandenburg, the Fritz Reuter Society regularly organized evening lectures and "afternoon chats". Also, school classes organized "project days", and a Low German Working Panel of pupils held regular meetings. For the redecoration of the Fritz Reuter Literature Museum, the *Fritz Reuter Gesellschaft* donated 1,000 deutschmark and bought a print.

In 2002, the Reuter Days were held in Schwerin, under the motto "*Fritz Reuter - Richard Wossidlo - Mecklenburg Folk Literature*". The Hanseatic town of Greifswald was the Reuter Days venue in 2003.

1210. After a year of thorough refurbishing, the **Fritz Reuter Literature Museum** in Stavenhagen re-opened on 12 July 2001 and presented a completely new permanent exhibition. The entire technical equipment was newly acquired, and many exhibits can now be displayed for the first time. The Fritz Reuter Literature Museum can now present a very modern literature exhibition. Under 31 general headings - each defined by a quotation from Reuter's works or letters - visitors can familiarize themselves with Fritz Reuter's life, work and impact. Over a number of computers, sound recordings of spoken Low German, some of which are historical recordings of considerable value, and film footage can be downloaded. The current state-of-the-art of Reuter research shaped the museum-related concept which was developed by an academic working group set up for this specific purpose and chaired by the director of the Fritz Reuter Literature Museum.

At the same time, the new biography entitled "*Ich bin das geworden, was ich immer sehnlichst gewünscht habe... - Fritz Reuter - Leben, Werk und Wirkung*" ["I have become what I always most fervently wanted to be - Fritz Reuter: His Life, Work and Impact"] and edited by Cornelia Nenz was published by the publishing house Hinstorff-Verlag.

1211. Since 2000, the town of Stavenhagen and the Fritz Reuter Literature Museum has awarded the "*Fritz Reuter Literaturpreis*" every year. This prize is awarded for works in the Low German language, poetry and/or prose, and writings about the Low German language and Low German authors and their life and work. So far, the prize has been awarded to: Johann D. Bellmann, Jürgen Grambow, Wolfgang Siegmund, Hartmut Brun.

1212. During the years 2001 to 2003, the **Johannes-Gillhoff-Gesellschaft e.V.** in Glaisin organized one or two Low German cultural events per month, e.g. in 2001 an event at which Low German authors presented their own texts on the occasion of the "*Sängerkrieg zu Glaisin*" [Glaisin song contest]. Every year, this society awards the Jo-

*hannes-Gillhoff-Preis*. In addition, this society maintains close contacts with U.S. Americans who are interested in Low German; for example, Professor Dr. Eldon L. Knuth, Encino/California, was awarded the *Fritz Reuter Medaille* in 2002.

1213. Also, the association '**Doemser Plattsackers un Frünn' e.V.** [Dömitz Low German Speakers and Friends] organized ten Low German Evenings per year in the *Pulverkeller* of Dömitz Fortress in the years 2001 - 2003. A matter of particular importance to this association is to make the younger generation interested in the Low German language and literature. For several years already, a group of pupils from schools in Dömitz has studied Low German and even performed Low German poems, songs and short scenes. Hartmut Brun, who is a member of the association's board, published many books, e.g. since 1995, the annual calendar for the North German region, entitled "*Voß un Haas*" ["Fox and Hare"].

1214. During the period under review, the activities of **Bund Niederdeutscher Autoren e.V.** [Union of Low German Authors] included, among others, organization of the *Lese-café* [readers' café] during the Reuter Festival in Reuter's native town of Stavenhagen and publication of yet another volume (no. VIII) of the anthology "*Plattdütsch Blau-men*" ["Low German flowers" ("flowers" in the sense of "anthology"/"selection")].

1215. The Low German chat club **Plattdütsch Verein "Klön snack - Rostocker Sieben" e.V.**, which was founded in 1995, engages in a variety of activities that meet with a positive public response and are aimed at preserving and using the Low German language. The focus of these activities is on the Hanseatic City of Rostock and its environs.

Mention should be made of the following activities:

- Information provided on the handicrafts and cultural traditions in the event series "*Klön snack an'n Spinnrad*" ["Chat at the spinning wheel"] (e.g. "rescue of persons in distress at sea"; "*Mit Pierd und Wag dörch dei Rostocker Heid*" ["horse-drawn carriage tour of the Rostock heath]; visit to the Möller furrier's workshop).
- Public readings of Low German writings by authors from Mecklenburg-Western Pomerania.
- Project "*Mecklenburger Traditionen, Sitten und Bräuche*" ["Traditions, Manners and Customs of Mecklenburg"].
- Use of the new media: The Internet site [www.Klön snack-RostockerSieben.de.wu](http://www.Klön snack-RostockerSieben.de.wu) provides information world-wide, beyond this region, on the activities of the *Plattdütsch-Verein*. Members of the *Plattdütsch Verein* who are connected to the Internet can access this site to read the Low German monthly magazine "*Maanden-bladd*" which also covers an entertainment guide for the given month. A highlight was live transmission, over this Internet site, of the (audio)studio broadcast "*Klön-*

*snack im alten Hafenhaus*" ["Chat in the old waterfront house"] on the subject of *"Plattdeutsche Autoren zu Gast"*. In this way, people (having access to the Internet) all around the world were able to listen to this Low German talk-show. This project is further pursued in co-operation with the *Institut für neue Medien Rostock*. Both video and audio live transmission is planned for the next programme in March (2003).

In addition, the *Plattdütsch Verein* very actively participates in the work of *Rostocker Offener Kanal* [Rok - Rostock Open Channel]. Also, the *Plattdütsch Verein* produces the programme series *"Plattdütsch läwt"* ["Low German is alive"] which for years already has been broadcast at irregular intervals by the *Rostocker Offener Kanal*. Examples of such films are:

- Customs and Traditions of Mecklenburg
- Johannes Schlüter, Reformer
- *Plattdütsch läwt in'n Kinnergoren und in'n Schaul* [Low German is alive in day-nurseries and in schools]
- *Wihnachten is dat schönste Fest* [Christmas is the greatest season]

*Rok-TV* exchanges these and other films with "Open Channel" partner stations in Bremen, Hamburg and other North German towns and cities.

- Cultivation of Rostock customs and traditions: establishment and opening of the *"Kurt Dunkelmann Stube"* in the *"Altes Hafenhaus"* in Rostock. Kurt Dunkelmann was an author, actor, painter, playwright, and shipyard director in Rostock.
- "Tradition tours" with the Rostock streetcar: In co-operation with the *Arbeitsgemeinschaft "Traditionspflege"* of the streetcar company *Rostocker Straßenbahn AG*, members of the *Plattdütsch Verein* organize "tradition trips", especially to the annual *Hansesail* sports event. Since October 2002, two trips with the traditional streetcar have been organized every month, with particular emphasis on information on the international horticultural exhibition *IGA 2003*. The guided tours of the city are also in Low German.
- Familiarization of children and youngsters with the Low German language: The *Plattdütsch Verein* regularly organizes Low German events in children's day-care centres of the Hanseatic City of Rostock. The aim is to make children familiar with Low German by means of texts and songs.

1216. The society ***John-Brinckman-Gesellschaft e.V.*** celebrated its 10<sup>th</sup> anniversary in 2000. On 20 September 2000, a ceremony was held at the *John-Brinckman-Gymnasium* in Güstrow in commemoration of the 130<sup>th</sup> anniversary of John Brinckman's death. The Society's Chairman, Mr. Wolfgang Siegmund, in 2001 published the book *"John Brinckman - Ein Lebensbild"* ["John Brinckman - Portrait of a Life"].



A leaflet entitled "*Auf den Spuren John Brinckmans in Güstrow - ein kleiner Stadtrundgang*" was designed to guide tourists and Brinckman amateurs on tours of John Brinckman's native town of Güstrow.

In 2001, the *John-Brinckman-Gesellschaft* took part in the event "*Güstrow kocht auf*" presenting the town's culinary delights. In the form of a Low German talk-show ("*Talk up Platt*"), two members of the *John-Brinckman-Gesellschaft* talked about "*Äten un Drinken*" ["Eating and Drinking"] in the house of the Brinckman family in the 19<sup>th</sup> century. The *Brinckman Gesellschaft* publishes the informative *Brinckmanbriefe* on a continuous basis.

1217. The mixed choir ***Mecklenburger Sänger e.V.*** from Pampow - with some 35 singers - dedicates its activities to Low German songs. The *Mecklenburger Sänger* developed their own form of a cappella choir singing and, in addition, a large Mecklenburgian folklore programme.

From 2001 onwards, two thematic song booklets per year have been compiled and published with the aim of promoting the large body of Low German songs and making it available to the public. The project will cover another 10 song booklets comprising 20 - 25 songs each, so that ultimately a collection of more than 200 songs will be presented to the public. A musical setting composed for choirs is given for each song. In addition, each song booklet has an annex dealing with the particular features of the given song in terms of its history, source and interpretation. In 2000, *Mecklenburger Sänger* published a CD entitled "*de eikboom*" ["the oaktree"].

1218. Over the Ascension Day weekend in 2003, the ***Freundeskreis Ossenkopp e.V. Dümmer/Mecklenburg*** [Ossenkopp Circle of Friends in Dümmer/Mecklenburg] organized the third Low German song contest "*Sängerwettstried up platt - slagers un pop üm den'n ossenkopp*" [Low German pop songs presented at the hotel/restaurant "Ossenkopp" (a surname and Low German word meaning "oxhead")]. At this Low German pop song grand prix, new unpublished Low German songs are presented to the public. The winners are awarded a prize.

1219. The following Low German theatres are members of ***Niederdeutscher Bühnenbund Mecklenburg/Vorpommern e.V.*** [Mecklenburg-Western Pomerania Union of Low German Theatres] which was founded in 1991:

<i>Niederdeutsche Bühne Rostock</i> [Low German Theatre, Rostock]	Founded in 1920
<i>Plattdütsch Späldäl to Stralsund</i> [Low German Drama Club in Stralsund]	Founded in 1920
<i>Niederdeutsche Bühne Wismar</i> [Low German Theatre, Wismar]	Founded in 1925
<i>Niederdeutsche Bühne der Stadt Neubrandenburg</i> [Low German Theatre of Neubrandenburg Town]	Founded in 1934
<i>Schönbarger Späldäl</i> [Schönberg Drama Club]	Founded in 1947

*Niederdeutsche Bühne Grevesmühlen* [Low German Theatre, Grevesmühlen]

Founded in 1954

Other theatres, e.g. in Schwerin, Güstrow, Greesenhorst, Ahrenshoop, Bad Doberan and Parchim, no longer existed at the time of the Union's foundation.

The Low German theatres are well-known, popular and esteemed institutions for the active cultivation and dissemination of the Low German language. They intensively cultivate and publicize the language and tradition in a way that meets with a positive public response. They also provide possibilities for learning, using and cultivating the Low German language. Children and youngsters increasingly and successfully are making use of this opportunity. With growing success, the theatres' offers meet with a good response from children and adolescents.

The *Niederdeutscher Bühnenbund* supports and co-ordinates the theatres affiliated to this Union on matters related to Low German stage-plays and helps them with applications for *Land* promotional funding. It co-operates with the unions of [Low German] theatres of Schleswig-Holstein and of Lower Saxony and Bremen. Since 1990, *Niederdeutscher Bühnenbund* has organized two of its own "theatre days" and, in Neubrandenburg, a joint "theatre day" of all three of these theatre unions. Representatives of this Union and its affiliated theatres participated - also with their own stage productions - in the "theatre days" of other Unions of Theatres. Since no additional *Land* funding could be obtained, the *Bühnenbund* did not hold its planned 2001 "theatre day" and will, for the time being, not organize any "theatre days" because it wishes to use the available resources exclusively for its actual stage productions. As a result, however, an essential element of Low German theatre work, communication and exchanges of experience achieved through stage productions and encounters, and the interaction and co-operation of the community of theatres will be hampered and interrupted.

Since 1990, the intensive efforts made by these theatres resulted in large numbers of stage productions and theatre-goers.

	<u>Performances</u>	<u>Spectators</u>
1999	213	27,105
2000	219	29,888
2001	213	25,666
2002	the complete current figures are not yet available.	

For comparison, the figures from previous years:

1990	64	11,869
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1220. During the period under review, the project "**BIBLIA - Niederdeutsches Bibelzentrum Barth, internationale Begegnungsstätte im Ostseeraum**" [Barth Low German Bible Centre, international meeting centre in the Baltic region] was launched with the help of the

federal "improvement and development" programme "*Kultur in den neuen Ländern*" ["culture in the new *Länder*, i.e. the federal states in eastern Germany]. St. Jürgen Church, which houses the Low German Bible Centre, has set itself the following tasks:

- to show an important part of the cultural heritage to the public in an appropriate form by means of the exhibition of the Barth Bible (Low German translation of 1487 by Johannes Bugenhagen);
- by means of a permanent exhibition on the content, cultural links and handing down of the Bible, organized in co-operation with the Theological Department of the Greifswald *Ernst-Moritz-Arndt-Universität*, to assume a religious education function within the *Land's* educational system and, at the same time, to provide the town of Barth and its visitors with an attractive place to visit;
- as a centre for the cultivation of Low German within the church, to contribute its share to the preservation of the cultural heritage and, at the same time, to directly support the *Land* Government's cultural policy aimed at promoting the Low German language;
- by organizing Bible-related meetings and conferences throughout the Baltic region, to strengthen the international contacts with the Baltic and Scandinavian countries; to this end, the *Niederdeutsches Bibelzentrum* plans to hold international workcamps for young people during the summer months, as a permanent element of its work.

## 5. Lower Saxony

1221. The *Land* of Lower Saxony generally takes a particular interest in promoting initiatives in the cultural sphere, and especially with regard to the literature in the regional and minority languages. Literature and language play a central role in the identification of the individual and of the community. Thus, the notion of 'language' must not be confined to the standard language; rather, it also includes regional languages such as Low German or the languages of the other ethnic groups residing here. On this basis, Low German literature can be included in all areas of the promotion of literature (promotion of production, distribution and reception) in Lower Saxony *Land*. In 1983, the East Frisian author Oswald Andrae was awarded the Lower Saxony artists' grant "*Künstlerstipendium des Landes Niedersachsen*" for his Low German poetry. Promotion of writings as well as the publication of literary works by Low German publishing houses are evaluated by an expert jury proficient in the Low German language. However, the literary quality of the submitted works not all too often meets the criteria applied by the jury.

1222. Many clubs, societies and associations - which in instances are also granted *Land* subsidies - pursue various activities, also in public, for the cultivation and preservation of Low German. Among these are the Low German theatres established in many places of this region.

1223. The Ministry for Scientific and Cultural Affairs encourages events regarding the subject of Low German and organized by *Land*-subsidized institutions such as the *Literaturrat* [Literature Council] or the *Literaturbüros* [Literature Offices]. For example, several Low German readings were held in the course of the *Land*-wide literature event "*Bücherfrühling*" ["Spring of Books"].

1224. Implementation of the undertaking entered into is also accomplished with the support of the *Institut für niederdeutsche Sprache* (INS - Institute for the Low German Language) in Bremen (cf. the introductory remarks in our comments on Article 12, para 1, sub-para. (a)) and of the *Land*-funded libraries (cf. the comments above on Article 12, para. 1, sub-para. (g)).

1225. In 2002, the publishing house *Schuster Verlag* in Leer was awarded the *Niedersächsischer Verlagspreis* with a 12,500 € purse. *Schuster Verlag* is considered one of the most eminent publishing houses for the publication of Low German works; in this context, it co-operates with renowned scholars and, for example, publishes the Low German dictionaries edited by the *Institut für niederdeutsche Sprache* (INS) in Bremen.

## 6. North Rhine/Westphalia

1226. Responsibility for the cultivation of cultural traditions in North Rhine/Westphalia essentially lies with the cities, towns, *Kreise* and *Landschaftsverbände*. Regarding Low German in North Rhine/Westphalia, promotion in the cultural field is pursued, in particular, by the *Landschaftsverband Westfalen-Lippe* [regional local authority of Westfalen-Lippe]. This Regional Authority has six Commissions for studies covering the history, geography and political system of a region, with the sole task of carrying out research on the history and geography of Westphalia, publishing the findings, and holding conferences on their fields of activity. One of the subjects is covered by the Commission for "Dialectology and Names Research [Onomastics, Toponymy] of Westphalia", covering research on the Westphalian language history, especially archiving of Low German word material, and registration of the Westphalian dialects, local field names and proverbs. For this purpose, this Commission publishes the journal "*Niederdeutsches Wort. Beiträge zur niederdeutschen Philologie*" ["The Low German Word. Articles on Low German Philology"] and two series, "*Niederdeutsche Stu-*

*dien*" ["Low German Studies"] and "*Westfälische Beiträge zur niederdeutschen Philologie*" ["Westphalian Contributions to Low German Philology"].

1227. Dedicated funds of the budget of the *Landschaftsverband Westfalen-Lippe* are employed for the promotion of Low German writings and language cultivation. Part of these funds are allocated to the *Augustin-Wibbelt-Gesellschaft*. The activities of this Low German literary society are focused on the work of the Low German writer Augustin Wibbelt and on the cultivation and promotion of, and research on, the Low German literature and language of Westphalia. *Inter alia*, a yearbook and a new edition of Augustin Wibbelt's work are published by the Society.

1228. The share of institution-based support provided by the *Institut für Niederdeutsche Sprache* (INS) in Bremen helps - also within the meaning of Article 12, para. 1 - to encourage types of expression specific to the regional language Low German and to foster means of access to works produced in this regional language (see also Nos. 1185 - 1188 above).

## 7. Saxony-Anhalt

1229. Promotion of cultural activities regarding music, literature, language history and history/geography is one of the sectors laid down in the Directives on the Allocation of Grants (in this regard, reference is made to the comments in Nos. 1144 and 1145 above).

1230. A major part of the activities to cultivate and preserve the vernacular in Saxony-Anhalt is looked after by committed individuals, associations, societies and interest groups, whose declared aims include the cultivation, fostering and preservation of Low German in the sense of cultivating the linguistic *milieu*. The pertinent activities range from scholarly research and documentation on the use of the language in everyday life, to Low German working panels and Dialect Days which are also attended by large numbers of children and youngsters from the various regions. In this regard, mention must be made, for example, of the annual expert conferences organized by the *Landesheimatbund Sachsen-Anhalt e.V.* [Saxony-Anhalt Land Union for Local and Regional Traditions, reg'd] on specific Low German subjects; a co-organizer is the *Arbeitsstelle Niederdeutsch* [Workshop for Low German] of the *Germanistisches Institut* of the Magdeburg *Otto-von-Guericke-Universität*. The findings/conclusions of these expert conferences (subsidized with funds of the Ministry of Education and Cultural Affairs) are published so that the interested individuals and groups can then be provided access to them through universities, libraries, clubs/associations and schools of the *Land*.

1231. The *Arbeitsstelle Niederdeutsch* of the *Germanistisches Institut* of Otto von Guericke University in Magdeburg was founded already in 1990 with the task of looking into and dealing with matters regarding the use, acceptance and development of Low German in Saxony-Anhalt. The focus is on sociolinguistic issues and also on aspects of language cultivation and preservation; the results of this work are used, on the one hand, in teacher training (cf. also the comments on Article 8, para. 1, subpara. (h) above) and, on the other hand, form the basis of facultative courses offered for persons interested in the language. The efforts of the *Arbeitsstelle Niederdeutsch*, aimed at fostering, disseminating and cultivating Low German, include research on dialects and the establishment of a reference library for vernacular literature.

1232. Another research project regarding sociolinguistic studies on Low German in Saxony-Anhalt (sociolinguistic surveys in the *Land's* southern and eastern regions) was carried out on the basis of the project "*Untersuchungen zum Niederdeutschen im Norden von Sachsen-Anhalt*" ["Studies on the Low German Language in the North of Saxony-Anhalt"].

As part of its programme, the *Sächsische Akademie der Wissenschaften zu Leipzig* [Saxon Academy of Sciences of Leipzig] promotes the project "*Mittelelbisches Wörterbuch*" ["Dictionary for the Middle Elbe Region"]. This project ("Dictionary for the Middle Elbe Region") covers the recording and analysis of the vocabulary of the dialect spoken in the Middle Elbe region (Altmark, Börde, Harz mountains, Jerichower Land, Anhalt) and the presentation and description of the phonetic forms, distribution and meaning of words, including their origin and the respective subject matter to which they refer. Implementation of the project is based on the material collected in the period 1935 - 1958 under the direction, and with the personal commitment, of Karl Bischoff. The "*Mittelelbisches Wörterbuch*" was subsidized by joint *Bund/Länder* funding in the period 1992 - 1998. Since 1999, project-related subsidies have been allocated out of research funds of the *Land*. The "*Mittelelbisches Wörterbuch*" project closely co-operates with Martin Luther University of Halle-Wittenberg. The work of the "*Mittel-elbisches Wörterbuch*" project is intensively supported, in all aspects regarding the Low German language in Saxony-Anhalt, by *Arbeitsstelle Niederdeutsch* of the *Germanistisches Institut* of Otto von Guericke University of Magdeburg and by the experts for Low German and folklore employed by the *Landesheimatbund Saxony-Anhalt e.V.* [Saxony-Anhalt *Land* Union for Local and Regional Traditions].

1233. As of the beginning of 1998, the *Landesheimatbund Saxony-Anhalt e.V.* established the post of the head of a section for the cultivation of dialects/Low German, which is funded by the *Land* as part of the institution-based support for this Union. Under a co-operation agreement with Otto von Guericke University of Magdeburg, the Head of Section was assigned to work with the *Arbeitsstelle Niederdeutsch* and

thus is directly involved in all projects of academic relevance while the university research community can share the results of the direct practice-oriented activities in the cultural sector.

1234. The year 2000 saw the completion of the research project on the subject of "*Sprachsoziologische Untersuchungen zum Niederdeutschen in Sachsen-Anhalt*" ["Sociolinguistic Studies on Low German in Saxony-Anhalt"], which was carried out over a period of several years by *Arbeitsstelle Niederdeutsch* at Otto von Guericke University with significant support provided by *Landesheimatbund Sachsen-Anhalt e.V.* The publication on the research project's findings is entitled "*Zum Status des Niederdeutschen in Sachsen-Anhalt - Kontinuität und Wandel in der Vergangenheit und Gegenwart, hrsg. von U. Föllner*" ["On the Status of Low German in Saxony-Anhalt - Continuity and Change in the Past and Present Times, ed. by U. Föllner"].

An overall number of 5,358 persons were interviewed in the northern part of Saxony-Anhalt. Of these, 36 % have a very good command of Low German. Low German is understood well or very well by 62 % - with regional variations, however. In the western part of the Altmark region (33 %) and in Magdeburger Börde ["Börde" = fertile plain] (43 %), proficiency in the Low German language is at its highest level. Extrapolating from these figures with reference to the adult population of the Magdeburg *Regierungsbezirk* [Land administrative unit] - which more or less is the geographical centre of Low German as spoken in Saxony-Anhalt - it can be safely assumed that at least a quarter of the inhabitants speak Low German and about one half of the population understand this language.

1235. In addition to the aforementioned *Arbeitsstelle Niederdeutsch*, the *Institut für Germanistik* for the research sector, the *Mittelelbisches Wörterbuch* project, and the *Landesheimatbund Sachsen-Anhalt e.V.*, also the *Arbeitskreis "Ostfälisches Platt"* e.V. [Working Panel on "Low German spoken in Ostfalen"] and the *Ostfälisches Kulturinstitut Helmstedt* [Ostfalen Cultural Institute of Helmstedt] of the *Landschaftsverband "Deuregio"* e.V. [regional local authority "Deuregio"] are working on the identification and support of activities for the cultivation of dialects and, in particular, of the Low German language.

1236. Various scholarly and popularized publications such as the "*Schriftenreihe der Arbeitsstelle Niederdeutsch*" ["Publication Series of the *Arbeitsstelle Niederdeutsch*"], "*Sprachsoziologische Untersuchungen zum Niederdeutschen in Sachsen-Anhalt*" ["Sociolinguistic Studies on Low German in Saxony-Anhalt"], "*Publikationen zur Dialektsituation in Sachsen-Anhalt*" ["Publications on the Situation regarding Dialects in Saxony-Anhalt"] (a series published by the *Landesheimatbund*), and U. Föllner, ed.: "*Zum Status des Niederdeutschen in Sachsen-Anhalt - Kontinuität und Wandel in der Vergangenheit*

*und Gegenwart*" ["On the Status of the Low German Language in Saxony-Anhalt - Continuity and Change in the Past and Nowadays"], were subsidized by the *Land*.

*Land* funding is provided - usually within the framework of activities aimed at preserving local and regional traditions - also for Low German publications.

1237. In addition, Low German articles are regularly published in the "*Sachsen-Anhalt-Journal*" of the *Landheimatbund Sachsen-Anhalt*, and - to a lesser extent - literary texts appear in the literary journal of Saxony-Anhalt "*Ort der Augen*" ["Where Eyes Dwell"].

1238. In the towns and villages of the Low German speech area in Saxony-Anhalt, there are many groups dedicated to the cultivation of dialects, which are among the registered clubs working for the preservation of local traditions or similar associations. The efforts of such groups are mainly directed at publicizing the vernacular authors of the region, at establishing activity groups in schools, and at activities, addressed to all generations, for the cultivation and preservation of the vernacular.

## 8. Schleswig-Holstein

1239. Like other undertakings under Article 12, this obligation is implemented indirectly through *Land*-sponsored promotion of institutions and associations dealing with Low German matters. If and where required, the provisions of Article 12 can be implemented by these bodies. These include, in particular, the *Institut für niederdeutsche Sprache* (INS - Institute for the Low German Language) in Bremen, the Regional Centres for Low German in Leck and Ratzeburg, the *Schleswig-Holsteinischer Heimatbund* (SHHB - Schleswig-Holstein Union for Local and Regional Traditions), and the foundation *Stiftung Mecklenburg*.

1240. The Centres for Low German in Leck (Schleswig region of the *Land*) and in Ratzeburg (Holstein region) were opened in 1994. These Centres are two regional institutions founded for the task of actively fostering Low German in Schleswig-Holstein and supporting the work of the groups, institutions and individuals devoted to this subject matter in the *Land*. A Board of Curators, composed of representatives from Low German interest groups and institutions of the *Land*, monitors and supports the work of these Centres. This body is chaired by the President of the Schleswig-Holstein *Landtag*.

1241. The Ministry for Education, Science, Research and Cultural Affairs supports the work of these Centres, has technical supervision responsibility for them and allocates funds for their current activities. Teachers were assigned (as of 1 May and



1 August 2000, respectively) to the Centres by the provision of one established post each. This was also done in response to the endeavours aimed, in particular, at fostering Low German among children and youngsters in school. The focus of the work of the two Centres is on information, establishing contacts, documentation, promotional activities in schools, and public information/education.

1242. In the theatre sector, the multi-genre theatres in Kiel and Lübeck and the *Landestheater* actively and continuously dedicate their efforts to the Low German theatre. The *Niederdeutscher Bühnenbund* [Union of Low German Theatres] and the Schleswig-Holstein *Landesverband der Amateurtheater* [Land Association of Amateur Theatrical Societies] are supported with *Land* funds. About half of the performances by the members - some 125 - of the Association of Amateur Theatrical Societies are in the Low German language. Also, the two associations are granted additional funds for further training, and the Union of Low German Theatres is refunded part of the personnel costs for guest directors engaged for staging plays at Low German theatres. In addition, project-related subsidies can be granted for events such as *Niederdeutsches Theatertreffen* [Low German Theatre Meeting] held at the Molfsee Open-Air Museum, where Low German stage productions from Schleswig-Holstein and the neighbouring *Länder* were presented.

1243. In the music sector, several associations receiving institution-based support with *Land* funding, especially the *Sängerbund* [choral society] *Schleswig-Holstein e.V.* and the *Musikerverband* [Musicians' Union] *Schleswig-Holstein e.V.* also foster the musical heritage comprising Low German texts. During the 1994 *Schleswig-Holstein-Tag*, a much noted event was a *Land*-funded project of the *Land* Youth Orchestra, presenting songs of Low German texts 'made up' in modern jazz arrangements.

1244. In the library sector, the Low German language is promoted, *inter alia*, by the Schleswig Holstein Central Library Office which offers, and provides access to, literature about, and in, Low German and by organizing writers' readings in Low German. For this purpose, a special Readers' Department was established since this sector of literature is not supported by nation-wide services.

1245. In addition, the *Schleswig-Holsteinischer Heimatbund* (SHHB - Schleswig-Holstein Union for Local and Regional Traditions) and other institutions receive project-related funds - in some cases substantial amounts - for Low German seminars (especially for children and youngsters, but also for families, and events addressed to all generations) and for Low German theatre and directing workshops.

Art. 12, para. 1, sub-para. (b) - Access to Works in the (Regional) Language -

(b) to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

1. Free Hanseatic City of Bremen

1246. Bremen allocates funds for required translations, from Low German, of published works.

2. Mecklenburg-Western Pomerania

1247. On the basis of the Cultural Promotion Directive, Mecklenburg-Western Pomerania *Land* in this context supports the following projects:

- publication of Middle Low German texts, together with standard German translations (e.g. *Rostocker Burspraken* [Rostock 'town meetings'/citizens' debates]);
- publication of Low German texts, with their standard German translations (e.g. *Kulturportal Niederdeutsch* [cultural portal 'Low German']);
- translation of Low German stage-plays into standard German.

1248. As regards stage productions, however, there are only few translations from Low German into standard German.

No cases of Low German/standard German dubbing, post-synchronization and subtitling are known.

3. Lower Saxony

1249. Within the framework of literature promotion, translators are allocated funds for the translation of literary works. This also applies to translations both into and from Low German. Also, a grant can be obtained for a study placement at a translators' centre.

1250. In this regard, the *Institut für niederdeutsche Sprache* (INS - Institute for the Low German Language) in Bremen sees itself as a service establishment for all matters relating to translation. In Ostfriesland, translations are arranged for or made (with *Land* funds) by the *Plattdütskbüro* [Low German Office] of *Ostfriesische Landschaft*. An updated East Frisian dictionary, 'Low German - Standard German' and 'Standard German - Low German', was published by *Ostfriesische Landschaft*.

#### 4. Schleswig-Holstein

1251. To the extent desired and required, the Low German institutions can use promotional funds provided by Schleswig-Holstein *Land* for the translation, dubbing, post-synchronization and subtitling of works into, or in, the Low German language.

1252. At present, several Schoolbook Commissions develop a three-volume Low German reader for Schleswig-Holstein and Mecklenburg-Western Pomerania. It is suited for pupils of all age groups and was to be completed in 2000. Co-ordination of the related work and financial promotion are mainly in the hands of the foundation *Stiftung Mecklenburg*.

1253. In response to the Committee's request for further information on specific steps taken by the authorities - cf. No. 417 of the Monitoring Report [MIN-LANG (2002) 4 final] - it is reported that the *Land* Government subsidizes many translations, *inter alia* through the Centres for Low German in Leck and Ratzeburg and through the *Institut für Niederdeutsche Sprache* (INS) in Bremen, which is co-funded by Schleswig-Holstein *Land*. These are translations of: dictionaries; teaching materials for nursery schools, schools and other educational institutions; poetry booklets, stage-play collections, material for further teacher training; written exam papers and coursework papers written by students of Flensburg University; collections of stage plays and speeches for use by theatre groups; cassettes and videos for general use; information papers for the agency *Nationalparkamt* in Tönning and for museums of local history and culture.

#### Art. 12, para. 1, sub-para. (c) - Access to Works Produced in Other Languages -

- (c) *to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

##### 1. Free Hanseatic City of Bremen

1254. With funds allocated to the production of Low German stage performances of plays originally written in other languages, Bremen promotes the required translations.

1255. In No. 278 of its Monitoring Report [MIN-LANG (2002) 4 final], the Committee of Experts stated that, on the basis of the information it had received, it could not conclude that this undertaking was fulfilled. In this regard, cf. the additional comments in No. 1136 above.

## 2. Mecklenburg-Western Pomerania

1256. On the basis of the Cultural Promotion Directive, Mecklenburg-Western Pomerania *Land* in this context supports the following projects:

- Since the Low German theatres are interested also in staging plays of the standard German or English speech areas, there are quite a few examples of Low German translations of standard German or English texts.
- In the church sector, translations from standard German into the Low German language play a special role. A translation of "*Dat oll Testament: dei Lihrbäuker*" ["The Old Testament: the instructive books" (extracts: *Job, Book of Psalms, Proverbs, Ecclesiastes, Song of Solomon*)] by Karl Homuth from Rostock was published already in 1963. A "*Plattdüütsch Gesangbauk*" ["Low German Hymn Book"], with Low German liturgy and Low German prayers, appeared in 1989. The work "*Dat ni Testament för plattdütsch Lüd in ehr Muddersprak oewerdragen*" ["The New Testament for Low German Speakers, translated into their native tongue"] by Ernst Voß (1886 - 1936), which appeared in 1929, was used for church work. Several - including contemporary - new editions of this work have been published.
- Especially with regard to the publication of children's literature, translation of standard German texts into Low German plays a particular role.
- In the commercial music sector, there is, for instance, the trend that shanty groups have folk songs or standard German folklore and sailor's songs translated into Low German since there are only relatively few Low German shanties.
- The full text of the Constitution of the *Land* of Mecklenburg-Western Pomerania was translated into Low German.

1257. In response to the Committee's request for further information - cf. No. 345 of the Monitoring Report [MIN-LANG (2002) 4 final] - it is reported that *Rostocker Offener Kanal* (ROK-TV), since October 2001, has aired a live TV programme in Low German (1 x 45 minutes per month; with five re-runs) on maritime and cultural traditions in the Hanseatic City of Rostock. In this programme, Low German and standard German are spoken alternately. Standard German inputs are dubbed in Low German. Low German translation is provided for speakers of standard German who participate in interactive telephone actions organized by broadcasting stations to include viewers in the communication process. The various broadcasts are also transmitted over the Internet.

## 3. Lower Saxony

1258. Cf. the comments in Nos. 1249 and 1250 above.

1259. In response to the Committee's request, in No. 379 of its report [MIN-LANG (2002) 4 final], for further information on dubbing, it is reported that a documentation and a documentary film were subsidized in 2001 and 2002, respectively, with funds provided under film promotion schemes; both productions were recorded in Low German and sub-titled in standard German.

#### 4. Schleswig-Holstein

1260. If so desired and required, the Low German institutions can use promotional funds of Schleswig-Holstein *Land* for the translation, dubbing, post-synchronization and subtitling of works into, or in, the Low German language.

1261. The *Institut für Niederdeutsche Sprache* (INS - Institute for the Low German Language) in Bremen, which is subsidized also by the *Land* of Schleswig-Holstein, published a Standard German/Low German Dictionary.

1262. Several Schoolbook Commissions developed a three-volume Low German reader for Schleswig-Holstein and Mecklenburg-Western Pomerania. The Schleswig-Holstein volumes were completed in 2001. Volume 3 of the Mecklenburg-Western Pomerania series appeared this year (i.e. in 2003). The reader is suited for pupils of all age groups and has met with favourable response. Co-ordination of the related work and financial promotion were mainly in the hands of the foundation *Stiftung Mecklenburg*.

1263. In early 2000, the Schleswig-Holstein *Landtag* published a Low German translation of the Schleswig-Holstein *Land* Constitution.

1264. From 1995 until 2003, the frank(ing stamp) of the State Chancellery included a Low German translation of parts of Article 1 of the *Basic Law* [Constitution of the Federal Republic of Germany]. In 2003, the franking stamp is dedicated to the "European Year of People with Disabilities".

1265. For the additional information requested by the Committee of Experts in No. 418 of the Monitoring Report [MIN-LANG (2002) 4 final], cf. the supplementary remarks in No. 1253 above.

**Art. 12, para. 1, sub-para. (d) - Taking Account of the Regional or Minority Language in Cultural Activities -**

- (d) *to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*

**1. Free Hanseatic City of Bremen**

1266. In response to the Committee's request for further information - cf. No. 279 of the Monitoring Report [MIN-LANG (2002) 4 final] - it is reported that the Parliament of the Free Hanseatic City of Bremen and the Senator for Cultural Affairs include applications by the organizers of this language group for the promotion of the Low German language in the subsidizing schemes and encourage participation in general cultural events.

1267. *[deleted: paragraph contained in the 1<sup>st</sup> State Report]*

**2. Free and Hanseatic City of Hamburg**

1268. The Hamburg [Senate] Authority for Cultural Affairs itself, in handling applications for support for Low German literary projects, gives equal priority to such projects and to those related to standard German. In addition, it encourages the institutions, which are firmly included in the budget, of the literature sector (*Hamburger Öffentliche Bücherhallen* [Hamburg Public Libraries], *Literaturhaus* [House of Literature], *Freie Akademie der Künste* [Academy of Liberal Arts]) to strive for equal treatment of Low German.

1269. In response to the request of the Committee of Experts in No. 314 of the Monitoring Report [MIN-LANG (2002) 4 final], for further information on the extent to which the institutions mentioned above actually take into consideration the Low German background of proposed activities, Hamburg provides the following information:

1270. Generally it must be noted that the aforementioned institutions are independent, autonomous bodies not bound by directives, which do not have to comply with state regulations as regards the contents of their cultural work. The competent Senate Authority must observe the rule of freedom of the arts.

- The *Hamburger Öffentliche Bücherhallen* [Hamburg Free Library] have a stock of some 1500 Low German titles.
- According to its own information, the *Literaturhaus e.V.* did not organize any Low German events over the past few years.

- The *Freie Akademie der Künste* [Free Academy of Arts] in 2001 organized a composer portrait concert with Professor Dr. Manfred Stahnke who is also known for his Low German choral works.

### 3. Mecklenburg-Western Pomerania

1271. For the accomplishment of their language-related and cultural work, the associations, poets'/literary societies, publishing houses, theatres, etc., have the required linguistic expertise at their disposal (cf. the comments above on Article 12, para. 1, sub-para. (a) - no. 4 (Mecklenburg-Western Pomerania)). Counselling is offered by the Low German Chairs of the Rostock and Greifswald Universities, the *Volkskulturinstitut* [Institute of the *Kulturbund* for Folk Culture, Mecklenburg and Western Pomerania] in Rostock and *Landesheimatverband Mecklenburg-Vorpommern* [Mecklenburg-Western Pomerania *Land* Union for Local and Regional Traditions].

1272. Nearly all of the members of the *Niederdeutsch-Beirat* [Low German Consultative Council] have a command also of Low German. Also, the criteria for membership of the *Kulturbeirat* [Cultural Consultative Council] of the Ministry of Education include proficiency in the Low German language, in addition to specialist qualifications.

### 4. Lower Saxony

1273. Throughout Lower Saxony, regional cultural associations of local communities (so-called *Landschaften*) have been established, which include regional-language activities and products in their cultural work and are supported in this field by the *Land* of Lower Saxony.

1274. The *Ostfriesische Landschaft* in Aurich receives institution-based promotional funds from the Lower Saxony Ministry of Scientific and Cultural Affairs. On the basis of the history and structure of this *Landschaft*, its tasks refer both to the cultural sector and to science and education. This ensures that the Low German language and Low German culture are taken into consideration in keeping with the accepted obligation.

1275. On account of its history as the last remaining representation of the historic entity of East Friesland, "*Ostfriesische Landschaft*" is deeply anchored in the population's awareness. It continues to represent the entire population of its region. Nowadays the Assembly of *Ostfriesische Landschaft*, which is democratically legitimized by local elections and organized as a chamber of deputies, constitutes a regional cultural parliament with a regular statute.

1276. Within the organizational structure of *Ostfriesische Landschaft*, the *Plattdütskbüro* [Low German Office] is part of the Cultural Department. It has the cross-sector task of developing the use of "East Frisian Low German" (*Ostfriesisches Platt*) as a regional language in private, public and working life. This requires networking with all other activities pursued by the *Landschaft*.

1277. The following institutions are operated by *Ostfriesische Landschaft*, with headquarters in Aurich, under a contract of 20 June 2001:

- a) the *Landschaft* Library;
- b) the East Frisian Educational Centre;
- c) *Regionale Kulturagentur* [Regional Cultural Agency];
- d) *Regionalsprachliche Fachstelle - Plattdütskbüro* [Regional Language Specialist Centre - Low German Office]; and
- e) *Forschungsinstitut für den friesischen Küstenraum - Archäologischer Dienst* [Research Institute for the Frisian Coastal Region - Archeological Service].

1278. The *Plattdütskbüro* of *Ostfriesische Landschaft* sees itself as a regional-language information and networking agency for institutions, groups and individuals in and outside Ostfriesland. It is involved in many cultural activities organized by clubs, associations or local authorities, such as the *Störtebeker-Freilichtspiele* [Störtebeker Open-Air Theatre Festival] taking place in Marienhafte since 1996.

1279. The *Niedersächsischer Heimatbund*, which also receives *Land* funds, has a "*Fachgruppe Niederdeutsch*" ["Low German" Subject-Matter Group]; the members (working as volunteers) of this group are specialized in various aspects of Low German and develop proposals for language promotion. A Working Group - composed of representatives of the *Landtag* parliamentary groups, of the Ministries responsible for matters related to the Charter, and of the *Niedersächsischer Heimatbund* - confers on initiatives for the Charter's implementation. The latter bodies can only serve in an advisory function.

## 5. North Rhine/Westphalia

1280. The *Landschaftsverband* [regional local authority] of Westfalen-Lippe is a co-provider of the Westphalia and the Lippe Associations for Local/Regional Traditions, which also support the cultivation of Low German in cultural areas. In this way, the undertakings initiated or supported by these bodies make appropriate allowance for incorporating the cultivation of the regional language (cf. Art. 12, para. 1, sub-para. (d) of the Charter).



1281. In response to the statement of the Committee of Experts in No. 125 of the Monitoring Report [MIN-LANG (2002) 4 final] that the information provided was not sufficient to conclude this undertaking was fulfilled, the following is reported:

The Westfalen-Lippe *Landschaftsverband* subsidizes the Westphalian Union for Local and Regional Traditions (*Westfälischer Heimatbund*) and, in addition, meets all of the Union's personnel costs. As a result, the Union's activities can be pursued on a broad basis. Thus, *Westfälischer Heimatbund* has two working groups, so-called *Fachstellen* [specialist panels], dealing with the Low German language: the *Fachstelle "Niederdeutsche Sprachpflege"* [responsible for 'cultivation of the Low German language'] and the circle of Low German writers "*Schriewerkrink*". Both working panels pursue intensive activities for the cultivation and preservation of Low German and regularly organize conferences and other meetings twice per year. The subject of the next working panel meeting is "Possibilities to use the Internet for Low German". Under a transfrontier co-operation project with the Netherlands circle of writers "*Achterhoek en Liemers*", the *Schriewerkrink* published a 450-page anthology entitled "*alles plat(t)*" (ISBN 3-933377-32-3).

In addition, *Westfälischer Heimatbund* every two years organizes a Low German reading competition for school-children in those regions of Westphalia where Low German is still perceptibly in use. Unfortunately, a sharp decrease in the number of participants has been in evidence since 1993. The sponsoring company withdrew its support. The prevailing financial constraints will, for the time being, preclude continuation of these, or initiation of new, activities.

1282. Also, it should be noted that many of the local associations of *Westfälischer Heimatbund* (520 associations/clubs) maintain Low German working groups and round tables, etc.

## 6. Schleswig-Holstein

1283. With subsidies provided by Schleswig-Holstein, the institutions of the speakers of Low German ensure that appropriate provision is made for incorporating the knowledge and use of the Low German language and culture in their cultural activities.

1284. The regional language Low German still is, as a secondary language, widely used mainly in rural areas and by the older population.

1285. In response to the request of the Committee of Experts in No. 419 of the Monitoring Report [MIN-LANG (2002) 4 final], the following additional information is provided:

Schleswig-Holstein has a well-functioning network for exerting an influence on cultural events. This network is formed, *inter alia*, by the Centres for Low German in Leck and Ratzeburg; *Schleswig-Holsteinischer Heimatbund* with its regional associations and the Committee for Low German and Frisian; the Low-German Consultative Council established at the Office of the President of the *Landtag*; the Minister-President's Commissioner for Low German; *Plattdüütsche Rat för Sleswig-Holsteen* [Low German Council]; *Förderverein* [support association] for the Leck *Zentrum für Niederdeutsch*; the Low German Working Panel of the Protestant Church; the *Institut für Niederdeutsche Sprache* (INS) in Bremen; the *Landeskuratorium für den Schleswig-Holstein-Tag*; *Fehrs-Gilde*; *Klaus-Groth-Gesellschaft*; and *Niederdeutscher Bühnenbund* [Union of Low German Theatres]. The representatives of these institutions can at all times exert an influence on cultural events. This applies to general cultural events held in several languages as well as to events giving priority to regional and minority languages, e.g. *Plattdeutsche Tage* [Low German Days] organized by *Schleswig-Holsteinischer Heimatbund* in September; 'theatre weeks'; 'language festivals' of Nordfriesland in its role as a region of language diversity; the Low German Day and 'Low German evenings' organized by the Centres for Low German; Christmas parties, readings or "*Plattdeutsche Jahre*" [Low German years] in local communities and towns and cities; and church services and school events.

1286. *Schleswig-Holsteinischer Heimatbund* (SHHB), which is subsidized by the *Land*, has already announced the 5<sup>th</sup> *Land-wide Plattdeutscher Tag* to be held in 2003. The motto of this year's [2003] Low German Day is "*Plattdüütsch un Politik*" ["Low German and Politics"]. One of the objectives is to achieve that a still greater number of political representatives in the municipalities, towns and villages will be informed on, and involved in, Low German activities. The *Land* Government expressly welcomes the SHHB's initiatives.

**Art. 12, para. 1, sub-para. (e) - Employment of Staff Proficient in the Language(s) Concerned -**

- (e) *to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*

**1. Free Hanseatic City of Bremen**

1287. The *Ernst-Waldau-Theater* in Bremen has a drama school where young actors are familiarized with the Low German language.

1288. In No. 280 of the Monitoring Report [MIN-LANG (2002) 4 final], the Committee of Experts asked for information to allow assessment of the implementation of this provision.

## 2. Mecklenburg-Western Pomerania

1289. As already stated in Nos. 1271 and 1272 above, the institutions for language-related and cultural work have at their disposal staff members speaking the Low German language. Further examples of the active involvement of staff speaking Low German are the *Fachgruppe Niederdeutsch* ["Low German" Subject-Matter Group] of the *Landesheimatverband* [Mecklenburg-Western Pomerania Land Union for Local and Regional Traditions] and the body co-ordinating the Low German Competition in Mecklenburg-Western Pomerania.

1290. Speakers of the Low German language are also represented on the *Landesarbeitskreis Kultur*, a joint body of Land Associations which every year prepare and organize the *Landeskulturtage* [Land Cultural Days] in Mecklenburg-Western Pomerania. The *Landeskulturtage* and *Mecklenburg-Vorpommern-Tag*, which are both held annually, always include Low German programmes (theatre, choir singing, literature). In addition to the cultural events listed in No. 1025 above, the *Internationales Folkloretanzfest* in Ribnitz-Damgarten is presented every year in the Low German language by a couple wearing traditional costumes.

## 3. Lower Saxony

1291. Like the many other unions and associations organizing events, such as *Oostfreeske Taal* [East Frisian Low German] or *De Spieker, Heimatbund für niederdeutsche Kultur e.V.* [a local/regional traditions association for Low German culture], *Ostfriesische Landschaft* has staff members speaking the Low German language.

## 4. North Rhine/Westphalia

1292. The activities of *Landschaftsverband Westfalen-Lippe*, as described in No. 1280 above, promote measures, also within the meaning of Article 12, para. 1, sub-para. (e), in order to ensure that the bodies responsible for organizing cultural activities also have Low German speaking staff at their disposal.

1293. In response to the Committee's request for further information, cf. No. 126 of the Monitoring Report [MIN-LANG (2002) 4 final], it is reported that the members of the specialist panel *Fachstelle "Niederdeutsche Sprachpflege"* and the writers' circle

"Schriewerkrink" have a command of the Low German language in both its spoken and written form.

**Art. 12, para. 1, sub-para. (f) - Participation of Representatives of the Group Speaking the Given Language in Cultural Activities -**

- (f) *to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*

**1. Brandenburg**

1294. Legislation to regulate the participation by Low German speakers in cultural institutions is considered unnecessary: dealing with the Low German language and culture requires proficiency in this language; thus, participation of users of the Low German language is already ensured within the institutions concerned.

1295. In response to the comment of the Committee of Experts in No. 100 of the Monitoring Report [MIN-LANG (2002) 4 final] that it had not been made aware of any measures of encouragement and that it therefore was not in a position to conclude that this undertaking was fulfilled, Brandenburg states that it upholds its view that legislative participation is not necessary. No further information, as requested by the Committee, can be provided on specific measures of encouragement since it is not clear what type of measures the Committee has in mind.

**2. Free Hanseatic City of Bremen**

1296. As regards the institutions described under para. 1, sub-paras. (a) to (g), and their activities and events, it is primarily persons having a command of the Low German language who are the initiators and who carry out the pertinent activities.

1297. As regards the Committee's request for further information, cf. No. 281 of the Monitoring Report [MIN-LANG (2002) 4 final], the *Land* reports that the participation of authors and linguists in the planning and implementation of cultural activities is on a voluntary basis and cannot be influenced by public authorities.

**3. Free and Hanseatic City of Hamburg**

1298. The Hamburg [Senate] Authority for Cultural Affairs provides co-funding for the *Institut für niederdeutsche Sprache* (INS - Institute for the Low German Language) in Bremen; the Institute's full-time and voluntary staff and members carry out a considerable range of cultural planning and counselling.

1299. As regards No. 315 of the Monitoring Report [MIN-LANG (2002) 4 final], where the Committee of Experts found that the information provided was not sufficient to conclude that this undertaking was fulfilled, it is reported that the *Institut für Niederdeutsche Sprache* closely co-operates with a very active "circle of friends" and with many speakers and promoters of Low German who give planning and advisory support to the Institute's work.

#### 4. Mecklenburg-Western Pomerania

1300. The comments on para. 1, sub-para. (e), under no. 2, show that representatives speaking the regional language Low German participate in the planning and co-ordination of *Land*-wide activities (e.g. Low German Competition, *Land* Cultural Days) and are represented at many local and municipal jubilees. In 1999, the first *Land*-wide 'Low German Day' was organized at the initiative of the *Landesheimatverband Mecklenburg-Vorpommern e.V.* [Mecklenburg-Western Pomerania *Land* Union for Local and Regional Traditions].

#### 5. Lower Saxony

1301. As already stated under Nos. 1273 - 1279 and 1291 above, many full-time and voluntary helpers are involved in the planning and organization of activities/ events in the regional language. In this context, mention should be made of an event held in 1996 at the *Land* Mission of Lower Saxony [at the site of the Federal Government] in Bonn and organized in co-operation with the aforementioned associations with the aim of increasing the awareness of Members of the *Bundestag* with regard to Low German.

1302. In response to the Committee's comment in No. 382 of the Monitoring Report [MIN-LANG (2002) 4 final] that it needed further information concerning the direct participation of representatives of the users of Low German in order to be able to conclude whether this undertaking was fulfilled, Lower Saxony reports that, as a rule, the *Land* does not intervene as a direct organizer and that this undertaking can be fulfilled only indirectly, in accordance with the principles of cultural promotion. This is mostly achieved by institution-based promotion of relevant institutions (*Ostfriesische Landschaft* which operates the "*Plattdütsk Büro*" [Low German Office], or *Niedersächsischer Heimatbund e.V.* (NHB - Lower Saxony Union for Local and Regional Traditions) with its *Niederdeutsch-Fachgruppe*). For example, the NHB, with support provided by the *Land*, organized the competition "*Twee spraken sünd mehr as een*" ["Two languages are more than one"] on the occasion of the European Year of Languages in 2001 and, in February 2003, in close co-ordination with the *Land* Ministries, it held a symposium on the

Charter's implementation, to which participants from all parts of the *Land* were invited.

## 6. North Rhine/Westphalia

1303. The activities of the *Landschaftsverband* [regional local authority] of Westfalen-Lippe, as described under Article 12, para. 1, sub-para. (d) above, also provide, within the meaning of para. 1, sub-para. (f), for encouraging direct participation by representatives of the users of the Low German language in the provision of facilities and planning of cultural activities.

1304. In response to the request of the Committee of Experts in No. 127 of the Monitoring Report [MIN-LANG (2002) 4 final], the following additional information is provided: the members of Fachstellen [specialist panels], working panels, Küberkringe [discussion groups], etc., within the region are regularly informed of the activities of the existing bodies and are asked for participation in such activities, for suggestions, initiatives, etc. Their annual programmes - e.g. the Annual Programme of Christine-Koch-Gesellschaft - are published in the large-circulation membership journal of Westfälischer Heimatbund (number of copies: 10,000).

## 7. Saxony-Anhalt

1305. Direct participation in the provision of facilities and planning of cultural activities is ensured through the *Landesheimatbund Sachsen-Anhalt e.V.* [Saxony-Anhalt Land Union for Local and Regional Traditions] (especially the Head of the Low German Section) and the *Arbeitsstelle Niederdeutsch* [Workshop for Low German] of Otto von Guericke University in Magdeburg. Both institutions usually are also the main actors as regards a wide range of Low German activities.

1306. Participation in the planning of cultural activities is, in addition, possible through the *Landesheimatbund Sachsen-Anhalt e.V.* since the Chairman of *Arbeitskreis "Ostfälisches Platt" e.V.* [Working Panel "Low German of Ostfalen"] is a member of the Executive Board.

## 8. Schleswig-Holstein

1307. Every two years, Schleswig-Holstein *Land* organizes the *Schleswig-Holstein-Tag* [a "day" dedicated to the special character of the *Land*] as a central cultural event. Among the clubs, associations and unions participating in that event are many that have their roots in the Low German culture. The functions of the executive secretariat of the *Landeskuratorium* for the Schleswig-Holstein Day are performed by the

*Schleswig-Holsteinischer Heimatbund* (SHHB), an association which vigorously supports Low German interests. The *Land* provides moral, financial and organizational support for the organization of the *Schleswig-Holstein-Tag* and for the work of the *Landeskuratorium*.

1308. Since 1993, the Schleswig-Holstein *Land* Mission [at the site of the Federal Government] (previously in Bonn) has, in co-operation with the SHHB, organized a "Low German evening" with music, theatre and literature. Members of the *Bundestag*, from all parliamentary groups, are thus brought into contact with Low German.

1309. On 12 September 1999, the first *Land*-wide "*Plattdeutscher Tag*" ["Low German Day"] was held at the initiative of the SHHB. For the duration of one month (September), more than 100 events were organized in many places throughout Schleswig-Holstein.

1310. For the additional information requested by the Committee of Experts in No. 420 of the Monitoring Report [MIN-LANG (2002) 4 final], cf. the supplementary remarks in Nos. 1285 and 1286 above.

**Art. 12, para. 1, sub-para. (g) - Creation of Archive Bodies -**

- (g) *to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*

**1. Brandenburg**

1311. Publishers are required to offer at least one copy of every printed work that is newly published in Brandenburg to the *Staats- und Landesbibliothek* [State and *Land* Library]. This also covers publications in the Low German language. The extent to which use is made of such offers is not known. Otherwise, there is no central registration of Low German writings and documents.

1312. Otherwise, there are no libraries or archives dedicated exclusively to the collection of Low German writings; rather, they are collected in public libraries and archives of various providing bodies, especially *Kreis* and municipal archives and libraries, as part of their respective assigned tasks. No central surveys are made on the size and contents of such archives so that no information can be provided on the subject.

1313. These archives provide the interested public with access to Low German writings and other materials held in the archives in accordance with the provisions of

the "Act of 7 April 1994 on the Safeguarding and Use of Public Archives in the *Land of Brandenburg*". Public access to libraries is ensured anyhow.

1314. Regarding additional information on the size of collections and archive holdings, as requested by the Committee of Experts in No. 101 of the Monitoring Report [MIN-LANG (2002) 4 final], Brandenburg reports the following:

As regards the size of Low German collections, only approximate estimates can be given because systematic surveys have not been carried out and could only be achieved with disproportionate investments of time and effort. The *Stadt- und Landesbibliothek* in Potsdam (which is outside the Low German speech area) holds approximately 100 volumes, most of which are copies of newly published books which publishers are required to offer to libraries. It should be noted that the majority of Low German works are marketed by publishing houses domiciled in other *Länder* and therefore are not subject to the free-copy rule in Brandenburg.

Apart from that, literature in the Low German language (usually in *Uckermärker Platt*) is offered, in particular, by the following public libraries in Uckermark *Landkreis*:

Uckermark *Kreis* Library (in the town of Prenzlau)

Prenzlau Municipal Library

Schwedt Municipal Library

Templin Municipal Library

The publications are not separately registered by language, but the responsible librarians estimate that each of the aforementioned libraries holds about 20 to 30 titles.

In addition to public libraries, Low German literature is also held by a number of cultural associations in the Uckermark region, which pursue research on, and cultivation of, the regional Low German dialect *Uckermärker Platt* and publish Low German works. These are, in particular:

*Zentralstelle für Sprache und Kultur der Uckermark* [Centre for the Language and Culture of the Uckermark Region] (located at the Prenzlau *Dominikanerkloster* [Blackfriar Monastery]);

*Kulturverein* [Cultural Association] of Prenzlau Town;  
the association "*Uckermärker Heidestruck*" in Templin.

Another example is the unpublished works of the dialect writer Erna Taege-Röhnisch, which are likely to be handed over to the Templin Municipal Museum where the public will be provided access to them.

## 2. Free Hanseatic City of Bremen

1315. The archives in the *Land* of Bremen include many works by Low German writers and various writings/manuscripts in the Low German language. The public



has unrestricted access to them. The holdings of such writings/documents and of pertinent aids (*inter alia*, dictionaries, lexicons) are complemented on a continuing basis. As a result of the close co-operation between archives and institutions, whose tasks include the cultivation and fostering of the Low German language, the records and documents of these institutions are taken over by the archives so as to make them available to the public. The *Stadtarchiv* [Municipal Archives] in Bremen promotes historical research carried out by the various associations and "*Krings*" ["Circles"] as well as research on the Low German language.

1316. The libraries in the *Land* of Bremen make a basic stock of Low German titles available, the selection of which is based on target groups and which are treated on an equal basis with regard to other categories of books. The libraries co-operate with the *Institut für niederdeutsche Sprache* (INS - Institute for the Low German Language) within the framework of external loan services.

1317. The collection activities of the historical museums of the Free Hanseatic City of Bremen include the fields of dialect literature and dialectology. The museum libraries maintain similar collections which are constantly expanded.

1318. In the two cities of Bremen and Bremerhaven, the respective Department for Cultural Affairs provides advice and funding to the associations and initiatives dedicated to the promotion of the Low German language. These institutions include "*Krings*" [Circles] and "*Speeldeels*" [drama clubs] as well as local/regional traditions clubs which devote their efforts to the presentation of Low German literature. In Bremerhaven, the *Niederdeutsche Bühne* [Low German Theatre] is supported by the Bremerhaven *Stadttheater* [Municipal Theatre]; in Bremen, the *Ernst-Waldau-Theater* which presents part of its stage productions in Low German is granted an annual subsidy.

Publications in the Low German language are subsidized, for a major part, by the *Institut für niederdeutsche Sprache* (INS).

### 3. Free and Hanseatic City of Hamburg

1319. This obligation is implemented through the promotion of the *Institut für Niederdeutsche Sprache*, INS (in this regard, cf. the introductory remarks in Nos. 1185 - 1188 above).

1320. The *Hamburger Öffentliche Bücherhallen* [Hamburg Free Library] have a stock of some 1,500 Low German titles.

There is no systematic recording of the holdings of Low German texts in the State Archives, the Carl von Ossietzky State and University Library or the library of *Germa-*

*nistisches Institut* of Hamburg University. At present, therefore, only generalized information can be provided on the holdings of the State Archives and of the University Library:

1. The State Archives hold a large number of Middle Low German texts, including texts of practical use, because Middle Low German had been Hamburg's administrative language at that time.
2. The *Staats- und Universitätsbibliothek* has prints and old manuscripts and a collection of Low German publications of more recent date.
3. It is planned to provide a separate library for the Linguistics Department; so far, however, Hamburg University only has the Institute Library of the *Institut für Germanistik I*. This library has a wide range of Low German texts dating from the 19<sup>th</sup> and 20<sup>th</sup> centuries. These also include Mecklenburgian and Westphalian texts; the majority, however, are texts in the Low German dialect of northern Lower Saxony. The texts originated in Hamburg constitute the main body of the holdings of this library; they furnished the lexical material for the preparation of the specialized dictionary *Hamburgisches Wörterbuch*. Also included are Middle Low German source texts where these have been made accessible in publications of more recent date (in part, also texts published by the Institute itself).

#### 4. Lower Saxony

1321. Central tasks of the *Institut für niederdeutsche Sprache* (INS - Institute for the Low German Language) in Bremen, which is also subsidized by the *Land* of Lower Saxony, are the collection, classification and scholarly analysis of Low German linguistic material. At present, the INS library comprises some 15,000 media units.

1322. Both the *Staats- und Universitätsbibliothek* [State and University Library] in Göttingen and the library of Carl von Ossietzky University in Oldenburg have abundant holdings of Low German literature. In addition, the Municipal Libraries of the *Land* capital Hanover own the Börsmann Collection, comprising some 5,000 media units. The (*Land*-funded) library of *Ostfriesische Landschaft* also owns a collection of Low German literature.

1323. The publishing house *Verlag Schuster* in Leer attends to the dictionaries published by the INS and by *Ostfriesische Landschaft* and to the Low German Grammar; it also publishes standard works of the Low German language and folklore as well as a number of works by well-known old and new Low German authors.

## 5. North Rhine/Westphalia

1324. One of the priority tasks of the "Dialects and Study of Names [Onomastics, Toponymy]" Commission of the *Landschaftsverband* of Westfalen-Lippe - cf. the comments above on para. 1, sub-para. (a), under no. "6. North Rhine/Westphalia" - is archival recording of Low German linguistic material and registration of Westphalian dialects, local field names and proverbs.

1325. As regards additional information on the collection and presentation of works in Low German, as requested by the Committee of Experts in No. 128 of the Monitoring Report [MIN-LANG (2002) 4 final], North-Rhine/Westphalia reports the following:

*Westfälischer Heimatbund* [Westphalian Union for Local and Regional Traditions] systematically collects Low German literature. Some of its local associations have theatre groups which present stage-plays in Low German.

In this context, it should be mentioned that dialect literature has, for many years already, been collected also by the *Kommission für Mundart- und Namensforschung* which makes these texts available to interested parties, i.e. both universities and the public sector.

## 6. Saxony-Anhalt

1326. The establishments and institutions subsidized by the *Land* of Saxony-Anhalt (cf. also the comments in Nos. 1305 and 1306 above) collect Low German works and, within the framework of public information/education, make them known to a large reading public.

1327. In response to the statement of the Committee of Experts in No. 114 of the Monitoring Report [MIN-LANG (2002) 4 final] that the information provided was not sufficient to take a position on this undertaking, Saxony-Anhalt reports the following:

In Saxony-Anhalt *Land*, there are two institutions dedicated to this task:

1. The *Arbeitsstelle "Niederdeutsch"* of the *Landesheimatbund*, which works in close contact with the Magdeburg Otto von Guericke University.
2. The Karl Bischoff Archives established at Martin Luther University of Halle-Wittenberg.

The *Land* Government encourages or facilitates the collection and presentation or publication of works in the regional language Low German by granting *Land* subsidies to these two institutions which are thus enabled to pursue pertinent activities. In addition, the *Arbeitsstelle "Niederdeutsch"* can - and in practice does - apply for promotional funds allocated for specific projects.

## 7. Schleswig-Holstein

1328. The Low German language is promoted in many and various ways by the library system of Schleswig-Holstein, among others by the *Büchereizentrale Schleswig-Holstein* [Library Centre of Schleswig-Holstein]. This is done by offering and publicizing literature about, and in, Low German and by organizing writers' readings in Low German. For this purpose, a special Readers' Department was established since this sector of literature is not supported by nation-wide services. A comprehensive review of the market - advertising leaflets of publishing houses, journals, and contacts with the relevant authors - ensures that account is taken also of publications on the non-professional sector. These books are reviewed by the Readers' Department, and lists are drawn up of those recommended for purchase by libraries.

1329. Literature about, and in, Low German is kept as a separate category so that library customers have quick and direct access to such books.

1330. Mention should be made of the following libraries:

### **Schleswig-Holsteinische Landesbibliothek** (Schleswig-Holstein *Land* Library)

One of the priorities of the Schleswig-Holstein *Land* Library is the collection of works related to the Low German language and Schleswig-Holstein Low German literature. Books on the Low German language (language history, grammar, dictionaries, onomastics/toponymy, dialects, church language) as well as relevant journals have been collected since the 19<sup>th</sup> century.

To the extent possible, the aim is complete procurement of the works of all Schleswig-Holstein authors writing in standard German and/or Low German and of the literature about them. In addition, there are collections of Low German legends, folk tales, nursery rhymes, proverbs and anecdotes, and Low German songbooks and works on the *Land's* history and geography.

The Manuscripts and Unpublished Works Section of the *Landesbibliothek* owns the unpublished works of several authors writing in Low German (Klaus Groth, Johann Hinrich Fehrs, Hans Ehrke, Waltrud Bruhn, and others) and of folklorists who left many Low German notes (Gustav Friedrich Meyer, Paul Selk, and others).

### **Universitätsbibliothek Kiel** (Kiel University Library)

Kiel University Library owns several manuscripts and incunabula in the Low German language. Of particular importance is the Middle Low German *Bordesholmer Marienklage* [Mary's Lament, of Bordesholm], of which a TV production video and a CD are available. In addition, there are several thousands of books, mainly on the subjects of linguistics, study of literature, fiction and poetry [belles lettres], and the study of the material culture and customs.

The *Germanistisches Institut* of Christian Albrechts University in Kiel has a Department for (and Chair of) Low German Language and Literature, to which the *Klaus-Groth-Archiv* for research on the beginnings of New Low German dialect literature is affiliated. With more than 5,000 Low German titles, the Department for Low German Language and Literature is one of the largest specialized libraries in this field. Almost half of the books are literary works in the Low German language published since 1850. Also, past and contemporary works referring to the Low German language and literature are collected. These holdings also include manuscripts of Low German radio plays. In addition, the Department has various collections referring to Low German.

**Zentrale Hochschulbibliothek Flensburg** (Central University Library of Flensburg)

The Flensburg Central University Library has a basic stock of Low German literature. The major part of these holdings is professional literature of more recent date. The focus is on grammar, dictionaries, linguistics, the study of literature, Low German fiction and poetry, and the study of regional folklore. All holdings are listed in an on-line library catalogue and in the database *Gemeinsamer Bibliotheksverbund (GBV)*.

**Art. 12, para. 1, sub-para. (h) - Translation and Terminological Research Services -**

- (h) *if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.*

**1. Mecklenburg-Western Pomerania**

1331. As regards the regional language Low German, the requirement is not for any newly created translation and terminological research services. Rather, the important task is to make use of the existing capacities also for the purposes of administration, commerce, economy, society, technology and law. The aim is, in particular, to develop appropriate terminology, in co-operation with the Low German Chairs of the Rostock and Greifswald Universities and with the *Institut für Volkskunde* [Institute of Folklore] of the Rostock University (Wossidlo Archives). Additional sources available are the *Mecklenburgisches Wörterbuch* [Mecklenburg Dictionary] and the *Pommersches Wörterbuch* [Pomeranian Dictionary].

1332. Help with translations and terminology is also provided by the *Volkskulturinstitut Mecklenburg und Vorpommern im Kulturbund e.V.* [Folk Culture Institute of the Kulturbund, Mecklenburg and Western Pomerania] and by the *Institut für niederdeutsche Sprache e.V.* (INS - Institute for the Low German Language) in Bremen.

## 2. North Rhine/Westphalia

1333. As regards the tasks of the Commission on "Dialects and Name Research [Onomastics/Toponymy]", mentioned in the comments in No. 1226 above, terminological research services within the meaning of Article 12, para. 1, sub-para. (h), of the Charter have been established.

1334. In response to the Committee's request for further information on the output of these research services, cf. No. 129 of the Monitoring Report [MIN-LANG (2002) 4 final], North-Rhine/Westphalia reports that, at present, no specific additional information on this subject is available.

## 3. Saxony-Anhalt

1335. If required, the establishments and institutions listed in Nos. 1305 and 1306 above provide translation and terminological research services as part of their on-going *Land*-funded activities.

1336. In response to the Committee's comment that it needed further information and practical examples in order to be able to take a position on this undertaking, cf. No. 115 of the Monitoring Report [MIN-LANG (2002) 4 final], Saxony-Anhalt provides the following information:

Saxony-Anhalt *Land* takes the view that there is no need for establishing a translation and terminological research centre in addition to the establishments and institutions listed in Nos. 1305 and 1306 above - referring to Art. 12, para. 1, sub-para. (f) - because in practice no applications are filed for such services. Almost all applications for such services are submitted by local chroniclers who are well served by the aforementioned establishments.

On a monthly average, the *Arbeitsstelle "Niederdeutsch"* handles around 10 inquiries or requests, most of which refer to local toponymy or translation of documents/deeds.

### Article 12, para. 2

#### *Paragraph 2*

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

1337. In the Federal Republic of Germany, cultural activities complying with the law in force are not subject to any permit procedure or restrictions. Thus, the above obligation is already fulfilled by the system of law in the Federal Republic of Germany.

More extensive implementation of this obligation by encouraging or providing such activities will have to be decided by the *Länder* on a case-by-case basis.

### 1. Lower Saxony

1338. Since cultural promotion in Lower Saxony generally includes Low German, there are (in this *Land*) no regional limitations to the territory in which Low German is mainly spoken.

1339. In response to the Committee's request for information on the activities in the southern part of Lower Saxony, cf. No. 384 of the Monitoring Report [MIN-LANG (2002) 4 final], Lower Saxony reports that activities of groups of Low German speakers also take place in Southern Lower Saxony. For additional information, cf. the comments in No. 944 above.

### 2. North Rhine/Westphalia

1340. Under the existing system of law, cultural activities in North Rhine/Westphalia are admitted also in territorial areas other than those where the regional language Low German is traditionally used.

1341. In response to the statement of the Committee of Experts in No. 130 of the Monitoring Report [MIN-LANG (2002) 4 final] that it would need more information in order to be able to conclude that this undertaking was fulfilled, North-Rhine/Westphalia reports that the Siegerland region, for example, is not part of the Low German speech area, but must be grouped among the standard German speech areas. Low German activities are not pursued in the Siegerland because the Low German language is not sufficiently rooted in the region's culture. However, *Westfälischer Heimatbund* would support and monitor any activity required in this area.

### Article 12, para. 3

#### *Paragraph 3*

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

1342. For the measures regarding Germany's cultural policy abroad, cf. No. 505 above.

### 1. Free Hanseatic City of Bremen

1343. Within the "*Neue Hanse Interregio*" (NHI - New Hanseatic Interregio), an association of the *Länder* of Bremen and Lower Saxony, and of West-Friesland (Nether-

lands, provinces of Drenthe, Fryslân, Groningen and Overijssel), cultural events - e.g. lectures and readings - also include Low German as the typical language of Northern Germany.

## 2. Free and Hanseatic City of Hamburg

1344. The Hamburg Senate Authority for Cultural Affairs makes provision for the accepted obligation in its activities. So far, however, no concrete information is available on participation in the cultural policy abroad.

1345. In response to the statement of the Committee of Experts in No. 317 of the Monitoring Report [MIN-LANG (2002) 4 final] that this undertaking was not fulfilled, the following information is provided by Hamburg:

In its cultural exchanges, especially with Hamburg's twin-towns in other countries, the Senate Authority for Cultural Affairs supports the presentation of artistic productions of the Hanseatic City: often performing/interpretative arts, visual arts (plastic and graphic arts), and music; to a lesser extent, literature. Low German literature which would be internationally presentable on the basis of its artistic reputation does not exist in Hamburg; with regard to stage productions, however, Hamburg has the *Ohnsorg-Theater* which indeed gives performances abroad, but in recent times the theatre had to confine its international performances to Austria and Switzerland on account of the enormous costs entailed by such guest-performance tours.

These Low German stage-plays are performed in the standard German language but, by their flair and liveliness, they perfectly reflect the Low German atmosphere; TV broadcasts of these performances are very popular with the viewers in Germany, even in the most southernly regions, as well as in the Austrian and Swiss German speech areas.

Major guest-performance tours abroad:

1990/91	U.S.A. (New York, New Jersey, White Plains)	4 performances
	Palma de Mallorca/Spain	2 performances
1991/92	Jakarta/Indonesia	3 performances
1992/93	Japan (Osaka, Tokyo, Kobe, Yokohama)	5 performances
2003	Palma de Mallorca/Spain	6 performances

## 3. Mecklenburg-Western Pomerania

1346. Within the framework of cultural exchanges with the Baltic Republics, the Scandinavian countries and Poland, folklore ensembles from the *Land* of Mecklenburg-Western Pomerania give performances abroad. In addition to the presentation



of the customs and traditions as a part of the Low German culture, choral works and songs also use the Low German language.

1347. The holder of the Low German Chair at Rostock University gave lectures and seminars on the Low German language and culture in Scandinavia, the Baltic countries and Russia. As a spin-off of these activities, new Low German projects were jointly developed by the various universities/colleges.

1348. Various clubs and associations (e.g. *Fritz Reuter Gesellschaft e.V.*, *Johannes-Gillhoff-Gesellschaft e.V.*, etc.) maintain close contacts with partners in the United States.

#### 4. Lower Saxony

1349. *[deleted: paragraph contained in the 1<sup>st</sup> State Report]*

1350. Mention must be made also of an Art School Project subsidized by the *Land* of Lower Saxony; under this project, Internet contacts were established with the descendants of Lower Saxony emigrants to America. The Low German language is used for mutual communication in this context.

#### 5. Schleswig-Holstein

1351. In the 19<sup>th</sup> Century, many inhabitants of Schleswig-Holstein emigrated to the United States. The focus of Schleswig-Holstein immigration to the U.S. was the State of Iowa, with Davenport, west of Chicago, as its central place. Until our days, people there - often the fourth or fifth generation - have been using German or Low German as their language of everyday oral communication.

1352. Until this day, close contacts have been maintained between Schleswig-Holstein and the descendants of the former immigrants.

1353. In 1998, with funds provided by the Minister-President, a Low German Conference was held at the Schleswig-Holstein open-air museum of Molfsee. Participants included a delegation of the *American/Schleswig-Holstein Heritage Society (ASHHS)* of Davenport. The ASHHS was founded in 1986 by descendants of immigrants from Schleswig-Holstein, and has a membership of some 1,000 in forty U.S. States. Within the ASHHS, the Low German language is cultivated; even a Low German/English Dictionary was published. The Society is keeping up close co-operation with associations in Schleswig-Holstein.

In 1999, a *Plattdüütsch Konferenz* [Low German Conference] took place in Wausau (Wisconsin), in which also a group from Schleswig-Holstein took part. The Conference featured a number of presentations and examples, also with regard to the use of the Schleswig-Holstein variety of Low German in Iowa. Additional conferences were held in Grundhof, near Flensburg, in 2000 and in Grand Island (Nebraska) in 2001. In 2002, also with funds provided by the *Land*, the 5<sup>th</sup> of these Low German Conferences was held in Bredenbek in Schleswig-Holstein. The following conference was scheduled to take place in Manning/Iowa in October 2003.

1354. The Kiel University Department of Low German Language and Literature carried out a research project funded by *Deutsche Forschungsgemeinschaft* (DFG - German Research Foundation) on Low German speech islands abroad, in North America (Iowa) and Paraguay.

1355. There is lively co-operation with scholars from Scandinavia, the Baltic countries, Russia, the Netherlands and Belgium in the field of Low German philology. These contacts are complemented by student exchange programmes with Groningen (Netherlands), Gent (Belgium) and Halden (Norway). Also, the *Internationaler Wissenschaftlicher Ferienkurs der Universität Kiel* [International Academic Holiday Course of Kiel University] entitled "*Deutschland heute - Sprache, Gesellschaft, Staat, Kultur*" ["Present-Day Germany - Language, Society, State, Culture"] offers an annual series of courses and lectures on Low German, which are attended by the foreign participants.

**Article 13****Economic and Social Life***Paragraph 1*

*With regard to economic and social activities, the Parties undertake within the whole country:*

- (a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*
- (b) to prohibit the insertion - in internal regulations of companies and private documents - of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*
- (c) to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

The obligations under sub-paras. (a) and (c) have been accepted by the Länder of Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine/Westphalia and Schleswig-Holstein.

1356. In this regard, cf. the general comments in No. 248 above.

1357. These obligations are in compliance with the established law of the Federal Republic of Germany and thus are fulfilled nation-wide for all regional or minority languages. Therefore, no special measures had to be taken by the *Länder*.

**Art. 13, para. 1, sub-para. (d) - Facilitating the Use of the Regional or Minority Language**

- (d) to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.*

This obligation has been accepted by the *Länder* of Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine/Westphalia and Schleswig-Holstein.

1358. In this regard, cf. the general comments in No. 249 above.

1359. In Germany, the freedom to use one's own language - in public and in private life - is guaranteed by Article 2, paragraph 1, of the *Basic Law*. Use of the minority languages in public is generally accepted by the German population. No reservations exist in this respect.

1360. There are many and various ways in which the learning and use of minority languages are promoted by the state (cf. the comments on the various obligations), and thus, in implementation of this obligation, use of Low German is encouraged and facilitated. In particular, efforts are encouraged also among the general public to keep these languages alive by using them within the family and in extra-familiar everyday-life situations. In this regard, the cultural value of the minority languages for

Germany's cultural life is particularly emphasized so that, on the basis of the resultant self-esteem and self-assurance, the younger generation will be more willing to adopt these languages and pass them on.

1361. For the *Land* of Mecklenburg-Western Pomerania, the following additional information is provided: In the area of tourism, particular importance attaches to the use of Low German. Examples are brochures and leaflets, menu cards, the aforementioned display of Low German plant names at the German Pavilion of the international horticultural exhibition *IGA 2003* in the Hanseatic City of Rostock, and specially planned and organized visits to the places where Low German writers lived and wrote. Environmental aspects are included in the Low German activities under the project "*Natur und Literatur - Auf den Spuren von Fritz Reuter*" ["Nature and Literature - Where Fritz Reuter walked"] which is carried out by the Fritz Reuter Literature Museum in Reuter's native town of Stavenhagen. A CD with Low German texts on endangered animal species is being developed by Wolfgang Kniep.

1362. In 2001, the *Landesheimatverband Mecklenburg-Vorpommern e.V.* [Mecklenburg-Western Pomerania *Land* Union for Local and Regional Traditions, reg'd] published a folder with regard to the implementation of the European Charter for Regional or Minority Languages.

1363. In co-operation with the Mecklenburg-Western Pomeranian company *MVweb GmbH und Co. KG*, the *Volkskulturinstitut Mecklenburg und Vorpommern im Kulturbund e.V.* [Folk Culture Institute of the *Kulturbund*, Mecklenburg and Western Pomerania] develops a Low German "cultural" Internet portal.

1364. In Schwerin, guided city tours are conducted in Low German. In addition, *Staatliches Museum Schwerin* offers guided tours of the museum in the Low German language.

1365. In terms of private enterprise, Low German is a top product which is a determining feature of the special character of Mecklenburg-Western Pomerania. Thus, a possibility would be to develop an alternative tourism programme under which tourists would not only enjoy the beautiful landscape but would, during their vacation, take a beginners' course in the Low German language, literature and culture. After two annual courses, participants might acquire the Low German Diploma - Stage 1 while the Diploma - Stage 2 would be granted only after an additional stay. At the tourist centres, Low German theatre groups might give performances, and specific language learning courses in Low German might be taught.

1366. For Lower Saxony, the following information is provided: with the support of the *Land* Government and in co-operation with the *Institut für Niederdeutsche Sprache* [INS - Institute for the Low German Language], *Niedersächsischer Heimatbund* (NHB - Lower Saxony Union for Local and Regional Traditions) developed a folder informing on the Regional/Minority Language Charter and distributed a large number of copies.

1367. In 2002, *Ostfriesische Landschaft* and the registered association *Oostfreeske Taal* [East Frisian Language] carried out a project entitled "*Plattdütsk bi d' Arbeit*" ["Low German at work"] which had been developed, on a very broad basis, jointly with all the major employers, employers' associations and employees' associations in the region. Co-operation in planning, designing and organizing the project met with a wider and more positive response among the population than had been expected. The project will be continued.

#### Article 13, para. 2

##### *Paragraph 2*

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

#### Art. 13, para. 2, sub-para. (c) - Use of a Regional or Minority Language in Social Care

##### Facilities -

- (c) *to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;*

1368. In this regard, cf. the general comments in No. 250 above.

#### 1. Free Hanseatic City of Bremen

1369. In Bremen, hospitals, retirement homes and nursing services offer their services in such a way that speakers of Low German can be admitted and treated in their own language. Various establishments are preparing lists of the staff members having a knowledge of this language. Special account is taken of the Low German language in the information brochure on the existing care and nursing facilities, which was prepared by the *Verbraucherzentrale Bremen* [Bremen Consumer Protection Centre] on behalf of governmental agencies.

1370. In response to the statement of the Committee of Experts in No. 286 of the Monitoring Report [MIN-LANG (2002) 4 final] that implementation of this undertaking was not ensured, the following information is provided by Bremen:

Bilingualism is the general rule in the Free Hanseatic City of Bremen. Therefore, publicly maintained hospitals are free to decide on recruitment of Low German speaking staff. The personnel strength at municipal hospitals usually ensures that communication in and with the regional language takes place.

## 2. Free and Hanseatic City of Hamburg

1371. A number of retirement homes have occupants who still speak Low German. In such cases it is ensured, as a rule, that the nursing staff/attendants can provide such language-specific care. What the city of Hamburg cannot do, however, is to ensure that all persons in need of care can generally be provided such care also in the Low German language. Yet in view of the actual state of affairs, this would not seem necessary since, even among the elderly, there usually is nobody who understands and speaks Low German but not the standard German language. Should such cases exist, however, the respective establishment will endeavour to find an adequate solution.

1372. In response to the statement of the Committee of Experts in No. 286 of the Monitoring Report [MIN-LANG (2002) 4 final] that implementation of this undertaking was not ensured, the following information is provided by Hamburg:

The Senate Authority for Social and Family Affairs sees to it that the mentioned publicly promoted social care facilities generally offer the possibility to communicate in the Low German language to persons who so wish.

So far, this has been ensured without any specific measures. As before, no persons in need of nursing or care have notified a demand for Low German advisory services in social care facilities. In view of this supply-and-demand situation, the competent Senate Authority does not envisage any special additional measures. However, should any requirements arise with regard to persons in need of care who wish to communicate in Low German, the Authority will see to it that this possibility is promptly provided.

## 3. Mecklenburg-Western Pomerania

1373. At present, use of the regional language Low German in social care facilities, such as hospitals, retirement homes and hostels, depends on whether these facilities accommodate persons having a command of Low German. Use of the regional language Low German in social care facilities is more frequent and widespread in rural areas than in towns and cities.

1374. In response to the comment of the Committee of Experts in No. 254 [354] of the Monitoring Report [MIN-LANG (2002) 4 final] that the information provided did not allow the Committee to assess if this undertaking was fulfilled, Mecklenburg-Western Pomerania provides the following information:

In 2000, 67,465 persons were employed in the sectors health care, veterinary service, and social services (25,999) in Mecklenburg-Western Pomerania. Physicians/surgeons employed in hospitals numbered 2,459 persons; other hospital staff numbered 16,479 persons. On the basis of sample surveys, it may be assumed that around 10 per cent of non-medical hospital staff (1,647.9) and about 12 per cent of the persons employed in the sectors health care, veterinary services, and social services (8,095.8) have a command of the Low German language.

In the geriatric nursing homes operated by the German Red Cross (DRK) in Mecklenburg-Western Pomerania, Low German is a regular feature of daily life. The majority of the patients understand the Low German language, and many use it as a language of daily communication. In Nordvorpommern *Landkreis*, the staff of old age homes and nursing homes in 2003 followed a 36-hours' Low German course held at the Grimmen adult education centre.

While in some facilities Low German is spoken with patients, who wish to communicate in this language, mostly only during the daily nursing and therapies, other facilities specifically foster use of the Low German language.

To give some examples:

- Volunteers produce a one-hour/week radio programme in five old age and nursing homes of Schwerin. The "*Heimradio*" ["Home Radio"] project also covers Low German items.
- In the geriatric nursing home "*Elbtalae*" in Dömitz, ten patients formed a group exclusively conversing in Low German. Occasionally, readings in Low German are organized: for example, poems by Rudolf Tarnow are recited, or passages from Fritz Reuter's book "*Ut mine Festungstid*" ["About my detention in fortresses"] and his "*Urgeschicht von Meckelnborg*" ["Earliest history of Mecklenburg"] are read. Low German poems or stories are also presented on the occasion of celebrations and parties with the patients. The "weekly paper" of this geriatric nursing home regularly includes Low German poetry.
- The geriatric nursing homes in Malchow and Rechlin organize 'Low German evenings' twice per year. At Christmas celebrations, a 'Santa Claus' is presented in the Low German tradition.
- Christmas celebrations at the nursing homes in Grevesmühlen and Schönberg are also attended by a "Santa Claus from the Low German Theatre". In addition, the Grevesmühlen "Low German Theatre" once or twice a year gives perform-

ances in these homes. Some of the monthly events organized for the patients include Low German.

The directors of the facilities operated by the German Red Cross (DRK) and their staffs agree that use and cultivation of the Low German language in these facilities helps to make the patients feel at home and cared for.

Initial concepts are being developed for introducing an approach similar to that applied in schools also for hospitals, old age homes and other facilities, i.e. to appoint one voluntary Low German contact person per facility. Implementation of this concept must be co-ordinated with the competent agencies.

#### 4. Schleswig-Holstein

1375. Cf. the comments in Nos. 352 - 353 above.

1376. Staff members speaking Low German are available in the specialized clinics of the *Land*. The exact number of these persons is not known.

1377. Also, it should be pointed out that direct nursing and other care of persons in need of nursing and care is *not* a public-sector responsibility, but rather is carried out mostly by private-sector and voluntary providing bodies. For instance, only 8 % of the more than 1,000 approved nursing facilities in Schleswig-Holstein are provided by incorporated public-law institutions. None of these facilities is provided directly by the *Land*. Therefore, it is not possible to lay down any requirements to be met by the various providing bodies as regards the use of the regional language Low German. However, the Ministries with responsibility in this field have until now not been notified of any cases which might give reason to require certain institutions to provide permanently for staff with knowledge of this language. Anyhow, there are no language barriers regarding oral communication in the various regions of the *Land*.

1378. In response to the view expressed by the Committee of Experts in No. 426 of the Monitoring Report [MIN-LANG (2002) 4 final] that a systematic approach was necessary with regard to the provision of staff speaking the Low German language, Schleswig-Holstein provides the following additional information:

As already mentioned, Low German is used - even though with varying intensity - as a regional language throughout the *Land* of Schleswig-Holstein. Therefore, facilities providing care for the elderly regularly employ staff having a command of the Low German language. No language barriers regarding oral communication in the respective regions of the *Land* are known. The same can be said of many hospitals.



With regard to hospitals and other social care facilities, it is pointed out again that the *Land* does not have responsible as a public authority within the meaning of the Charter. It is not possible to lay down any binding requirements to be met as regards use of the regional or minority language. As far as we know, no language barriers exist as regards social care services for members of this language group.

**Article 14****Transfrontier Exchanges**

*The Parties undertake:*

- (a) *to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*
- (b) *for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

**1. Lower Saxony**

The obligations under paragraphs (a) and (b) have been accepted only by the *Land of Lower Saxony*.

1379. The *Neue Hanse Interregio* (NHI - New Hanseatic Interregio) was founded in 1991 by the Heads of Government of the German *Länder* of Lower Saxony and Bremen, and of the Netherlands [West-Friesland] provinces of Drenthe, Fryslân, Groningen and Overijssel. The agreement concluded by these co-operation partners is geared to transfrontier co-operation designed to strengthen the regions involved. The NHI's central policy areas are trade and industry, transport, research and development, environmental protection and nature conservation, agriculture and farming, culture and education, and labour market and social policy.

1380. For the area of 'culture and education', the following was agreed, *inter alia*: "In the context of European integration and in view of the networking of regions, interregional cultural exchanges and transfrontier co-operation in the cultural area have an outstanding function because they help to bring people together and to foster mutual understanding."

1381. In this context, increasing attention must also be given to the instruction in the various languages in schools and in all areas of adult education. Against this background, the *Länder* and Provinces work towards achieving increased co-operation among cultural institutions and in educational matters of the co-operation area. This co-operation is to focus on promoting cultivation of regional languages and dialects in their respective speech area.

1382. Local governments, municipalities, local authority unions, *Landkreise*, Chambers and other public-law corporations in the Netherlands Provinces of Groningen and Drenthe and, in Germany, in the *Landkreise* of Aurich, Leer, Wittmund, Emsland and Cloppenburg and in the *kreisfreie Stadt* of Emden in Ostfriesland

formed the special-purpose association *Ems-Dollart Region (Eems-Dollar Regio - EDR)*. In addition to economic co-operation, the task of this community syndicate is to promote the region's culture in a transfrontier context.

1383. The common language spoken in this border region was used, for instance, during the 1997 *EDR Festival*, an event commemorating the 20<sup>th</sup> anniversary of the Ems-Dollart Region and providing the occasion for holding the *European Cultural Days* in the town of Leer. Reciters, readers, writers and similar artists from the Province of Groningen were, and still are, invited to participate in events within the framework of the *Bücherfrühling* ["Spring of Books", a *Land*-wide literature event] in Lower Saxony.

1384. In response to the request made by the Committee of Experts in No. 389 of the Monitoring Report [MIN-LANG (2002) 4 final], Lower Saxony's answer is that no additional information on this subject is available.

## 2. Schleswig-Holstein

1385. These obligations are not explicitly adopted by the *Land* of Schleswig-Holstein. Nevertheless, reference is made in this context to the comments in Nos. 1351 - 1355 above.



## *Part E* **Comments by the minorities/language groups**

### **Comments by the Danish minority**

#### **on the Second State Report submitted by Germany on the implementation of the Regional/Minority Language Charter**

##### **1. The Charter's importance to the minority language Danish**

For the Danish minority, the European Charter for Regional or Minority Languages, which entered into force on 1 January 1999, and its concrete implementation in Schleswig-Holstein are an important signal calling for the *Bund's* and the *Land's* active promotion of, and support for, the minority language Danish. This has been, for the roughly 50,000 members of the Danish minority in Schleswig-Holstein, an important step towards according equal status, in terms of culture and language, to the minority and the majority population in the border region.

Implementation of the various provisions of the European Charter for Regional or Minority Languages provided, for the first time, the Danish minority with a specific instrument for gauging promotion of the Danish language in everyday life and in public.

In this respect, particular importance attaches to the brochure "*Sprache ist Vielfalt*" ["Language is diversity"] published by the *Land* Government. We hope that this brochure will help to inform decision-makers and multipliers, in particular, on the meaning and contents of the European Regional/Minority Language Charter. The brochure gives pertinent information on the rights and possibilities entailed by the Charter for the members of the Danish minority.

Generally we welcome the fact that the *Land* Government, with the planned report on the European Charter for Regional or Minority Languages, takes the Charter's evaluation process in Schleswig-Holstein seriously and thus allows us to offer our detailed comments on the current situation of the Danish language in the *Land's* northern region.

## 2. What has been achieved, and what is expected for the future

**Article 8** outlines the conditions with regard to Danish-language instruction. This refers to pre-school education, schools, teacher training, university studies, and inclusion of Danish in general education.

*Dansk Skoleforening for Sydslesvig* (the Danish Schools Association for South Schleswig) is the providing body for Danish nursery schools and schools in the Schleswig region of the *Land*. *Dansk Skoleforening* thus meets the requirements stipulated by the *Land* with regard to Article 8, sub-paras. (1) (a), (1) (b) and (1) (c) of the European Charter for Regional or Minority Languages and in this respect fulfils tasks which otherwise would be incumbent on the *Land*. Despite the foregoing, only around 47 % of the activities of *Dansk Skoleforening for Sydslesvig* are subsidized by the *Land*. For the transport of non-local pupils, in particular, the *Land* only pays for just under 7 % of the costs. In the long run, this cost distribution will not be acceptable and jeopardizes the Schools Association's work.

In addition, *Dansk Skoleforening for Sydslesvig* wishes to state expressly that the principle of according equal status with publicly maintained schools - i.e. the principle that since the mid-1980s had been the basis for subsidizing - was abandoned in 1997 as a result of Budget Support Acts and changes to the Schleswig-Holstein Schools Act.

The various models for linking the overall subsidy to a fixed reference year (as has been done since 1998) or linking the non-personnel costs to a fixed reference year, combined with the dynamization of personnel costs, by analogy with civil service pay (as has been the case since 2001) are asymmetric savings measures at the expense of the Danish schools which in this way are cut off from the development of publicly maintained schools. Similarly, unequal treatment is also evidenced by the deduction of personnel costs incurred for so-called "non-curricular classes".

Unlike the providing bodies for publicly maintained schools (i.e. local authorities), *Dansk Skoleforening for Sydslesvig* pays for more than two thirds - as opposed to one third - of the costs of transportation of non-local pupils while a minority schools system, on account of its specific features, is particularly cost-intensive. The aim envisaged by *Dansk Skoleforening for Sydslesvig* in this respect is that the Association will pay for one third of the costs actually incurred for the transportation of its pupils out of its own funds and thus will, in term of its own expenditure, be on an equal footing with public providing bodies.

In addition, the Association's administrative costs are not subsidizable at all, and capital spending on new construction is covered only in part by a separate subsidy granted by the *Land*.

In the last analysis, the aforementioned factors result in a cost-coverage deficit for *Dansk Skoleforening for Sydslesvig* as compared with the costs incurred by publicly maintained schools.

The negative development as regards the subsidies granted by Schleswig-Holstein *Land* increases the asymmetry in terms of the subsidies provided by Germany and Denmark, respectively.

The aim pursued by *Dansk Skoleforening for Sydslesvig* in the negotiations with the inter-departmental working group in Kiel is to have the Danish schools recognized as 'regular schools' of the Danish minority, backed up by a real 100-percent arrangement providing for subsidizing of the Danish schools, taking account of all costs incurred by publicly maintained school for the given fiscal year, with subsequent setoff of costs.

We welcome that Danish-language instruction at publicly maintained schools in Schleswig-Holstein has been extended over the past few years. The minority shares the view of the Regional Council for the Schleswig/Sønderjylland region, calling for Danish classes to be introduced by 2006, as instruction in a second foreign language, from the 7<sup>th</sup> grade onwards at all secondary modern schools, *Realschulen*, comprehensive schools and *Gymnasien* in the Schleswig region of the *Land*. Even today, however, most of the majority population in the border region do not have a command of the Danish language. Therefore, further development of Danish-language instruction at publicly maintained schools is urgently required, also in view of the resultant improved chances on the transfrontier labour market.

This also implies, of course, that Danish-language education at Flensburg University will have to be further developed so that a sufficient number of teachers are available for teaching this language at the publicly maintained schools. With a view to enhancing the border region's attractiveness as part of the education system, we consider it an indispensable requisite that the joint transfrontier courses of studies at Flensburg University and *Syddansk Universitet* [University of Southern Denmark] be continued.

**Article 9** regulates the use of documents and evidence in the regional and minority languages. It is a positive fact that Danish documents can be used in relations with judicial authorities. It should be laid down, however, that the costs incurred for translation of such documents will not have to be borne by the person submitting them.

The same goes for the obligation, as guaranteed by the Parties in **Article 10**, to ensure that users of regional or minority languages may validly submit a document in these languages. While Section 82a, para. 2, of the *Land Administration Act* provides for the general possibility to submit applications, petitions, records, deeds or other

documents in a foreign language, i.e. a language other than the official language, it does not say anything about the extent to which the person submitting them might have to meet the costs of such translations. Inclusion of a statutory regulation similar to the Charter's "expense" provision would be desirable.

The Danish minority appreciates it that the Schleswig-Holstein *Landtag*, following the SSW's initiative, unanimously passed a Resolution on taking job applicants' ability to speak a regional or minority language into consideration as a recruitment criterion for employment in the public service (Parliamentary Papers 15/82 and 15/459). In doing so, the *Landtag* acted in the spirit of Article 10.

Article 10, sub-para. 4 (c), deals with the problem of compliance with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used. We would welcome implementation of this obligation in the form of a special promotional programme for Danish speaking employees. This would make it possible specifically to increase the number of Danish speaking public service employees in the Schleswig region of the *Land*. Such a promotional programme would support the initiatives launched by a number of local authorities - e.g. Flensburg municipality - which indicate their staff's proficiency in the Danish language on office doorplates. In the Danish minority's view, the possibility for its members to use their native language in relations with public authorities continues to be a central element of the European Regional/Minority Language Charter.

**Article 11** deals with the subject of "languages and the media". It is true that, since the settlement area borders directly on Denmark, the members of this minority can receive the entire broadcasting programme of the Kingdom of Denmark. However, very little or nothing at all of these programmes deals with the everyday life of the Danish minority in Schleswig-Holstein; as we see it, therefore, they do not meet the requirements stipulated in Article 11 of the European Regional/Minority Language Charter. Now as before, it is incumbent on the public authorities to encourage the media to regularly broadcast radio and television programmes in the Danish language.

Although some progress has been made as regards broadcasting of Danish-language programmes by public broadcasting corporations, it is a fact that the visibility of the Danish language in the media of Schleswig-Holstein remains at a low level. Against this background, we would have liked to see the continuation of the German-Danish magazine "*Hier Her*". In this regard, the *Land* Government should look into the expediency of taking up the SSW's 1999 initiative on the "Promotion of Regional or Minority Languages in the Media" (Parliamentary Paper 14/2597). The aim of this initiative was, by amending the State Treaty on the Broadcasting Corporation *NDR*,



"to ensure that an adequate number of regular programmes, of adequate length, are broadcast in the regional or minority languages used in the transmission area".

The Danish minority regrets that it is no longer represented on the bodies of *Unabhängige Landesanstalt für das Rundfunkwesen (ULR)* although a legislative initiative of the SSW [South Schleswig Association of Voters] had called for such representation. Given his/her cultural background, a representative of this minority would be quite an asset to the ULR's work and would be in a position to bring up the subject of "regional and minority languages in the media" for discussion in the competent bodies.

With reference to the provisions of Article 11, sub-para. 1 (e), regarding publication of newspaper articles in the Danish language on a regular basis, it must be pointed out that the bilingual daily "*Flensburg Avis*" is subsidized exclusively by the Danish state. We do not know of any other daily papers in Schleswig-Holstein publishing articles in the Danish language. Thus we see a deficit as regards implementation of the provisions under Article 11, sub-para. 1 (e), of the Charter.

**Article 12** deals with cultural activities and facilities required for promoting the Danish language. In this regard, *Sydslesvigsk Forening* appreciates that the *Land* Government provides *Land* funds to support the Danish cultural providers *Sydslesvigsk Forening* [South Schleswig Association], *Jaruplund Højskole* [Jarplund residential adult education college] and *Dansk Centralbibliotek for Sydslesvig* [Danish Central Library]. It must be pointed out, however, that the *Land* only funds a minor part of the overall budget of the Danish cultural organizations - especially in the case of *Dansk Centralbibliotek* which receives *Land* funds only for 3 % of its expenses.

Moreover, *Land* subsidies have been continuously reduced over the past few years, which has already had a negative impact on the promotion of the Danish language in the northern region of the *Land*. In particular, the number of theatre performances in the Danish language has decreased. In view of the *Land's* tight budget situation, we wonder whether institution-based support with federal funds might help to consolidate the funding of Danish cultural providers. We expect the support of the *Land* Government in this matter.

### 3. Significance, and outlook

The Danish minority lives in a region of cultural and linguistic diversity, which is considered a particular feature of our region of the *Land* not only by the minorities but also by the majority population. In everyday life, there are no longer any rigid language borders; rather, our border region is characterized by the use, side by side, of Danish, German, Low German, Frisian or Sønderjysk [South Jutish form of Danish].

This development - which had been impeded by the so-called "(Schleswig) border conflict" - has evolved in the course of several centuries.

Preservation of this cultural heritage has increasingly come under pressure, not last as a result of the global developments in the cultural and linguistic fields - for example, spreading of the English language especially among young people in matters relating to the Internet and the media. This also affects the use of the minority language Danish in our region.

The Danish minority therefore takes the view that implementation of the European Charter for Regional or Minority Languages can play a decisive future role in the preservation and cultivation of the Danish language in the Schleswig region of the *Land*.

**Comments by the Frisian Council (Frasche Rädj)**  
**on the Second State Report submitted by the**  
**Federal Republic of Germany on the implementation of the**  
**European Charter for Regional or Minority Languages**

**1. The Charter's importance to the minority language North Frisian**

The existence of the Regional/Minority Language Charter, its signing by the Federal Government, and the active support given by the *Land* Government are, in many regards, extremely important to the minority language North Frisian. Generally it can be said that the *Bund* [Federation], by its recognition of North Frisian as a minority language protected under the Charter, gives expression to a higher esteem for this language. Such recognition and appreciation benefit both sides. For North Frisian this entails upgrading and promotion, and the Federal Republic of Germany officially rallies to a modern European minority policy which is also noted favourably in Europe. The activities of the *Land* Government and the *Landtag* of Schleswig-Holstein, which pursue open co-operation with the Frisians, must also be seen in this context. The Frisians themselves have made it their duty to support the cause of their language and will further intensify their pertinent efforts but - as citizens of the Federal Republic of Germany - they also perceive the state *per se* as being under the obligation to protect and promote the Frisian language. These endeavours should be continued in an atmosphere of mutual trust between the state and the representatives of the minority language Frisian, and the results of the co-operation pursued in Schleswig-Holstein and the first tentative steps undertaken at the federal level show that this is indeed possible.

**2. What has been achieved, and what is expected for the future**

**Article 8** formulates the conditions for Frisian classroom instruction, teacher training, courses of university studies, and inclusion of Frisian in general education. The figures referring to Frisian instruction speak for themselves. Over the past ten years and more, both the numbers of students and of class hours have markedly increased, and this development is also, and particularly, due to the *Land* Government's policy. However, the aim must be to consolidate this development and to ensure that Frisian will be sufficiently covered despite the envisaged introduction of foreign language instruction in elementary education. This means that [Frisian] instruction must be developed further, and teacher training at institutions of higher learning must be improved. The modification of the *Land* Teacher Examination Regulations

has not improved the situation although the *Land* Government permitted a special regulation for Frisian in this context.

In this respect, the Frisians expect concrete measures for the inclusion of the subject 'Frisian' in the general curricula of the *Land*. This would provide the basis for expanding Frisian instruction, and prospective teachers would be more strongly motivated to include Frisian in their course of studies. Moreover, it would open up new possibilities for fulfilling additional provisions of the Charter.

Also, the Frisians expect the *Land* Government to ensure - in the course of the future negotiations with the colleges and universities concerned about target agreements - that Frisian will be sufficiently included in higher education and, wherever possible, Frisian studies will be extended.

**Article 9** deals with the use of regional or minority languages before judicial authorities. In certain proceedings, documents and evidence may also be submitted in the Frisian language. We do not know of any proceedings so far where Frisian-language documents and evidence were submitted; however, also against the background of experience gained in relations with administrative authorities, it would be a positive step to lay down in advance that any necessary costs incurred for the translation of such documents will not be charged to the respective applicant.

**Article 10** deals with the use of regional or minority languages in dealings with administrative authorities and public services. First of all, it should be noted that particular scope exists in this respect to use the Frisian language. First experience has shown that submission of documents drafted in a minority language is not always unproblematic. While no problems were encountered in some cases, public authorities in a number of isolated cases required applicants to produce a German translation. In this regard, it would be expedient to instruct public authorities to make their own arrangements for obtaining translations since otherwise the intention of the relevant Charter provisions would be bypassed. Against this background, it would surely be useful to allow administrative authorities to draft documents also in Frisian and explicitly allow use of Frisian in dealings with authorities (at present, such permission exists only with regard to Low German); as a result, additional provisions of the Charter would be fulfilled. In this context, the Frisian Council expressly notes that the Schleswig-Holstein *Landtag*, with its Resolution on taking job applicants' ability to speak a regional or minority language into consideration as a recruitment criterion for employment in the public service (Parliamentary Papers 15/82 and 15/459), has already made a start in the right direction which must be followed up by further concrete provisions. Even more life could be brought into the Charter's provisions if em-

ployment of Frisian-speaking staff would be considered on a preferential basis in relation to other job applicants otherwise having the same professional qualifications.

The Frisian Council considers it an extremely positive fact that the obligation under Article 10, para. 2 (g) - on the use or adoption of place-names [in the regional or minority languages] - has subsequently been accepted as well. This provision and its inclusion in *Land* law resulted in bilingual signposting in Nordfriesland as had been the Frisians' wish all along. However, such signposting raises some problems since every community must make a majority decision on the introduction of bilingual place-name signs and, consequently, implementation depends on the initiative taken locally and on the open-mindedness and awareness of the respective actors. In this respect, it would be very helpful to have a supra-local obligatory regulation in future.

Similarly, Frisians would like to have bilingual signs in and on public buildings. While this is not regulated by the Charter, it is closely related to the purport of Article 10, para. 2 (g). The Frisians would welcome an arrangement similar to that existing for Sorbian, under which - equally on the basis of an obligatory regulation - essential signs in and on public buildings in Nordfriesland would have bilingual inscriptions in German and Frisian. Accordingly, the Frisian Council expressly welcomes the fact that an initiative launched by Members of the *Landtag* is put into practice by the *Landtag* President so that a number of multilingual signs are now posted in the *Landtag* building.

**Article 11** deals with the subject of "languages and the media". The Frisian Council notes that the *Land* Government and the *Landtag* have tried in many ways to encourage broadcasters to offer programmes in the Frisian language. In instances, these efforts have had positive results. In this context, the Frisian Council welcomes the NDR's willingness to sponsor and train talented Frisian journalists. The NDR's willingness to support the efforts of the Frisian ethnic group to promote their language is evidenced by the NDR's co-operation with the Open Channel, the inclusion of a Frisian item on the homepage of *Welle Nord*, the organization of the competition *Ferteel iinjens* ["Tell a tale"], and the NDR's intention to air the maximum number of authentic Frisian-language radio and TV items. Nevertheless, it must be pointed out that representation of Frisian in the media at present is still entirely insufficient and by far falls short of the standards achieved for minorities at the European level. A particular responsibility in this respect falls to *Norddeutscher Rundfunk* (NDR), a public broadcasting corporation, over which also Schleswig-Holstein *Land* exercises indirect control. The mass media, in particular, are extremely important as regards the general presence and qualitative development of [this] language, and this is why the Frisians wish to bring about radical positive changes especially in this field. The legal and material feasibility of such changes is evidenced by the situation of the Sorbs in

Brandenburg and Saxony who have a several-hours' daily radio programme and regular - though short - TV programmes in the Sorbian language. Therefore the Frisian Council suggests that the *Land* Government should aim at modifying the NDR State Treaty along these lines and adjust the *Land* law provisions on private broadcasting accordingly. As a result, it would be possible to fulfil additional provisions of the Charter.

All of the aims listed in **Article 12** with regard to cultural activities and facilities have been notified for Frisian. All of these provisions deal, more or less directly, with the general scope for cultural promotion. In this field, considerable results have been obtained for the Frisians over the past few years, and this achievement to a major extent was due to the positive influence exerted by the *Land* Government and the *Landtag*. For the first time, Frisians receive project-oriented promotional funds from the *Bund* [Federation], which initially amounted to 100,000 deutschmark and subsequently was raised to 500,000 deutschmark (255,000 €). This made it possible - for the first time - to carry out major projects for language promotion. At the same time it must be noted that the amount of *Land* funds allocated to the Frisians has over the past few years been essentially the same - which the Frisian Council also sees as a positive signal in view of the *Land's* generally tight budget situation. Nobody will be surprised at hearing that the Frisian Council would, of course, like to see the amount of such financial support to be maintained and even increased, and in this regard draws attention to the fact that both the minorities in Germany and German minorities abroad dispose of better, and better guaranteed, promotional funding. Therefore, the medium-term and long-term objectives are a significant increase of budget appropriations and their integration into budgetary law.

The Frisian Council notes that it is necessary to appropriate budgetary funds in the short term in order to enable *Nordfriisk Instituut* in Bräist/Bredstedt at least to maintain its present activities. With its scholarly work and activities aimed at language promotion, *Nordfriisk Instituut* fulfils public tasks requiring adequate public funding. At present the scope of activities of *Nordfriisk Instituut* is, for financial reasons, in danger of being curtailed.

In addition, the Frisian Council pursues the matter of having promotion of the Frisian language included as a regular budgetary item in the federal budget so as to guarantee the annual project-oriented promotion.

With regard to economic and social life, a number of obligations under **Article 13** have been notified, which aim at preventing discrimination against the Frisian language. In respect of this Article, the Frisian Council suggests that consideration be given to a provision which would lead to active promotion of the Frisian language. Paragraph 2, sub-para. (b), states that the use of regional or minority languages

should be promoted in the economic and social sectors directly under state control [public sector]. However, this obligation has not been notified for Frisian. Given that the *Landtag*, by passing the Resolution on taking job applicants' ability to speak a regional or minority language into consideration as a recruitment criterion for employment in the public service, has already made a start in this direction, it would seem expedient to apply this Resolution also to the public sector as regards economic and social activities. An examination of this matter might show that also the aforementioned provision of the Charter would then be fulfilled.

**Article 14** deals with co-operation across borders and covers the obligation to apply or conclude bilateral or multilateral agreements with States in which the same regional or minority language is used in identical or similar form. For Frisian, such co-operation could be envisaged with Westfriesland (Westerlauwersk Fryslân) in the Netherlands. Also, the North Frisians wish to have more close, institutionalized co-operation between Schleswig-Holstein *Land* and the North Frisians, on the one hand, and institutions of the province of Fryslân (Friesland), on the other hand. Such co-operation could lead to positive results in many fields and strengthen the present inter-Frisian activities. The Frisian Council acknowledges the general open-mindedness of the *Land* Government in this matter, and views promotion of exchange programmes between the German Friesland and the Netherlands region of Friesland as a particularly important action field.

### 3. Significance, and outlook

The impetus given by the European Charter for Regional or Minority Languages is inspiring for the Frisians and the majority population alike. Both sides are inspired by the Charter to search for solutions to concrete problems in constant contact with each other. An important element in this regard is the reporting requirement stipulated in Articles 15 and 16, which is additionally fulfilled by Schleswig-Holstein in a particular way by means of its own *Land* Report. Also the very fact that the language groups in Schleswig-Holstein were asked to comment on the Charter and its implementation shows that in this *Land* there is not just talking about languages, but that an active language policy is pursued in co-ordination with the language groups. This constitutes a valuable asset in itself, and indeed sets a commendable example at the European level. At the federal level, the reporting requirement is met by the Implementation Conference and the resultant State Report as presented here for the second time. However, a pertinent debate in the German *Bundestag* on the Report would also be desirable.

In order to bring even more life into the Charter, it is important for the Frisians to be given a certain financial scope for action. This requirement was already recognized

by the *Land* Government and the *Landtag* some time ago when they came out in favour of a "Foundation for the Frisian People" and set up a capital stock to this end at the *Land* level. Regrettably, the *Bund's* reaction to the idea of creating a "Foundation for the Frisian People" has so far been very reserved; however, the Frisian Council continues to feel at one with the *Land* Government and the *Landtag* in pursuing the aim of establishing the "Foundation for the Frisian People".

At the federal level it will be important in future to sensitize the federal policy to the minorities issue. The appointment of a Federal Commissioner for Matters Related to National Minorities (Frisians, Danes, Sorbs, and Sinti and Roma) was an important and commendable first step. In addition to this measure, the Frisian Council suggests that a body be set up to deal with matters related to the national minorities (Frisians, Danes, Sorbs, and Sinti and Roma) in Germany under the lead responsibility of the President of the *Bundestag*. This [federal] body might be modeled on the Body established at the Schleswig-Holstein *Landtag* to deal with matters related to the Frisian population group, which has been very successful and proved its effectiveness over the past few years.

For more targeted and more effective use of federal funds in future, the Frisian Council suggests that the Federal Republic establish a language promotion plan for North Frisian, which would list the objectives and future measures subsidized by the Federal Republic and, after a certain lapse of time, could be evaluated. By defining language-policy objectives and specifically implementing its planned measures, the Federal Republic could set European standards. Sooner or later, this will open up possibilities for fulfilling - and subsequently notifying - other provisions of the Charter in addition to those already notified. This, in particular, would also be in accordance with the dynamic character of the Charter for Regional and Minority Languages.

Spräkeårbe:

Di goue wale as e forütseeting,  
dåt müülj stoont fâåst bai e kiming,  
jü plooning wiset e wäi,  
dåt konkreet hooneln brängt laawen,  
än goue waane schan åltens deertu;  
dan bloot gemiinsom wårt dår müülj långd.

Language work:

Good will is the basic requirement;  
the goal stands fast on the horizon;  
planning shows the way;  
concrete action brings life;  
and having good friends is always part  
of it;  
for only together will you reach this  
goal.

In this spirit, the Frisian Council is looking forward to continued positive co-operation at the federal and *Land* levels.



**Comments by Domowina - Bund Lausitzer Sorben e.V.**  
**on the Second State Report submitted by the**  
**Federal Republic of Germany on the implementation of the**  
**European Charter for Regional or Minority Languages**

**No. 109:** The decision taken by the Federal Government against the adoption of specific legal provisions in view of implementing the undertakings accepted by the Federal Republic of Germany - cf. the recommendation of the Committee of Ministers in Part B.1, No. 105 above - is not comprehensible in our view.

1. adopt specific legal provisions, where these are still lacking, in order to implement the undertakings which Germany has entered into under the Charter;

The Federal Republic of Germany takes the view that additional legal regulations would not offer any further legal advantage regarding implementation of the Charter's provisions. In our view, the reason given for rejecting the above recommendation - that such legal provisions would be "redundant" (i.e. would only duplicate existing rules of law) - is disproved by the example of the closure of the Sorbian "Jurij Chěžka" *Mittelschule* in Crostwitz.

Although the Federal Republic of Germany itself points out that in Germany the Charter ranks as a federal law which takes precedence over subordinate law - including *Land* laws - and, as a matter of principle, is to be applied as the more specific law overriding other federal laws, the Court's decision on the closure of the Sorbian secondary technical school in Crostwitz was that the existing schools legislation took precedence over the right to promotion under the Charter provisions.

This decision clearly demonstrates the lack of enforceable legal provisions and underpins the call for creating a legal framework of specific regulations on Sorbian schools for the Sorbian settlement area in the Free State of Saxony and the traditional settlement area of the Sorbs/Wends in Brandenburg *Land*. With due regard to the European Charter for Regional or Minority Languages, such legal provisions should cover adequate resources for promoting and developing the Sorbian schools, which will not give rise to the suspicion that they would curtail the budget for German schools.

**No. 360:** Updating of the Report should include the fact that the Children's Day-Care Centres Act of **18 December 2001** is the legal basis for imparting and cultivating the Sorbian/Wendish language and culture in Sorbian and bilingual children's day-

care centres in the traditional settlement area of the Sorbs/Wends in Brandenburg *Land*.

The Brandenburg Schools Act of 12 April 1996 was amended on 1 June 2001.

**No. 364:** With regard to training and continuing education, it should be noted that the Sorbian-language intensive courses offered by *Domowina/WITAJ-Sprachzentrum* for educators have so far not been recognized by the Labour Office as a qualifying measure eligible for continuing-education promotion. This means that, despite the lack of trained bilingual educators, those educators who are temporarily out of work cannot obtain the qualification for later employment with a Sorbian or WITAJ children's day-care centre or with a Sorbian or WITAJ group at a bilingual children's day-care centre.

**No. 367:** The Report should be corrected to the effect that a total of **seven** children's day-care centres of Brandenburg *Land* give priority to imparting the Sorbian (Wendish) language and culture: Two institutions give total-immersion instruction to all of their children, while another 5 centres have one or two group/s learning the Sorbian language by the immersion teaching method.

**No. 368:** We have no information about the implementation of this plan.

**No. 369:** While the financial structures laid down in the Act on Children's Day-Care Centres provide a budgetary-law framework for children's day-care activities in Brandenburg *Land*, promotion of WITAJ projects is not included. Restricted funding schemes at the local government level leave little scope for the necessary additional expenditure entailed by the implementation of bilingual education; often, such expenses cannot be funded at all. Brandenburg *Land* does not have adequate regulations along the lines of an Ordinance, enacted in the Free State of Saxony, on the Act on Children's Day-Care Centres, which authorizes further measures covering 12.5 % of the additional payroll costs for Sorbian or German-Sorbian groups. There is a compelling need for meeting the catch-up demand existing in this respect.

**No. 370:** At the primary schools in the traditional settlement area of the Sorbs/Wends, Lower Sorbian (Wendish) is offered as a regular subject. At present, some 1,000 pupils at **26 primary schools** avail themselves of this offer.

**No. 372:** The status of Sorbian-language education must be urgently enhanced. As a result of the introduction, in the current school year, of the compulsory subject 'English' from grade 3 onwards and the fact that Sorbian instruction is, in most cases, given at times outside the main school hours, parents will increasingly withdraw their children from Sorbian lessons or will not enrol them for such instruction in the first place. The increase in the number of hours per week for the subjects 'religious instruction / Lifestyle Choices, Moral Philosophy, Study of Religion' and 'English' will exacerbate this situation even more.

**No. 377:** It is true that the Bautzen Regional Schools Office, Division 2, examines the scope for ensuring that pupils who have completed their pre-school education are given the possibility to continue an education in Upper Sorbian, and on a case-by-case basis may approve such continued education. However, Article 8, para. 1, sub-para. (b), on primary education, is not sufficiently taken into consideration. This refers, in particular, to the requirement stated under no. (iv): "to apply one of the measures provided for under i to iii at least to those pupils whose families so request and whose number is considered sufficient". In consideration of the phrase "pupils ... whose number is considered sufficient", in particular, the competent *Land* Ministries should lay down a general regulation. Families are confused when deciding on whether their children should receive early bilingual education, because there are no specific figures given on the number of pupils required for setting up a separate group for bilingual instruction in a regional or minority language.

**No. 381:** The Report should be corrected to the effect that, in addition to the secondary technical schools in the area of the Regional Education Office, another 4 *Mittelschulen* offer Sorbian as a secondary language.

**No. 384:** Sorbian instruction was given, in the 2002/2003 school year, at **33** (not 36) schools in Saxony. Overall, Sorbian instruction was attended by **2,534** pupils. 1254 pupils were instructed in their mother tongue Sorbian under the "*Schulartübergreifendes Konzept*" [Overarching Concept for All Types of School] for bilingual Sorbian-German schools.

**No. 386:** The concern expressed by the Committee of Experts in Nos. 431 and 432 of the Monitoring Report [MIN-LANG (2002) 4 final] - with regard to the rationalisation measures taken at Crostwitz secondary technical school - is absolutely justified. The numbers of pupils specified by the Saxon State Ministry provide no exact information

about the current situation. This leads to irritation and misinterpretation on the side of parents and the general public. The numbers of enrolled pupils given by the State Ministry of Education and Cultural Affairs do not tally with the actual number of pupils who would attend the Sorbian *Mittelschule* if it were continued. Moreover, the school attendance statistics provided by the Regional Education Office only cover the number of pupils from the respective local community. Thus, no account is taken of non-local pupils commuting from neighbouring communities who want Sorbian-language education but cannot take such Sorbian native-language courses at the primary school in their respective school district.

So far, all pupils of the Sorbian elementary school in Crostwitz, after completion of the 4<sup>th</sup> grade, went on to the 5<sup>th</sup> grade of the Sorbian *Mittelschule* of the same town. Please find enclosed a set of figures; on the basis of the numbers of prospective pupils given in that paper, a more positive development is to be expected.

**No. 390:** The *Institut für Sorabistik* of Leipzig University offers a course of Sorbian Studies (Sorabistics) both for a Master's degree or for the teaching profession. Despite the surplus number of teachers available in the area of the Bautzen Regional Education Office, there is a lack of trained teachers who are Sorbian native speakers at Sorbian schools and at schools offering Sorbian instruction. The Saxon State Ministry of Education and Cultural Affairs authorized a one-year Sorbian follow-up training course for elementary school teachers who are not sufficiently proficient in the Sorbian language. However, this follow-up training which was taken up in September 2003 is only an interim solution. Elementary school teachers with optimum training undergone at appropriate colleges and universities are a *sine qua non* for optimum instruction at Sorbian schools. In view of a surplus number of applicants for university places for the course of study for primary school teachers, Leipzig University introduced a limited admissions policy (*Numerus clausus*).

If this mandatory limitation of access to university (*Numerus clausus*) is applied also to university applicants for a major or minor in Sorbian, this might result in the situation that, on account of their small number, none of them would achieve the required *Abitur* [A-level] average grade required for admission, and thus all would be refused admission to a university or college. A specific regulation must be laid down for the course of study for elementary school teachers with a major or minor in Sorbian. To this end, the responsible Saxon State Ministry of Education and Cultural Affairs should modify the pertinent legal provisions accordingly and implement this modification in co-ordination with the Saxon State Ministry of Science and Arts so that a large number of elementary school teachers can be trained for their employment with

bilingual Sorbian-German schools and with schools offering bilingual Sorbian-German instruction.

**No. 395:** Attention is drawn to the fact that, despite resource sharing by the two universities of Potsdam and Leipzig, the *Institut für Sorabistik* of Leipzig University cannot ensure an adequate level of university/college training in Lower Sorbian on account of the Institute's present staffing level, especially as concerns teacher training with particular reference to practical language use.

**Nos. 417/419/421:** The supervisory body designed to monitor the measures taken in developing the education in Upper Sorbian and to draw up periodic reports on its findings - as called for by the Committee of Experts under No. 438 of the Monitoring Report [MIN-LANG (2002) 4 final] - does not exist in this form. The respective desk officers of the Regional Education Office deal with Sorbian school matters in addition to their area of responsibility. The required and necessary in-depth monitoring, control and reporting tasks by far exceed the available work capacities. We recommend and request that expert [technical] supervision both for bilingual Sorbian-German schools and bilingual Sorbian-German and Sorbian education at other schools should be transferred by the supreme supervisory school authority to a division of the Bautzen Educational Office staffed with Sorbian specialized personnel and reporting directly to the Ministry of Education and Cultural Affairs. Given the Sorbs' right to be heard (in decision-making), this division should independently regulate the Sorbian school matters in consultation with the legitimate representative groups of the Sorbs and in co-ordination with the Ministry of Education and Cultural Affairs. In this way it can be ensured that Sorbian, as a regular classroom subject among the overall set of subjects covered by the breakdown of approved teaching periods, and the subjects taught in Sorbian will receive specific and practice-oriented scholarly attention and support. All documents concerning Sorbian schools and Sorbian instruction must be published in bilingual Sorbian-German versions.

**No. 420:** We request amendment of the Report to the effect that the established project group works in close co-operation with *Sorbischer Schulverein e.V.* and the *WITAJ-Sprachzentrum of Domowina - Bund Lausitzer Sorben e.V.*

A working group set up by the federal executive committee of *Domowina - Bund Lausitzer Sorben e.V.* developed a proposition paper setting out requirements for upholding the Sorbs' interests in the field of education, with due regard to the Sorbs' right to be heard in decision-making. In consultation with the Saxon State Ministry of Educa-

tion and Cultural Affairs and representatives of the parliamentary groups of the Saxon *Landtag*, this paper will have to be discussed, and a concept for the preservation of the remaining network of Sorbian schools, which is indispensable for the continued existence of the Sorbian people, will have to be developed. The decision on the network of Sorbian schools should be incumbent on the legitimate representatives of the Sorbs' interests, in consultation with the Saxon Ministry of Education and Cultural Affairs.

**Comments by the Zentralrat deutscher Sinti und Roma**  
**on the Second State Report submitted by Germany**  
**on the Regional/Minority Language Charter**

**1. General criticism / Statements submitted to the Council of Europe Committee of Experts in accordance with Article 16, paragraphs 2 and 3, of the Charter**

The Central Council of German Sinti and Roma (*Zentralrat Deutscher Sinti and Roma*) requests the Committee of Experts (pursuant to Article 16, paras. 2 and 3, of the Regional/Minority Language Charter) to **recommend** that the Federal Republic of Germany amend the practice pursued so far with regard to the points made under (a) and (b) below:

(a)

The Central Council of German Sinti and Roma criticizes the procedure applied by the German Federal Government to the involvement of the respective language groups in the implementation of the Regional/Minority Language Charter. In particular, this criticism refers to the Charter Implementation Conferences (so-called "Federation/*Länder* Conferences") organized at regular intervals by the German Federal Ministry of the Interior. Participation in these conferences includes representatives of the Governments of all federal *Länder*, and usually representatives of the Council of Europe are present as well. As claimed by the Federal Government in its State Report (No. 59 above), "representatives of the umbrella organizations of these language groups and their scholarly institutions" are also among the participants.

Actually however, the *Land* Associations of German Sinti and Roma, i.e. organizations supported by the Government of the respective *Land*, have so far been excluded from participation in these conferences. The only reasons given by the Federal Government refer to organizational aspects (lack of space); this argument, however, does not hold in this respect (room for one or two representative/s each of the nine *Land* Associations). An initiative to obtain involvement of the Sinti and Roma *Land* Associations prior to the last Implementation Conference held on 25 - 26 June 2002 in preparation of the drafting of the present State Report was rejected by the Federal Ministry of the Interior and the Federal Government Commissioner for Matters Related to National Minorities in Germany. Instead, the number of participating representatives of the Central Council was raised from two to four.

The Central Council of German Sinti and Roma and the *Land* Associations of German Sinti and Roma had suggested changes to the practice pursued so far, in view of the substance-related and political requirement for proper implementation of the Charter. This is based on the fact that the Federation/*Länder* Conferences with the language groups are the only forum of this kind where also the *Land* Associations of German Sinti and Roma would have an opportunity for talks and exchanges with the various *Land* Governments on the varying implementation policies of the *Länder*. In addition to the Central Council of German Sinti and Roma - which, as the federal association, is responsible for implementing the Charter which is a European treaty concluded with the Federal Republic of Germany - the *Land* Associations themselves deal with the implementation of various provisions of the Charter. This applies, in particular, to the areas of culture, media and education where the *Länder*, under the German Basic Law, have their own - and, in part, exclusive - jurisdiction. The need for participation arises, in particular, in the federal state of Hesse which now recognized and ratified the Romany language under Part III of the Charter - a measure expressly welcomed by the Central Council. However, all other *Land* Associations of German Sinti and Roma must be involved as well since they also call upon their respective *Land* Government to recognize the quorum of provisions under Part III of the Charter; these *Land* Governments mostly attend the Implementation Conference primarily on account of the protection of Romany.

For instance, direct talks about Part III of the Charter - although requested by the respective Associations - were refused by the *Land* Governments of Rhineland-Palatinate, Bremen and North-Rhine/Westphalia in 1999 and 2000. In this respect, the situation in the various federal states is quite different. Therefore it is necessary to make it possible for representatives of the *Land* Associations concerned to take part in direct discussions during the Implementation Conferences.

(b)

Also, the Central Council of German Sinti and Roma criticizes the fact that in some cases relevant information was *not* included in the main body of the State Report (Parts A to D) although the Council had addressed an express request to this effect to the Federal Ministry of the Interior, i.e. the department with lead responsibility for this matter. Irrespective of the opportunity given to language groups to have their own comments included in Part E, the State Report proper - for which the Federal Government takes responsibility - must be accurate (in terms of substance) and complete as regards all important processes in connection with the Charter's implementation. Otherwise, a distorted picture would form the basis of the appraisal car-



ried out by the Committee of Experts. In addition to the necessary additions listed below with specific reference to some of the numbered paragraphs of the State Report, particular attention is drawn to the following example:

Under No. 93 [Nos. 92 and 93] of the present State Report, the Federal Government - with reference to the Sinti and Roma - introduces terms of a marginalizing jargon, such as "representatives of tribes" and "millennia-old taboo system". Nor are these terms identified as quotations (by the insertion of quotation marks). At the same time, the Federal Government refuses to include a critical annotation by the Central Council of German Sinti and Roma on this point. Such practices, too, impart incorrect ideas about the German Sinti and Roma.

A recommendation should be addressed to the Federal Government in view of correcting such course of action.

## **2. Comments on specific numbered paragraphs (Nos.) of the State Report**

### **No. 16**

In autumn 2001, the Committee of Experts - preparing its Monitoring Report [MIN-LANG (2002) 4 final] on the First State Report submitted by Germany - visited local facilities of the Sorbian minority in Brandenburg and Saxony and of the Danish and Frisian minorities in Schleswig-Holstein. At the time, the Central Council of German Sinti and Roma asked the Committee also to visit the *Dokumentations- und Kulturzentrum Deutscher Sinti und Roma* and the Central Council in Heidelberg so as to arrive at an accurate evaluation with regard to German Romany (see also the following comments on No. 102).

### **No. 102**

On 14 November 2001, the Central Council of German Sinti and Roma provided the Committee of Experts with written comments on the First State Report, together with additional material concerning recognition, as requested by a number of federal states, of 39 protective provisions under Part III of the Charter. Subsequently, in a letter dated 5 December 2002, the Head of Directorate-General I - Legal Affairs, Philip Blair, informed the Central Council that the Committee would take account of this information in its evaluation and its report on the situation of the German Romany language, but that it would not be possible for the Committee of Experts to visit

the Documentation Centre of German Sinti and Roma originally planned to take place on 11 December 2001. The Central Council criticizes that the Monitoring Report on Germany did not contain comments on the implementation of the specific provisions on the protection of the Romany language of the German Sinti and Roma while these items were considered as "fulfilled" or "formally fulfilled" for the other regional or minority languages.

**No. 104**

The overall concept and the contents of the brochure on the situation of national minorities in Germany should, before going into print, be co-ordinated with the organizations of the national minorities.

**No. 109**

The negative view taken by the Federal Government, i.e. that further legal regulations would be "redundant" (i.e. would only duplicate existing rules of law) is seen by the language minorities as disproved by the example described in Nos. 107 and 108 with regard to Sorbian schools. In this case, the Court found that the existing schools legislation of Saxony *Land* took precedence over the Sorbian minority's right to promotion under the Charter's provisions. The Central Council criticizes that, on the one hand, the Federal Republic of Germany ratifies international treaties implying the obligation to regulate the substance of such instruments in specific legislation and, on the other hand, rejects creation of such legal provisions as a "flood of legal rules".

With reference to No. 77 of the Monitoring Report [MIN-LANG (2002) 4 final] which states that the Sinti and Roma are particularly affected by discriminating practices, the Central Council of German Sinti and Roma points out that creation of specific legal provisions would not only be necessary in Saxony in respect of the Sorbian language, but throughout Germany for the protection of minorities against racism and discrimination. In view of the prejudice-fomenting practice that, at the instance of public authorities, media reports regularly identify persons charged with an offence as members of a given minority, the organizations of the four national minorities call for a ban on discrimination to be included in civil service law and media law (see also No. 178), as well as a regulation prohibiting data collection by public authorities specifically on the members of a minority, and legal protection against right-wing extremist outrages.

Also, legal provisions in civil law to prevent and punish racist practices directed against minorities are urgently needed. To give an example: the "Advisory Board" of

a group of condo owners in Speyer (Rhineland-Palatinate) wrote to one of the owners with reference to the "granting of a new lease" in a letter of 18 October 2002: "On the basis of my own observations, I learnt that you plan to rent your apartment to a Gypsy family. In this context, other owners obviously fear that the family - given their origin and way of life - will not integrate themselves into the residents' established house order and that domestic peace will be seriously disturbed."

As the Central Council sees it, the discussion panels and dialogues mentioned under "2. Political education and schools" (Nos. 179 - 184) or the Round Tables and intellectual/political discussions described under "5. Government initiatives" [Nos. 189 *seqq.*] cannot be a substitute for the legal provisions yet to be established.

### **No. 188**

In contrast to other national minorities, representatives of the German Sinti and Roma continue to be excluded from membership on all supervisory bodies for both public-service and private radio and TV broadcasting (Broadcasting Councils and *Landesmedienanstalten* [*Land* supervisory authorities for private broadcasters]) although this is the minority that is particularly victimized and targeted by the existing forms of racism and prejudice. In the view of the Central Council, this is a blatant violation of the Charter's principles.

### **No. 203**

Following the recommendation of the Central Council of 31 May 2001 concerning a letter to be sent by the *Land* Associations of German Sinti and Roma to the respective heads of government of the *Länder* on the last amendment of the Act Ratifying the Charter, the *Land* Associations of Rhineland-Palatinate, Baden-Wurtemberg, North-Rhine/Westphalia, Bremen, Bavaria and Saarland adopted the proposed letter worded as follows:

"Our *Land* Association strongly supports implementation of the decision of the Hessian Cabinet of 14 July 1998 as a follow-up to the amendment of the Act Ratifying the Charter. You are kindly requested to include these 35 provisions of Part III and, if possible, the additional four points proposed by us in that amendment with regard to our *Land*. For the 35 provisions, cf. the 'Declaration ... in preparation of a notification ... to the Council of Europe' forwarded by the Federal Ministry of the Interior on 16 July 1998 to the *Ländervertretung*. The additional four provisions are: Art. 10, para. 4 (b); Art. 11, para. 3; Art. 12, para. 1 (e); and Art. 13, para. 1 (b)."

For Rhineland-Palatinate, Minister-President Beck on 27 June 2001 wrote a letter of refusal informing the *Land* Association, without any further reasons given, that the

*Land* Government was not prepared to accept any provisions of Part III of the Charter in addition to the 18 accepted so far by the Federal Government and the 6 accepted by the *Land* Government. As the Central Council and the *Land* Association - after the Minister-President had repeatedly promised to have talks with these bodies - were not prepared to accept that refusal, they held a press conference at the Rhineland-Palatinate *Landtag* in Mainz on 27 July 2001. At the press conference, the Central Council issued a press release describing the *Land* Government's negative attitude. This press release was sent to the Committee of Experts of the Council of Europe on 14 November 2001. During a constructive discussion with the *Land* Association in Mainz on 12 September 2003, the Head of the State Chancellery, State Secretary Stadelmaier, promised to have further talks with the *Land* Association - also with the participation of the Central Council - to discuss the Charter's implementation and possible acceptance of additional protective provisions of Part III of the Charter with regard to the Romany language in Rhineland-Palatinate. (see also comments below on No. 822)

On the other hand, developments in Baden-Wurtemberg have been of a more constructive nature. On the basis of the first two expert talks in 1998 and in May 2000, the Head of the State Chancellery and the Minister of Culture, Education, and Church Affairs wrote a letter to inform the Central Council that, in each case, an additional number of five provisions of Part III of the Regional/Minority Language Charter would be accepted, bringing the original 21 provisions to the present number of 31. Regarding the acceptance of another four provisions required for ratification, the Central Council on 26 July 2001 had an expert discussion at the Ministry of Justice; this is still to be followed by the pertinent discussion between the Baden-Wurtemberg *Land* Ministry of the Interior and representatives of the Central Council and the *Land* Association of German Sinti and Roma.

As regards North-Rhine/Westphalia, however, the Office of the Head of the State Chancellery on 8 July 2001 sent a negative answer, with no further reasons given, to the North-Rhine/Westphalia *Land* Association of German Sinti and Roma in Düsseldorf. In addition to the 18 provisions falling under federal jurisdiction, the *Land* at present accepts three provisions coming within the *Land's* purview. After 8 July 2001, neither the competent departments nor the political leadership of the *Land* Government promised to have talks about any additional provisions of Part III of the Charter. The Central Council and the *Land* Association do not accept this refusal.

Also the *Land* Association of Bremen received a negative answer, without any further reasons given, from the Senate Chancellery on 15 August 2001. Despite repeated initiatives, the *Land* of Bremen has so far not been prepared to have talks with the *Land* Association and the Central Council on the 39 provisions of Part III of the Charter as proposed for the quorum. An expert discussion initially promised by Bremen's Mayor Scherf on 1 November 1999 subsequently was cancelled by the Head of the Senate Chancellery. The Central Council has never received a response from the Head of the Senate Chancellery to its preparatory letter concerning the planned expert discussion in Bremen and to its phone calls seeking information on the matter.

For Bavaria, the Head of the State Chancellery in a letter of 18 July 2001 provided the information that the Bavarian *Land* Government did not see any scope for accepting more than the 18 provisions coming within the federal purview. The Central Council criticized this as an incorrect statement since, during earlier talks with representatives of the Central Council and the *Land* Association of German Sinti and Roma, officials of the Ministry of Education and Cultural Affairs, which is responsible for matters related to the Charter, had declared that, while all of the provisions proposed for the quorum (especially those under Art. 8 - Education) were practicable in Bavaria and the *Land* did indeed promote them, Bavaria was "not prepared to enter into an undertaking in this respect". In another, more recent letter of 8 February 2002 to the Chairman of the *Land* Association, the Head of the State Chancellery in the meantime provided the clarification that acceptance of additional provisions would not be refused as a matter of principle. The Head of the Chancellery said that the Bavarian *Land* Government was prepared to "confirm what in Bavaria can be of direct applicability" but that acceptance of pertinent obligations would, on principle, have to be made conditional on the tackling of actual implementation of the various stipulations. This prompted the *Land* Association, in a letter of 1 July 2003 to the responsible State Secretary of the Bavarian Ministry of Education and Cultural Affairs, to apply for promotional funding of practical measures implementing Article 8. The *Land* Association wants to organize homework assistance and catch-up tuition groups for Sinti and Roma children with teachers belonging to the minority at various schools in Nürnberg, as a first step, and later also in other towns and cities of Bavaria. (see also No. 93)

For the Saarland, the State Chancellery on 25 July 2001 wrote a letter informing the *Land* Association, without any further reasons given, that it did not see any scope for the acceptance of provisions in addition to the 18 coming within the federal purview. Nor have the *Länder* of Hamburg, Lower Saxony, Schleswig-Holstein and Berlin so far been prepared to recognize the quorum of 35 provisions.

At a meeting chaired by *Bundesrat* President Dr. Böhmer on 20 December 2002, a delegation of the Central Council of German Sinti and Roma, including several Holocaust survivors, and representatives of several *Land* Governments, including Mr. Beck and Mr. Scherf, the Minister-Presidents of Rhineland-Palatinate and Bremen, respectively, discussed the requirement for acceptance of the quorum of 35 protective provisions of Part III of the Charter for the German Romany language in other *Länder* following the example set by the *Land* of Hesse. The Central Council asked the *Bundesrat*, i.e. the chamber of the *Länder*, to pass a resolution on the implementation of these rights of minorities. On 29 January 2003, the Central Council addressed another letter on the subject to the Minister-Presidents of all federal states, and did not receive any positive answers.

#### **No. 204**

The statement in the State Report that so-called "tribes" of German Sinti and an unspecified number of associations co-operate within the *Sinti Allianz Deutschland* is incorrect or gives a wrong impression. The Lower Saxony and Hamburg *Land* Associations, which are not affiliated to the Central Council, and the Cologne-based association *ROM e.V.* - which are supported by the respective *Land* Governments - are not members of the *Allianz*, either, and decline co-operation with this Alliance. This association, which was founded as late as in February 2000 by 19 individuals from the Cologne/Dortmund area, disseminated among government agencies the allegation that the Council of Europe Framework Convention for the Protection of National Minorities recalled the Nazi "Laws on Citizenship and Race", i.e. the so-called "Nuremberg Racial Laws" of 1935. This is just as untenable as the Alliance's allegation, as quoted in the State Report, that protection of the Romany language under the Charter violated an alleged "millennia-old taboo system". In the view of the Central Council, the Alliance's intention to have the rights to protection and preservation of their language withheld from other members of the minority is in contradiction to the Charter's spirit and tasks. Therefore, it cannot be accepted that such an association is invited to the Implementation Conferences while the *Land* Associations, which are engaged in implementing the Charter and the Framework Convention, are not invited.

#### **No. 235**

Initially, acceptance of Art. 11, para. 3, had initially been envisaged for the ratification of Part III of the Charter with regard to the Danish, Sorbian and Low German languages, but had then - only after the Central Council had requested acceptance of this Article for the German Romany language as well - been declared "unconstitu-

tional" and been cancelled by the Federal Ministry of the Interior. On this point, the Central Council submitted an opposing expert opinion drafted by the former vice-president of the Federal Constitutional Court, Prof. Dr. E.G. Mahrenholz. Article 11, para. 3, of the Charter calls upon the Parties to ensure that "the interests" of linguistic minorities "are represented or taken into account within ... bodies ... with responsibility for guaranteeing the freedom and pluralism of the media".

#### **No. 716**

In letters to Finance Minister Mittler of 18 June 2003 and to the Minister for Labour and Social Affairs, Ms. Malu Dreyer, of 10 July 2003, the Rhineland-Palatinate *Land* Association of German Sinti and Roma - in view of the initiatives of Sinti families - asked for additional funding support from the *Land* Government for the practical implementation of Art. 8 of the Charta - "Education" - and of Art. 14 of the Framework Convention. Minister Mittler agreed to talks to be held on 30 July 2003. Also with reference to Art. 8 of the Charter and Art. 14 of the Framework Convention, the *Land* Association on 10 July 2003 wrote to the new Head of the State Chancellery of Rhineland-Palatinate *Land*, State Secretary Stadelmaier, about the planned initiatives for Sinti and Roma children. (For the pertinent initiatives, cf. No. 93)

#### **No. 777**

In its letter to the Minister-President, the Central Council made the following specific remarks: "The two provisions of Art. 10, para. 1, sub-para. (a) (v), and para. 2, sub-para. (b), under which it shall be ensured that documents and applications in a regional or minority language may be submitted to all public authorities, was criticized by the Central Council ... also with regard to Low German, because there are no such applications, for example, for driving licences, identity cards, or building permits." Also, the members of the minorities concerned do not want this since they use the official language German for such applications. In its letter to the Minister-President, the Central Council termed notification of these provisions of the Charter for Romany as "not acceptable and impracticable". Nor do the Central Council, the Documentation Centre and the *Land* Associations have any interpreters for courts or other public authorities, and also in future do not want any.

In a letter of 26 January 1999 to the Minister-President, the Central Council repudiated the 'discrimination' argument by pointing out that the *Land* Government's refusal to accept the quorum of at least 35 protective provisions of Part III of the Charter for Romany in Schleswig-Holstein amounted to discrimination against the minority language Romany in comparison with the other minority languages (Danish, Frisian, Low German).

**No. 822**

The present State Report draws a positive picture of cultural and language promotion in the *Land* of Rhineland-Palatinate. No mention is made of the information provided by the *Land* Association of German Sinti and Roma pointing out that such support is not granted with reference to the European Charter for Regional or Minority Languages and is not intended for the preservation of Romany, but that the grants - amounting to only 13,600.00 € so far - were allocated for "expenditure on educational work and public events". However, as directed by a letter of the Minister for Labour and Social Affairs of 3 February 2003, this amount had to be cut down to only 5,500.00 € per year. The Minister's letter also listed further cuts, referred to as a "reduction" of the allegedly "voluntary" *Land* subsidy. The *Land* Association therefore asked the Minister for a meeting to discuss these cuts which will seriously impair the anti-discrimination and public information activities.

In view of the announced cutback in *Land* promotional funds and in order to support a new initiative related to the Charter, the *Land* Association on 10 July 2003 asked the new Head of the State Chancellery of Rhineland-Palatinate, State Secretary Stadelmaier, for a meeting to discuss a different political decision. This meeting took place at the State Chancellery in Mainz on 12 September 2003 with representatives of the Central Council and a delegation of Holocaust survivors from various towns of Rhineland-Palatinate. The Head of the State Chancellery promised to have further talks with the *Land* Association - also with the participation of the Central Council - to discuss the Charter's implementation and possible acceptance of additional protective provisions of Part III of the Charter with regard to the Romany language of the German Sinti and Roma in Rhineland-Palatinate. State Secretary Stadelmaier said that, together with the Minister for Social Affairs, he would look into the possibility of averting the reduction of promotional funding for the *Land* Association.



### **Comments by the Sinti Allianz Deutschland e.V.**

#### **on the Second State Report submitted by the Federal Republic of Germany**

##### **No. 33**

We should like to point out that no governmental estimates or surveys are available on the number of users of *Rrommenes* (the Romany language) of the Sinti or Roma.

**Therefore, the numbers given in the Report - 60,000 Sinti and 10,000 Roma - are random figures which, on the basis of the experience of the counselling bureaux of the *Sinti Allianz Deutschland*, are not correct. In the German cities alone, the number of Sinti users of Romany is significantly higher as shown by the estimates obtained by the *Sinti Allianz Deutschland* and other independent Sinti associations in the context of their social work and counselling bureaux.**

##### **No. 34**

The statement in No. 34 - that the Sinti's *Rrommenes* (Rromani language) can historically be assigned to quite a number of small regions in Germany - is not correct.

According to their own traditions, the Romany language of the Sinti (*Sintetikes*) has been spoken for about 1000 years in the entire German speech area and in the Western European countries. Documentary evidence of this - *inter alia*, birth and marriage certificates and extracts from parish registers and population (identification) registers - dates back to 600 years ago.

The *Rrommenes* language of the German *Romm* (Lowara, Geldeari, and others) - who, for political reasons, are called 'Roma'/'Rroma' and immigrated to the German *Reich* in the middle of the 19<sup>th</sup> Century - was also spoken in all German-speaking regions.

This is also quite clear from other passages of the State Report, e.g. **No. 35**,

##### **No. 216:**

"The German Sinti and Roma are dispersed more or less throughout Germany, while no major number of them - in quantitative terms comparable to those of the aforementioned groups - is known to live in one particular place or region."

and

##### **No. 744:**

"As regards imparting of knowledge of the history and culture of the German Sinti and Roma who live dispersed in almost all parts of the Federal Republic, ..."

Thus the Sinti language and the language of the German *Romm* (Roma) have been, and still are, spoken throughout the Federal Republic and consequently are not territorial languages.

The statement "*In everyday life, however, they are still subject to ... This also is one of the reasons why the Romany language is rarely used in public*" is not true for the Sinti, in particular, since the Sinti perceive their language as a characteristic element of their identity and, in conformity with their cultural legal system, are not allowed to use it in the public sphere, but may speak it only within their community. In relations with others, of course, they use the German language.

Giving outsiders access to their language or using it in the public sphere (public authorities, the judiciary, the media, or in the entire field of education) is perceived by the Sinti as jeopardizing and violating their cultural heritage which finds expression in the language.

For the reasons given above, the *Sinti Allianz Deutschland* requests the *Länder* to abstain from entering into any additional obligations or adopting promotional measures with regard to this language because the Sinti's language has an oral tradition and may, under the Sinti's millennia-old legal system, be passed on only orally.

#### **No. 87**

The priority tasks listed here are shared by the representative groups of *all* German Gypsies. They are pursued in the same way by the *Sinti Allianz Deutschland e.V.*, its *Land* and local associations, and the Central Council of German Sinti and Roma.

Thus, the *Sinti Allianz Deutschland* - with regard to the creation, in Berlin, of the central memorial for European Gypsies persecuted by the Nazi regime - plead for a dedication that will not only take account of the fate of the persecuted Sinti and Roma (as stipulated by the Central Council of German Sinti and Roma), but will also pay tribute to the victims among all affected Gypsy peoples of Europe, e.g. the [French] Manush, [Spanish] Kalé, and others.

#### **No. 88**

In the view of those Sinti who are represented by the *Sinti Allianz Deutschland*, a particular problem arises from the organizational structure and legal basis of the Documentation and Cultural Centre of German Sinti and Roma in Heidelberg.

The Central Council uses the Centre as a place of work and as a platform for projecting an image and publicizing political claims and declarations for the entire Gypsy

population of Germany, without any co-ordination with the representatives of our umbrella organization, the *Sinti Allianz Deutschland*.

The Centre is (as far as is known) subsidized by the Federal Government - 90 % - and by Baden-Wurtemberg *Land* - 10 % -, and in staffing and technical terms is closely interlinked with the Central Council of German Sinti and Roma.

The priority tasks of the Documentation and Cultural Centre refer to activities designed to benefit national minorities as a whole and the ethnic group of German Gypsies.

Consequently it must be assured that this Documentation and Cultural Centre caters to the interests of all groups, and not exclusively to those of one particular association.

The reason underlying our demand put forward in the preceding paragraph is that our population group is presented by the Documentation and Cultural Centre in a way reflecting neither the wish of the majority of Gypsies nor the real situation.

To give just one example: the description of the Sinti and Roma as one ethnic group or one national minority with a shared language and culture is tantamount to negating the Sinti's taboo system, which is rooted in the Sinti culture, and the related purity and avoidance rules, precepts and prohibitions - which are cultural laws governing the Sinti's social and physical life.

For the Sinti this implies that the taboo system is disregarded, in particular, in the case of socially/economically disadvantaged persons with regard to housing and job placement, of recipients of social assistance benefits, and prison inmates, and that consequently the Sinti's economic subsistence is threatened and Sinti identity is jeopardized.

These cultural laws of the Sinti are not valid for the Roma.

Moreover, despite the actual historical facts, the millennia-old history of the Sinti in Germany is reduced to their fate under the Nazi dictatorship.

(On this point, we refer to the Internet address of the Documentation and Cultural Centre: <http://www.sintiundroma.de/Home.htm>)

Also, the Documentation and Cultural Centre reduces the Gypsy victims of National Socialism to the Sinti and Roma. No mention is made of the persecution of the victi-

mized Kale, Manush and other groups, and the Central Council of German Sinti and Roma even negates the existence of these Gypsy peoples.

The Documentation and Cultural Centre provides the Central Council of German Sinti and Roma with a platform for presenting priority aspects - which are important only from the Council's point of view - of the documentation on, and of the history and culture of, the Sinti.

The *Sinti Allianz Deutschland* does not have any comparable institution subsidized by the *Bund* [Federal Government] for presenting the overall historic events of importance to the Alliance, elucidating the Sinti's precepts and prohibitions, originally based on religious tenets, and imparting the Sinti's particular culture so as to achieve that it will be recognized by state institutions as a factor relevant to decision-making.

An important aspect of our work is not only to describe the negative events in our history in Germany and the concomitant assignment of guilt and blame, but also to present the positive aspects and the peaceful co-existence of the majority and minority populations with the aim of overcoming enemy stereotypes on both sides and creating possibilities for reconciliation.

For the reasons stated above, the *Sinti Allianz Deutschland* advocates that the Central Council of German Sinti and Roma should cease to be the sole entity responsible for the Documentation and Cultural Centre and that, instead, the Centre should be transformed into a public law foundation or be placed under the responsibility of a free nonprofit institution so that in future steps will be taken against a one-sided presentation of the history, the current state of affairs and monopolization of the Documentation and Cultural Centre, and in order to ensure that the *Sinti Allianz Deutschland* and possibly other pluralistic representatives of Gypsies will be able to have their share in the activities of presentation, shaping of policy, and decision-making.

#### **No. 90**

Reference is made to the comments above on No. 88. This applies, in particular, to the provision of public funds for financing staff posts established at the umbrella organizations.

## **Comments by the group of Low German speakers**

*[Federal Council for Low German]*

### **on the Second State Report submitted by the Federal Republic of Germany on the Implementation of the Regional/Minority Language Charter**

The Second State Report of the Federal Republic of Germany on the European Charter for Regional or Minority Languages is an impressive and absolutely essential instrument on the way to progressive implementation of the undertakings entered into by the federal states (*Länder*). With the notified provisions, the *Länder* identified the actual status of the measures taken to promote the respective languages at the time of accession to the Charter; this status has, for the first time, been officially established in the First State Report. These initial statements are to be considered as benchmark requirements that must be maintained as the minimum standards. Proceeding from the concept of language promotion, the practical scope for implementation must be widened.

The State Report clearly shows that the federal states have given intensive thought to the suggestions and the criticism contained in the Monitoring Report [MIN-LANG (2002) 4 final] of the Committee of Experts. We also welcome the fact that, for the first time, the authorized representatives of the group of Low German speakers were involved in the related procedure. The *Länder's* responses clearly show that they have a strong interest in a constructive discourse and in developing common envisaged objectives with the participation of governmental and non-governmental actors.

With regard to the participation of the representatives of Low German in the procedures leading up to the Second State Report, a number of organizational difficulties arose which should, wherever possible, be remedied in future. The *Bundesrat für Niederdeutsch* [*Bundesraat för Nedderdüütsch*; Federal Council for Low German] has a federal structure, composed of voluntary delegates from eight *Länder*. This structure affects the Council's working practices and, above all, its various time schedules. On account of the large variety of subjects covered and the given significant regional variations, critical monitoring of the State Report generally requires checkback and feedback among the representatives of the various *Länder*. Due to the little time available under this particular procedure, this proved to be problematic in several instances. Moreover, extraordinary organizational efforts were expected of the executive secretariat of the Federal Council for Low German - which is a responsibility of the *Institut für niederdeutsche Sprache* [*Institut för nedderdüütsche Spraak*; Institute for the Low German Language] in Bremen - so that the Institute's capacities, which were already

fully stretched, were rather overtaxed. In view of these unfavourable conditions, there is an urgent requirement for negotiations about the *Bund's* share in the funding of the financial and/or staffing resources of the Secretariat of the Federal Council for Low German.

While the initial State Report was, in many instances, characterized by vagueness and tended to be confined to declarations of intention, the updating report often reflects pragmatic matter-of-factness. As the Low German speakers' group sees it, the various "one-time" examples are less relevant than sustained measures, and the group is primarily interested in anchoring the relevant requirements in the actual structures. In this respect, the majority of the *Länder* have started to develop appropriate structures. This is the case, in particular, for the field of education where the state intrinsically has the greatest scope for exerting an influence and intervention. The Second State Report, in various passages, also lacks the desired precision. A case in point is No. 866 where Bremen states that it intends to make additions to the subject-related framework curricula for elementary schools; here the Low German speakers' group would expect some information on the regional language elements involved and on the timeframe envisaged for implementing this administrative act.

Generally it must be pointed out that the notion of "regional language" continues to be employed with some uncertainty. "Regional language" is a relatively new term which was introduced in distinction from "minority language"; accordingly, the set of legal instruments introduced for minorities and their languages have been much more extensive. Concrete application of the term of "regional language" to Low German implies that the pertinent efforts are not aimed at preserving an ethnic group, but at preserving a language. Notwithstanding the differentiation called for in this respect, it is equally important to avoid the impression that the regional languages are languages of inferior status; rather, they exist and function in cultural-political contexts different from those of minority languages. They can, however, forge identity in the same way as minority languages.

Membership of the group of Low German users is not effected by 'proclamation' - and this is a decisive contradistinction to [membership of] national minorities. This refers exclusively to the actual speakers of Low German. It is exactly on this point, however, that no sound empirical data are available. The available figures on the number of speakers are obsolete and are applicable only to a limited extent: the data obtained from the last comprehensive survey in West Germany are about twenty years old and are of little use for present-day purposes. Reliable figures are urgently required as a basis for target-oriented work in the field of language and cultural policy. It is only on the basis of valid data that it will be possible to quantify the extent to which Low German is threatened by extinction.

The following presentation of five demands - which entail central tasks for the current language-related activities of the group of Low German speakers - primarily refers to Article 8 - Education. These requirements can, however, also be applied to other subject areas relevant in terms of the Charter.

### 1. Proof of the regional character

Low German is used as a language of every usage in the regions of Northern Germany to a varying extent. The State Report hardly ever takes account of this fact. It is rather conspicuous that Lower Saxony *Land* lists a large number of language promotion measures in the Ostfriesland region. A similar regional emphasis is evident in Schleswig-Holstein where a major part of the pertinent activities relate to the north western region of this *Land*. In Hamburg, individual measures are taken primarily in the Süderelbe region. Under the Charter, the *Länder* commit themselves generally to the cultivation and promotion of Low German; this requires that the focus must continue to be on full territorial coverage. Being content with a number of 'showcase' regions - where, it is true, a lot of effective and useful work is done - is in contradiction with the spirit of the Charter. Each of the *Land* Reports must address the question of what activities and language developments take place in other places, i.e. in places where use of Low German has been seriously declining already for decades and for this reason, in particular, urgently requires supporting programmes. Specific cases in point are the Lüneburg Heath, the south eastern regions of Lower Saxony and Schleswig-Holstein, the suburbanized hinterland of Hamburg and, above all, the larger cities. Special promotion measures must be taken for these problem zones of Low German use; priority areas for this might be nursery schools and primary schools.

### 2. Proof of the quantitative requirements

As regards the quantitative aspects of the promotion of the Low German language, a considerable portion of the information provided in the State Report is vague. The information on how knowledge of Low German is taught at public and non-public educational institutions is not very specific. In most cases, the comments are noncommittal. Saxony-Anhalt *Land* at least explicitly states (in No. 861) that: "statistical data on the extent to which Low German is used ... in pre-school education .. are not collected. For cost-benefit reasons, it is at present not possible to introduce *Land*-wide subject-specific surveys." (No. 861) Brandenburg makes a similar observation (in No. 885): "Statistical data on the number of ... activity groups and of the pupils making use of this option are not available and can be obtained only with extreme

difficulty." This cost-benefit argument, on which the *Land's* refusal is based, regarding collection of data on the language's actual status can be countered most effectively by carrying out a data survey that covers all of Northern Germany. This might be patterned on the survey on the current status carried out in Mecklenburg-Western Pomerania by the Schools Working Group (cf. No. 874). The *Länder* are requested to take part in a joint and co-ordinated course of action.

Generally, an inventory and medium-term definition of objectives are better served by honest and frank statements than by any glossing over the facts involved. The observation by North-Rhine/Westphalia that "the present financial situation at the universities will not allow a positive development in the near future as regards intensification of the pertinent offers and thus precludes institutional backstopping" (No. 938) at least notes for the record that such an objective is envisaged. The credibility of such envisaged objectives must be established in the further course of this process. The Low German speakers' group will address pertinent inquiries to the *Länder* which the group expects to initiate positive developments. The Low German speakers' group will insist on their demands also in those cases where the actual level of Low German offers is below the limit established by the state itself - cf. for instance, the comment by Schleswig-Holstein that "In Flensburg, the offers (...) are, however, not yet sufficient in quantitative terms to properly allow students to meet the requirements (...) stipulated in the currently applicable teacher examination regulations" (No. 936). In such cases, the speakers' group expects that immediate governmental measures will be taken.

The extent of Low German educational offers must be geared to policy-based considerations, i.e. which can be controlled by the state, instead of being oriented towards fortuitous circumstances. Hamburg's observation with regard to primary education - i.e. that inclusion of Low German in classroom instruction was "very much dependent on the teachers' language proficiency and also on that of the pupils" (No. 869) - turns the matter of proficiency right round since it is the pupils' proficiency that should be developed and improved. If, however, it is found that deficits exist already with regard to the teachers' own proficiency, the question arises as to what has been done to remedy these deficits.

### 3. Proof of quality requirements

If Low German offers are to be included in education as a matter of course, appropriate qualitative bases must be provided in the first place. An indispensable requisite is, without doubt, the creation of a structural framework for language promotion in the form of legal regulations and curricula. Just as important, however, is the definition of quality standards. There is a substantial difference between a teacher reading a Low



German poem to his/her pupils once a year, and inclusion, in the second stage of secondary education, of a six-month course dealing with cultural history and literature. The requirement for the development and review of quality standards also applies, on principle, to activity groups outside the usual classroom hours.

The State Report discloses that teachers/instructors increasingly are unable to offer Low German classroom instruction. Reliance on outside staff proficient in the language should be encouraged on a wider scale than has been the case so far. The important thing is that schools and/or supervisory school authorities are ready to assume responsibility also for these fields, e.g. in the form of further training measures for committed grandparents and other interested persons who are not trained educators.

In the long run, quality in terms of both content and methodology can be achieved only by well trained teachers. In this field, the *Länder* will have to step up their efforts significantly. As regards the work on the didactics and methodology required for Low German instruction, first steps have been made only in a limited number of cases which are confined to Mecklenburg-Western Pomerania (No. 856). Similarly, as regards concepts for follow-up training of teachers, pertinent offers are confined to Mecklenburg-Western Pomerania, with a "language-acquisition course Low German for Teachers" as the flagship project (No. 981). The *Länder* are called upon to provide the general framework enabling teachers to deal with the Low German language and Low German culture in keeping with good teaching standards. Information on the development and testing of concepts in the field of didactics or methodology for the learning of the regional language and for dealing with the regional culture or Low German literature is practically non-existent in the Report.

#### 4. Proof of the binding character

The State Report is characterized by a distinct tendency towards noncommittal application of the various promotional measures. This is exemplified by the following statement: "In Mecklenburg-Western Pomerania, Low German instruction can be given in the following forms" (No. 871). Such provisions certainly prevent discriminatory exclusion of the respective share of regional-language lessons in relation to overall classroom instruction. However, if teachers do not know the language and pupils or their parents do not notify any requirement for language promotion, non-committal recommendations will not suffice to ensure concrete protection of Low German.

The speakers' group welcomes the fact that the State Report documents the first steps taken to anchor training and further training measures in the institution-related

system and legally relevant provisions. In Mecklenburg-Western Pomerania, for example, it is planned to train 40 nursery-school teachers and to issue certificates of successful completion of this training (No. 856); Schleswig-Holstein reports that kindergarten teachers take part, "on a continuing basis, in the further training courses offered by the *Zentrum für Niederdeutsch* [Low German Centre] in Leck" (No. 862). While it is gratifying that such measures are taken in a number of cases, they still lack a binding character. This is the only way to ensure that appropriate similar education will be offered also in future. While quantitative and qualitative progress can be observed across the spectrum of training and further training related to the regional language, the State Report gives little reason to be optimistic as regards publicly maintained schools.

The demand for binding offers refers both to the training and follow-up training of teachers and to classroom instruction. Such instruction offers must not necessarily cover language acquisition; a mandatory requirement, however, is that the teaching about the regional language be included in the curricula in order to reduce the still surviving preconceptions against the Low German language and to achieve that it will be seen as a matter-of-fact element of the general setting. In the view of the speakers' group, the *Länder's* present restrictive position is hardly forward-looking; a case in point is the comment, referring to Schleswig-Holstein, that: "Significant regional differences and, above all, the fact that there are only relatively few teachers speaking Low German, preclude the introduction of a general regulation stipulating the extent to which Low German must be included in classroom instruction" (No. 880).

## 5. Proof of consolidation

Directly related to the lack of binding character is the fact that a continuous schooling history regarding Low German education can hardly be expected for interested pupils. Continuity as regards transfer from nursery school to primary school and lower secondary school is an exception and must be seen as occurring by chance. Also within individual educational establishments, the aim must be to provide structures which at least offer the option of continuous utilization of Low German educational offers. The *Länder* are requested to intensify their efforts aimed at interlinking the various instruction offers. The only attempt at such interlinking is made by Lower Saxony (No. 858). This approach is suited for adoption or adaptation by the other *Länder* as a model for forward-looking practices as regards inclusion of the regional language.

The representatives of Low German welcome the instrument provided by the State Report and the related reporting obligations of the *Bund* and the federal states. How-

ever, they would like to see closer linkage between the described factual circumstances and the practical conditions concerning the Low German language. It is obvious, though, that it is a long distance from a political expression of intent to the institution of appropriate governmental administrative measures for the promotion of the regional language, and still farther on to actual substantial promotion for the speakers of Low German. As a minimum, the State Report should, with greater distinctness, point out the discrepancy between the expression of the political will to promote a language, on the one hand, and the uncertainty as regards the scope for actually implementing such intent with the resources available, on the other.

As regards the year 2003, in particular, an observer of the Low German cultural scene will note that the research and teaching capacities of universities/colleges are declining. To give only the most striking examples: Mecklenburg-Western Pomerania cancelled the Low German Chair at Greifswald University; Saxony-Anhalt discontinued the work on the uncompleted *Mittelelbisches Wörterbuch* [Dictionary for the Middle Elbe Region]; in Lower Saxony, it is uncertain whether the Low German Chair at Göttingen University will be continued (by a new appointment). The State Report makes no mention at all of the resultant incisive and far-reaching consequences. The speakers' group urges the *Länder* not only to confine their reporting to logging their achievements and acquired enriching assets, but also to deal with negative developments in a self-critical way and not to shy away from the true-to-fact description of actual developments.

The future handling of the Göttingen University Chair for Low German Philology is a critical test of the sincerity of the intention to implement the Charter for Regional or Minority Languages. Time will show whether the *Land* of Lower Saxony will keep up the protection of this language, to which it committed itself, or whether budgetary constraints might abruptly lead to abandonment of the relevant obligations.

Regarding the future updating report, the group of Low German speakers would like to see better comparability of the respective accounts given by the eight federal states which have committed themselves to protect the regional language. Every *Land* is quite at liberty to set different priorities and to deal with the various aspects in varying detail provided that comparability is ensured. Under the present practice, it is not ensured in all instances.

Notwithstanding the fact that the *Länder* have autonomy in cultural (and educational) affairs, increased networking would be desirable. Cross-State measures can be expected to entail synergy effects; moreover, they are likely to help to achieve cost reductions.

At the time of its ratification, the Charter was only a set of rules on paper. Governmental and non-governmental actors are called upon to apply these rules to practical

experience of life, and thus actively shape social life. A number of tentative efforts made in this regard are quite promising. However, scope for intensification and further development is just as much in evidence, particularly in those fields where the state's influence is relatively negligible. Greater use should be made of means of encouragement and mediation, for example in the fields "Media" and "Economic and social life". The representatives of the speakers' group offer their help with these efforts to all governmental institutions.

Federal Law Gazette (BGBl II) 1998, p. 1314

**Act to implement the European Charter  
for Regional or Minority Languages of 5 November 1992**

**Of 9 July 1998**

With the consent of the *Bundesrat*, the *Bundestag* adopted the following Act:

**Article 1**

Consent is given to the European Charter for Regional or Minority Languages which was signed by the Federal Republic of Germany in Strasbourg on 5 November 1992, including the Declaration by the Federal Republic of Germany in Preparation of the Ratification of the European Charter for Regional or Minority Languages, of 23 January 1998, and the Declaration by the Federal Republic of Germany for the Implementation of the Obligations under the European Charter for Regional or Minority Languages regarding Part II of the Charter, of 26 January 1998. The Charter,\* together with an official German translation, and the Declarations of 23 January 1998 and of 26 January 1998 are published below.

**Article 2**

(1) This Act shall enter into operation on the day following its promulgation.

(2) The date on which the Charter, under its Article 19, paragraph 2, will enter into force for the Federal Republic of Germany shall be published in the *Bundesgesetzblatt* [Federal Law Gazette].

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The above Act is hereby enacted and shall be promulgated in the *Bundesgesetzblatt*.

Berlin, 9 July 1998

The Federal President  
Roman Herzog

The Federal Chancellor  
Dr. Helmut Kohl

The Federal Minister of the Interior  
Kanter

The Federal Minister for Foreign Affairs  
Kinkel

The Federal Minister of Justice  
Schmidt-Jortzig

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\* for the text of the Charter, cf. **Annex 2** below



Federal Law Gazette (BGBl II) 1998, pp. 1334 *seq.*

**Declaration by the Federal Republic of Germany  
in Preparation of the Ratification of the  
European Charter for Regional or Minority Languages**

of 23 January 1998

*(Translation)*

"Minority languages within the meaning of the European Charter for Regional or Minority Languages in the Federal Republic of Germany shall be the Danish, Upper Sorbian, Lower Sorbian, North Frisian and Sater Frisian languages and the Romany language of the German Sinti and Roma; a regional language within the meaning of the Charter in the Federal Republic shall be the Low German language.

Pursuant to Article 3 paragraph 1 of the Charter, the Federal Republic of Germany shall specify the regional or minority languages to which the provisions selected pursuant to Article 2 paragraph 2 of the Charter shall apply upon the entry into force of the Charter in the Federal Republic of Germany:

Danish in the Danish language area in Land Schleswig-Holstein:

Article 8 paragraph 1a iv; b iv; c iii/iv; d iii; e ii; f ii/iii; g; h; i; paragraph 2;  
Article 9 paragraph 1b iii; c iii; paragraph 2a;  
Article 10 paragraph 1a v; paragraph 4c; paragraph 5;  
Article 11 paragraph 1b ii; cii; d; e ii; f ii; paragraph 2;  
Article 12 paragraph 1c; d; e; f; g; paragraph 2; paragraph 3;  
Article 13 paragraph 1a; c; d; paragraph 2c;  
Article 14a; b.

Upper Sorbian in the Upper Sorbian language area in the Free State of Saxony:

Article 8 paragraph 1a iii; b iv; c iv; d iv; e ii; f iii; g; h; i; paragraph 2;  
Article 9 paragraph 1a ii; a iii; b ii; b iii; c ii; c iii; d; paragraph 2a;  
Article 10 paragraph 1a iv/v; paragraph 2a; b; g; paragraph 3b/c; paragraph 4c; paragraph 5;  
Article 11 paragraph 1b ii; c ii; d; e i; f ii; paragraph 2;  
Article 12 paragraph 1a; b; c; d; e; f; g; h; paragraph 2; paragraph 3;  
Article 13 paragraph 1a; c; d; paragraph 2c.

Lower Sorbian in the Lower Sorbian language area in Land Brandenburg:

Article 8 paragraph 1a iv; b iv; c iv; e iii; f iii; g; h; i;  
Article 9 paragraph 1a ii; a iii; b iii; c iii; paragraph 2a;  
Article 10 paragraph 1a iv/v; paragraph 2b; g; paragraph 3b/c; paragraph 4a; c; paragraph 5;  
Article 11 paragraph 1b ii; c ii; d; e i; paragraph 2;  
Article 12 paragraph 1a; b; c; d; e; f; g; h; paragraph 2; paragraph 3;  
Article 13 paragraph 1a; c; d.

North Frisian in the North Frisian language area in Land Schleswig-Holstein:

Article 8 paragraph 1a iii/iv; b iv; c iv; e ii; f iii; g; h; i; paragraph 2;  
Article 9 paragraph 1b iii; c iii; paragraph 2a;  
Article 10 paragraph 1a v; paragraph 4c; paragraph 5;  
Article 11 paragraph 1b ii; c ii; d; e ii; f ii; paragraph 2;  
Article 12 paragraph 1a; b; c; d; e; f; g; h; paragraph 2; paragraph 3;  
Article 13 paragraph 1a; c; d;  
Article 14a.

Sater Frisian in the Sater Frisian language area in Land Lower Saxony:

Article 8 paragraph 1a iv; e ii; f iii; g;  
Article 9 paragraph 1b iii; c iii; paragraph 2a;  
Article 10 paragraph 1a v; c; paragraph 2a; b; c; d; e; f; paragraph 4a; c; paragraph 5;  
Article 11 paragraph 1b ii; c ii; d; e ii; f ii; paragraph 2;  
Article 12 paragraph 1a; b; c; d; e; f; g; paragraph 2; paragraph 3;  
Article 13 paragraph 1a; c; d.

Low German in the Länder Free Hanseatic City of Bremen, Free and Hanseatic City of Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein:

Obligations regarding Low German in the territory of the Länder Free Hanseatic City of Bremen, Free and Hanseatic City of Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein:

Article 8 paragraph 1a iv; e ii; g;  
 Article 9 paragraph 1b iii; c iii; paragraph 2a;  
 Article 10 paragraph 1a v; c; paragraph 2a; b; f;  
 Article 11 paragraph 1b ii; c ii; d; e ii; f ii; paragraph 2;  
 Article 12 paragraph 1a; d; f; paragraph 3;  
 Article 13 paragraph 1a; c;

and additionally:

- in the Free Hanseatic City of Bremen:
  - Article 8 paragraph 1b iii; c iii; f i; h;
  - Article 10 paragraph 2c; d; e;
  - Article 11 paragraph 1g;
  - Article 12 paragraph 1b; c; e; g;
  - Article 13 paragraph 2c;
- in the Free and Hanseatic City of Hamburg:
  - Article 8 paragraph 1b iii; c iii; d iii; f ii; h; i;
  - Article 10 paragraph 2e; paragraph 4c;
  - Article 11 paragraph 1g;
  - Article 12 paragraph 1g;
  - Article 13 paragraph 1d; paragraph 2c;
- in Land Mecklenburg-Western Pomerania:
  - Article 8 paragraph 1b iii; c iii; d iii; h; i;
  - Article 10 paragraph 4c;
  - Article 12 paragraph 1b; c; e; h;
  - Article 13 paragraph 1d; paragraph 2c;
- in Land Lower Saxony:
  - Article 8 paragraph 1f iii; i;
  - Article 10 paragraph 2c; d; e; paragraph 4a; c;
  - Article 12 paragraph 1b; c; e; g; paragraph 2;
  - Article 13 paragraph 1d;
  - Article 14a; b;
- in Land Schleswig-Holstein:
  - Article 8 paragraph 1b iii; c iii; f iii; h; i; paragraph 2;
  - Article 10 paragraph 4c;
  - Article 12 paragraph 1b; c; g;
  - Article 13 paragraph 1d; paragraph 2c.

The separate specification of these provisions for the territories of each individual Land is in keeping with the federal structure of the Federal Republic of Germany and takes into account the situation of each of these languages in the Land in question.

The Romany language of the German Sinti and Roma in the territory of the Federal Republic of Germany and the Low German language in the territory of the Länder Brandenburg, North Rhine/Westphalia and Saxony-Anhalt shall be protected pursuant to Part II of the Charter."



Federal Law Gazette (BGBl II) 1998, pp. 1336 *seq.*

**Declaration by the Federal Republic of Germany  
for the Implementation of the Obligations under the  
European Charter for Regional or Minority Languages regarding Part II of the Charter**

of 26 January 1998

*(Translation)*

"Part II of the European Charter for Regional or Minority Languages shall be applied to Romany, the minority language of the German Sinti and Roma in the territory of the Federal Republic of Germany, and to the regional language Low German in the territory of the Länder Brandenburg, North Rhine/Westphalia and Saxony-Anhalt upon its entry into force in the Federal Republic of Germany in accordance with the declaration of the Federal Republic of Germany of 23 January 1998. The objectives and principles laid down in Article 7 of the Charter shall form the basis with regard to these languages. At the same time, German law and Germany's administrative practice thus meet individual requirements laid down in Part III of the Charter:

With regard to Romany:

for the territory of the Federal Republic of Germany:

Article 8 paragraph 1f iii; g; h;  
Article 9 paragraph 1b iii; c iii; paragraph 2a;  
Article 10 paragraph 5;  
Article 11 paragraph 1d; e ii; f ii; paragraph 2;  
Article 12 paragraph 1g; paragraph 3;  
Article 13 paragraph 1a; c; d;  
Article 14a;

and additionally:

- in Land Baden-Württemberg:  
Article 8 paragraph 1a iv;<sup>\*)</sup>  
Article 10 paragraph 4c;  
Article 12 paragraph 1a;<sup>\*\*)</sup>
- in Land Berlin:  
Article 8 paragraph 1a i/ii; b i/ii/iii/iv; e i/ii/iii; i; paragraph 2;  
Article 11 paragraph 1b i/ii; c ii; e i/ii;  
Article 12 paragraph 1a; d; f;
- in the Free and Hanseatic City of Hamburg:  
Article 8 paragraph 1b iv; c iv;  
Article 11 paragraph 1b ii; c ii;  
Article 12 paragraph 1a; d; f;
- in Land Hessen:  
Article 8 paragraph 1a iii/iv; b iv; c iv; d iv; e iii; i; paragraph 2;  
Article 11 paragraph 1b ii; c ii; e i;  
Article 12 paragraph 1a; d; f; paragraph 2;
- in Land North Rhine/Westphalia:  
Article 8 paragraph 1e iii; paragraph 2;  
Article 12 paragraph 1a; d; f; paragraph 2;
- in Land Lower Saxony:  
Article 12 paragraph 1a; d; f;

<sup>\*)</sup> Article 8: paragraph 1e iii [cf. p. 7 below of Annex 1]

<sup>\*\*)</sup> Article 12: paragraph 1d; f; paragraph 2 [cf. p. 7 below of Annex 1]

- in Land Rhineland-Palatinate:  
Article 8 paragraph 1a v; e iii;  
Article 11 paragraph 1c ii;  
Article 12 paragraph 1a; d; f;
- in Land Schleswig-Holstein:  
Article 10 paragraph 1a v; paragraph 2b; paragraph 4c;  
Article 11 paragraph 1b ii; c ii;  
Article 12 paragraph 1a; d; f; paragraph 2.

With regard to Low German:

- in Land Brandenburg:  
Article 8 paragraph 1a iv; b iv; c iv; f iii; g;  
Article 9 paragraph 2a;  
Article 10 paragraph 2b; paragraph 3c;  
Article 11 paragraph 1b ii; c ii; d; e ii; f ii; paragraph 2;  
Article 12 paragraph 1a; f; g;
- in Land North Rhine/Westphalia:  
Article 8 paragraph 1e iii; g; h; paragraph 2;  
Article 9 paragraph 1b iii; c iii; paragraph 2a;  
Article 11 paragraph 1d; paragraph 2;  
Article 12 paragraph 1a; d; e; f; g; h; paragraph 2;  
Article 13 paragraph 1a; c; d;
- in Land Saxony-Anhalt:  
Article 8 paragraph 1a iv; b iv; c iv; g; h;  
Article 9 paragraph 2a;  
Article 11 paragraph 1b ii; c ii; e ii; paragraph 2;  
Article 12 paragraph 1a; f; g; h.

The separate specification of these provisions for the territory of each individual Land is in keeping with the federal structure of the Federal Republic of Germany and takes into account the situation of each of these languages in the Land in question.

In accordance with the national distribution of competences, the way in which the above-mentioned provisions of Part III of the Charter are implemented through legal regulations and Germany's administrative practice with due regard to the objectives and principles specified in Article 7 of the Charter shall be the responsibility of either the Federation or the competent Land. Details will be provided in the procedure for implementing the federal act with which the legislature consents to the Charter as laid down in the Memorandum to the Charter."

**Additional Declaration by the Federal Republic of Germany  
for the Implementation of Obligations under the European Charter  
for Regional or Minority Languages, regarding Part II of the Charter**

"Part II of the European Charter for Regional or Minority Languages shall be applied to Romany, the minority language of the German Sinti and Roma, in the territory of the Federal Republic of Germany in accordance with the Declaration by the Federal Republic of Germany of 23 January 1998. Therefore, the objectives and principles laid down in Article 7 of the Charter shall form the basis with regard to the Romany language. With reference to the Romany language, *inter alia*, the Declaration by the Federal Republic of Germany of 26 January 1998 comprises a catalogue of provisions of Part III of the Charter, which are also met by German law and Germany's current administrative practice. For the *Land* of Baden-Württemberg, the following provisions are added to that catalogue<sup>\*)</sup>:

Article 8, paragraph 1e iii;

Article 12, paragraphs 1d and 1f; paragraph 2."

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<sup>\*)</sup> cf. p. 5 above of Annex 1



Federal Law Gazette (BGBl II) 2002, p. 2450 *seq.*

**Second Act  
to implement the European Charter  
for Regional or Minority Languages of 5 November 1992**

**Of 11 September 2002**

With the consent of the *Bundesrat*, the *Bundestag* adopted the following Act:

**Article 1**

Consent is given to the Additional Declaration regarding Part II of the European Charter for Regional or Minority Languages of 5 November 1992 (BGBl. 1998 II, p. 1314). The Declaration is published below.

**Article 2**

The Federal Government is authorized to issue a statutory ordinance, with the consent of the *Bundesrat*, for the acceptance of additional undertakings under Part III of the Charter for those languages which are already the subject of a declaration submitted under Article 3 of the Charter.

**Article 3**

(1) This Act shall enter into operation on the day following its promulgation.

(2) The date on which the Declaration mentioned in Article 1 above will enter into force, under Article 3, paragraph 3, of the Charter, for the Federal Republic of Germany shall be published in the *Bundesgesetzblatt* [BGBl. - Federal Law Gazette].

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The above Act is hereby enacted. It shall be promulgated in the *Bundesgesetzblatt*.

Berlin, 11 September 2002

The Federal President  
Johannes Rau

The Federal Chancellor  
Gerhard Schröder

The Federal Minister of the Interior  
Schily

The Federal Minister for Foreign Affairs  
J. Fischer

The Federal Minister of Justice  
Däubler-Gmelin

**Declaration by the Federal Republic of Germany  
on the acceptance of additional undertakings ensuing from other provisions of the  
European Charter for Regional or Minority Languages of 5 November 1992  
and not yet listed in the Declaration of 23 January 1998**

*(Translation)*

Pursuant to Article 3, paragraph 2, of the Charter, the Federal Republic of Germany shall apply the following additional selected provisions to the minority languages listed below with reference to Article 2, paragraph 2, of the Charter:

North Frisian in the North Frisian language area in Schleswig-Holstein *Land*:  
Article 10, paragraph 2 (g)

Saterland Frisian in the Sater Frisian language area in Lower Saxony *Land*:  
Article 10, paragraph 2 (g)

Romany for the territory of Hesse *Land*:  
Article 8, paragraph 1 (a) iii/iv; (b) iv; (c) iv; (d) iv; (e) iii; (i); paragraph 2  
Article 10, paragraph 2 (e); (f); paragraph 3 (c); paragraph 4 (c)  
Article 11, paragraph 1 (b) ii; (c) ii; (e) i  
Article 12, paragraph 1 (a); (d); (f); paragraph 2

in conjunction with the undertakings accepted for the entire territory of the Federal Republic of Germany:

Article 8, paragraph 1 (f) iii; (g); (h)  
Article 9, paragraph 1 (b) iii; (c) iii; paragraph 2 (a)  
Article 10, paragraph 5  
Article 11, paragraph 1 (d); (e) ii; (f) ii; (g); paragraph 2  
Article 12, paragraph 1 (g); paragraph 3  
Article 13, paragraph 1 (a); (c); (d)  
Article 14 (a)

## **European Charter for Regional or Minority Languages**

### **Preamble**

THE MEMBER STATES of the Council of Europe signatory hereto,

CONSIDERING that the aim of the Council of Europe is to achieve a greater unity between its members, particularly for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

CONSIDERING that the protection of the historical regional or minority languages of Europe, some of which are in danger of eventual extinction, contributes to the maintenance and development of Europe's cultural wealth and traditions;

CONSIDERING that the right to use a regional or minority language in private and public life is an inalienable right conforming to the principles embodied in the United Nations International Covenant on Civil and Political Rights, and according to the spirit of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms;

HAVING REGARD to the work carried out within the CSCE and in particular to the Helsinki Final Act of 1975 and the document of the Copenhagen Meeting of 1990;

STRESSING the value of interculturalism and multilingualism and CONSIDERING that the protection and encouragement of regional or minority languages should not be to the detriment of the official languages and the need to learn them;

REALISING that the protection and promotion of regional or minority languages in the different countries and regions of Europe represent an important contribution to the building of a Europe based on the principles of democracy and cultural diversity within the framework of national sovereignty and territorial integrity;

TAKING INTO CONSIDERATION the specific conditions and historical traditions in the different regions of the European States,

HAVE AGREED AS FOLLOWS:

## **Part I**

### General provisions

#### **Article 1 Definitions**

For the purposes of this Charter:

- (a) "regional or minority languages" means languages that are:
  - (i) traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and
  - (ii) different from the official language(s) of that State;it does not include either dialects of the official language(s) of the State or the languages of migrants;
- (b) "territory in which the regional or minority language is used" means the geographical area in which the said language is the mode of expression of a number of people justifying the adoption of the various protective and promotional measures provided for in this Charter;
- (c) "non-territorial languages" means languages used by nationals of the State which differ from the language or languages used by the rest of the State's population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof.

#### **Article 2 Undertakings**

(1) Each Party undertakes to apply the provisions of Part II to all the regional or minority languages spoken within its territory which comply with the definition in Article 1.

(2) In respect of each language specified at the time of ratification, acceptance or approval, in accordance with Article 3, each Party undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter, including at least three chosen from each of the Articles 8 and 12 and one from each of the Articles 9, 10, 11 and 13.

#### **Article 3 Practical Arrangements**

(1) Each contracting State shall specify in its instrument of ratification, acceptance or approval, each regional or minority language, or official language which is less widely used on the whole or part of its territory, to which the paragraphs chosen in accordance with Article 2, paragraph 2,



shall apply.

(2) Any Party may, at any subsequent time, notify the Secretary General that it accepts the obligations arising out of the provisions of any other paragraph of the Charter not already specified in its instrument of ratification, acceptance or approval, or that it will apply paragraph 1 of the present Article to other regional or minority languages, or to other official languages which are less widely used on the whole or part of its territory.

(3) The undertakings referred to in the foregoing paragraph shall be deemed to form an integral part of the ratification, acceptance or approval and will have the same effect as from their date of notification.

#### **Article 4** **Existing regimes of protection**

(1) Nothing in this Charter shall be construed as limiting or derogating from any of the rights guaranteed by the European Convention on Human Rights.

(2) The provisions of this Charter shall not affect more favourable provisions concerning the status of regional or minority languages or the legal regime of persons belonging to minorities which may exist in a Party or are provided for by relevant international bilateral or multilateral international agreements.

#### **Article 5** **Existing obligations**

Nothing in this Charter may be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes of the Charter of the United Nations or other obligations under international law, including the principle of the sovereignty and territorial integrity of States.

#### **Article 6** **Information**

The Parties undertake to see to it that the authorities, organisations and persons concerned are informed of the rights and duties established by this Charter.

## **Part II**

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

### **Article 7 Objectives and principles**

(1) In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

- (a) the recognition of the regional or minority languages as an expression of cultural wealth;
- (b) the respect for the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;
- (c) the need for resolute action to promote regional or minority languages in order to safeguard them;
- (d) the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;
- (e) the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language or other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;
- (f) the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;
- (g) the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;
- (h) the promotion of study and research on regional or minority languages at universities or equivalent institutions;
- (i) the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.

(2) The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in

favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.

(3) The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.

(4) In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.

(5) The Parties undertake to apply, *mutatis mutandis*, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.

### **Part III**

Measures to promote the use of regional or minority languages  
in public life in accordance with the undertakings entered into  
under Article 2, paragraph 2

#### **Article 8 Education**

(1) With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

- (a) (i) to make available pre-school education in the relevant regional or minority languages; or
- (ii) to make available a substantial part of pre-school education in the relevant regional or minority languages; or
- (iii) to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or

- (iv) if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;
- (b) (i) to make available primary education in the relevant regional or minority languages; or
- (ii) to make available a substantial part of primary education in the relevant regional or minority languages; or
- (iii) to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
- (iv) to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;
- (c) (i) to make available secondary education in the relevant regional or minority languages; or
- (ii) to make available a substantial part of secondary education in the relevant regional or minority languages; or
- (iii) to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
- (iv) to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;
- (d) (i) to make available technical and vocational education in the relevant regional or minority languages; or
- (ii) to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
- (iii) to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
- (iv) to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;
- (e) (i) to make available university and other higher education in regional or minority languages; or
- (ii) to provide facilities for the study of these languages as university and higher education subjects; or
- (iii) if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encour-

age and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;

- (f) (i) to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or
  - (ii) to offer such languages as subjects of adult and continuing education; or
  - (iii) if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;
- (g) to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;
  - (h) to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;
  - (i) to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings which will be made public.

(2) With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

## **Article 9**

### **Judicial authorities**

(1) The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

- (a) in criminal proceedings:
  - (i) to provide that courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or
  - (ii) to guarantee the accused the right to use his/her regional or minority language; and/or
  - (iii) to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or

- (iv) to produce, on request, documents connected with legal proceedings in the relevant regional or minority language, if necessary by the use of interpreters and translations involving no extra expense for the person concerned;
  - (b) in civil proceedings:
    - (i) to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or
    - (ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or
    - (iii) to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;
  - (c) in proceedings before courts concerning administrative matters:
    - (i) to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or
    - (ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or
    - (iii) to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;
  - (d) to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.
- (2) The Parties undertake:
- (a) not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or
  - (b) not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language, and to provide that they can be invoked against interested third parties who are not users of these languages on condition that the contents of the document are made known to them by the person(s) who invoke(s) it; or
  - (c) not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a

regional or minority language.

(3) The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

### **Article 10**

#### **Administrative authorities and public services**

(1) Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

- (a) (i) to ensure that the administrative authorities use the regional or minority languages; or
- (ii) to ensure that such of their officers as are in contact with the public use the regional or minority languages in their relations with persons applying to them in these languages; or
- (iii) to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or
- (iv) to ensure that users of regional or minority languages may submit oral or written applications in these languages; or
- (v) to ensure that users of regional or minority languages may validly submit a document in these languages;
- (b) to make available widely-used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;
- (c) to allow the administrative authorities to draft documents in a regional or minority language.

(2) In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

- (a) the use of regional or minority languages within the framework of the regional or local authority;
- (b) the possibility for users of regional or minority languages to submit oral or written applications in these languages;
- (c) the publication by regional authorities of their official documents also in the relevant regional or minority languages;
- (d) the publication by local authorities of their official documents also in



the relevant regional or minority languages;

- (e) the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;
- (f) the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;
- (g) the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.

(3) With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:

- (a) to ensure that the regional or minority languages are used in the provision of the service; or
- (b) to allow users of regional or minority languages to submit a request and receive a reply in these languages; or
- (c) to allow users of regional or minority languages to submit a request in these languages.

(4) With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

- (a) translation or interpretation as may be required;
- (b) recruitment and, where necessary, training of the officials and other public service employees required;
- (c) compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.

(5) The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.

## **Article 11**

### **Media**

(1) The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

- (a) to the extent that radio and television carry out a public service mission:
  - (i) to ensure the creation of at least one radio station and one television channel in the regional or minority languages; or
  - (ii) to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages; or
  - (iii) to make adequate provision so that broadcasters offer programmes in the regional or minority languages;
- (b) (i) to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; or
  - (ii) to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;
- (c) (i) to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages; or
  - (ii) to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;
- (d) to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;
- (e) (i) to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or
  - (ii) to encourage and/or facilitate the publication of newspaper articles in the regional or minority languages on a regular basis;
- (f) (i) to cover the additional costs of those media which use regional or minority languages, wherever the law provides for financial assistance in general for the media; or
  - (ii) to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;
- (g) to support the training of journalists and other staff for media using regional or minority languages.

(2) The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests

of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

(3) The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

## **Article 12**

### **Cultural activities and facilities**

(1) With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including *inter alia* the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- (a) to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;
- (b) to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;
- (c) to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;
- (d) to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;
- (e) to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;
- (f) to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;
- (g) to encourage and/or facilitate the creation of a body or bodies respons-

ible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;

- (h) if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.

(2) In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

(3) The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

### **Article 13** **Economic and social life**

(1) With regard to economic and social activities, the Parties undertake within the whole country:

- (a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;
- (b) to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;
- (c) to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;
- (d) to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.

(2) With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:

- (a) to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or where appro-

- appropriate, to ensure the implementation of such provisions;
- (b) in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;
  - (c) to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;
  - (d) to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;
  - (e) to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.

#### **Article 14** **Transfrontier exchanges**

The Parties undertake:

- (a) to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;
- (b) for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

### **Part IV**

Application of the Charter

#### **Article 15** **Periodical reports**

(1) The Parties shall present periodically to the Secretary General of the Council of Europe, in a form to be prescribed by the Committee of Ministers, a report on their policy pursued in accordance with Part II of this Charter and on the measures taken in application of those provisions of Part III which they have accepted. The first report shall be presented within the year following the entry into force of the Charter with respect to the Party concerned, the other reports at three-yearly intervals after the first report.

- (2) The Parties shall make their reports public.

## **Article 16**

### **Examination of the reports**

(1) The reports presented to the Secretary General of the Council of Europe under Article 15 shall be examined by a committee of experts constituted in accordance with Article 17.

(2) Bodies or associations legally established in a Party may draw the attention of the committee of experts to matters relating to the undertakings entered into by that Party under Part III of this Charter. After consulting the Party concerned, the committee of experts may take account of this information in the preparation of the report specified in paragraph 3 below. These bodies or associations can furthermore submit statements concerning the policy pursued by a Party in accordance with Part II.

(3) On the basis of the reports specified in paragraph 1 and the information mentioned in paragraph 2, the committee of experts shall prepare a report for the Committee of Ministers. This report shall be accompanied by the comments which the Parties have been requested to make and may be made public by the Committee of Ministers.

(4) The report specified in paragraph 3 shall contain in particular the proposals of the committee of experts to the Committee of Ministers for the preparation of such recommendations of the latter body to one or more of the Parties as may be required.

(5) The Secretary General of the Council of Europe shall make a two-yearly detailed report to the Parliamentary Assembly on the application of the Charter.

## **Article 17**

### **Committee of experts**

(1) The committee of experts shall be composed of one member per Party, appointed by the Committee of Ministers from a list of individuals of the highest integrity and recognised competence in the matters dealt with in the Charter, who shall be nominated by the Party concerned.

(2) Members of the committee shall be appointed for a period of six years and shall be eligible for reappointment. A member who is unable to complete a term of office shall be replaced in accordance with the procedure laid down in paragraph 1, and the replacing member shall complete his predecessor's term of office.

(3) The committee of experts shall adopt rules of procedure. Its secretarial services shall be provided by the Secretary General of the Council of Europe.

## **Part V**

### Final provisions

#### **Article 18**

This Charter shall be open for signature by the member States of the Council of Europe. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

#### **Article 19**

(1) This Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date on which five member States of the Council of Europe have expressed their consent to be bound by the Charter in accordance with the provisions of Article 18.

(2) In respect of any member State which subsequently expresses its consent to be bound by it, the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

#### **Article 20**

(1) After the entry into force of this Charter, the Committee of Ministers of the Council of Europe may invite any State not a member of the Council of Europe to accede to this Charter.

(2) In respect of any acceding State, the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

#### **Article 21**

(1) Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, make one or more reservations to paragraphs 2 to 5 of Article 7 of this Charter. No other reservation may be made.

(2) Any Contracting State which has made a reservation under the preceding paragraph may wholly or partly withdraw it by means of a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall take effect on the date of receipt of such notification by the Secretary General.

#### **Article 22**

(1) Any Party may at any time denounce this Charter by means of a notification addressed to the Secretary General of the Council of Europe.

(2) Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

### **Article 23**

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to this Charter of:

- (a) any signature;
- (b) the deposit of any instrument of ratification, acceptance, approval or accession;
- (c) any date of entry into force of this Charter in accordance with Articles 19 and 20;
- (d) any notification received in application of the provisions of Article 3, paragraph 2;
- (e) any other act, notification or communication relating to this Charter.

In witness whereof the undersigned, being duly authorised thereto, have signed this Charter.

Done at Strasbourg, this 5<sup>th</sup> day of November 1992, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to any State invited to accede to this Charter.



## List of Minority/Language Group Organizations

### Danish

*South Schleswig Association:*

Sydslesvigsk Forening/Südschleswigscher Verein (SSV)

Herr Dieter Küssner

Norderstraße 76

D-24939 Flensburg

*South Schleswig Association of Voters:*

Sydslesvigsk Vælgerforening/Südschleswigscher Wählerverband (SSW)

Frau Gerda Eichhorn

Schiffbrücke 42

D-24939 Flensburg

### Sorbian

*Federation of Lusatian Sorbs:*

DOMOWINA – Zwajsk Łužiskich Serbow/Bund Lausitzer Sorben

Herr Jan Nuck

Postplatz 2

D-02625 Bautzen

### Frisian

*Frisian Council (Section North):*

Friesenrat/Frasche Rädj - Sektion Nord e.V.

Herr Ingwer Nommensen

Türkeiswäi 1

D-25920 Risum-Lindholm

*Frisian Council (Section East):*

Friesenrat/Freeske Raad - Sektion Ost e.V.

Herr Dieter Baumann

Friedrich-Ebert-Straße 28

D-26802 Moormerland

## Annexes

### **Romany**

*Central Council of German Sinti and Roma:*

Zentralrat Deutscher Sinti und Roma

Herr Romani Rose

Bremeneckgasse 2

D-69117 Heidelberg

*Sinti Alliance Germany:*

Sinti Allianz Deutschland

Frau Natascha Winter

Postfach 103224

D-50472 Köln

### **Low German**

*Federal Council for Low German*

Bundesrat für Niederdeutsch - Bundesraat för Nedderdüütsch

Herr Dr. Reinhard Goltz

Katrepeler Landstrasse 36

D-28357 Bremen