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**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**Fifth periodical report  
presented to the Secretary General of the Council of Europe  
in accordance with Article 15 of the Charter**

**GERMANY**



***Fifth Report***  
**of the Federal Republic of Germany**

in accordance with Article 15 (1)

of the European Charter for Regional or Minority Languages



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## **A. Introduction**

The Fifth Report of the Federal Republic of Germany in accordance with Article 15 (1) of the European Charter for Regional or Minority Languages (the Charter) was prepared by the Federal Ministry of the Interior in cooperation with other federal ministries and the responsible state authorities, and in consultation with the federal associations of the speakers of the languages protected by the Charter. The drafting process started with an implementation conference of all stakeholders which took place in Berlin on 26 and 27 April 2012. The federal associations were invited to share their views about the implementation of the Charter in Germany, which do not have be in line with those of the authorities. Their comments are included in Section F of this report. A second implementation conference took place in Berlin on 13 December 2012 to finalize the state report.

The report covers the period from July 2010 to December 2012.

General information about the regional and minority languages protected in Germany are included in the First Report of the Federal Republic of Germany in accordance with Article 15 (1) of the European Charter for Regional or Minority Languages on pages 3 to 28. The report is available at

[http://www.coe.int/t/dg4/education/minlang/Report/PeriodicalReports/GermanyPR1\\_en.pdf](http://www.coe.int/t/dg4/education/minlang/Report/PeriodicalReports/GermanyPR1_en.pdf)

in English and at

[http://www.bmi.bund.de/SharedDocs/Downloads/DE/Broschueren/2000/erster\\_staatenbericht.html?nn=110428](http://www.bmi.bund.de/SharedDocs/Downloads/DE/Broschueren/2000/erster_staatenbericht.html?nn=110428)

in German.

**B. Updated geographic and demographic information**

In the period under review, the Frisian settlement area in north-western Lower Saxony was defined more precisely. According to a soon-to-be-published study commissioned and funded by the Federal Ministry of the Interior the settlement area includes the rural districts of Aurich, Leer, Friesland and Wittmund, the urban districts of Emden and Wilhelmshaven as well as individual areas such as the rural districts of Cuxhaven and Wesermarsch. Low German has been spoken in this area since at least the 18th century.

## C. General trends

### I. Division of competences between the federal and state levels

In its last report, the Committee of Experts notes that the division of competences between the federal and state governments remains an issue in relation to practical implementation of the Charter in Germany.

In the majority of cases, the federal states are responsible for implementing the undertakings of the Charter in practice. The chosen undertakings are specified in the German implementing act. This act is federal law. Responsibility for the implementation of the Act rests with the states pursuant to Articles 83 of the Basic Law. They execute federal laws in their own right, i.e. they are free to become active and decide how to implement the laws. However, this includes the duty to become active (Rulings of the Federal Constitutional Court 75, 108 (150); 55, 274 (318); 41, 291 (312); 37, 363 (385)), including the obligation to provide for the necessary authorities and administrative resources.

Since responsibility for enforcement lies with the states, the federal level cannot intervene, i.e. it cannot invoke sovereignty rights when the states enforce federal law reluctantly or incorrectly and remains bound by the right to issue instructions and the right to supervision under Article 84 of the Basic Law.

Thus, the Basic Law provides clear guidance on how to implement the undertakings in practice. Given the federal system enshrined in the constitution, speakers do not have only one point of contact for addressing their concerns but may have to contact several states. This is a particular burden for the representatives of Low German speakers because Low German is spoken in as many as eight states. In addition, the individual states apply different standards.

The Federal Ministry of the Interior is trying to compensate for this disadvantage of Germany's federal system for the stakeholders. To this end, it organizes an implementation conference at least once a year, inviting representatives from several federal ministries, from the states and from the four national minorities and language groups in Germany. Participants may put any topics related to the Council of Europe Framework Convention for the Protection of National Minorities or the Charter on the agenda. During the consultations, representatives of the language groups have the opportunity to talk to all responsible government bodies. Another annual event is the *Länder-Bund Referententagung Niederdeutsch*, a meeting of federal and state officials on Low German. It is a platform for exchanging information, both among the states where Low German is spoken and with federal authorities and the speakers.

Moreover, all domestic policy issues related to the respective languages are discussed in consultative committees. So far, the following committees have been set up at the Federal Ministry of the Interior: the Consultative Committee on Issues concerning the Danish Minority, the Consultative Committee on Issues concerning the Sorbian People, the Consultative Committee on Issues concerning the Frisian Ethnic Group in Germany, and the Consultative Committee on Issues concerning the Low German Language Group. Meetings are held ad hoc, but at least once a year and if at least three members apply for convening a meeting. Usually, each committee meets once a year. The composition of the committees is governed by their respective statutes and may vary.

However, representatives of the Federal Ministry of the Interior, of the language group and of the responsible state authorities always participate. A member may request that members of the German Bundestag, other ministries and experts be invited to the meetings. The meeting agendas are prepared by the chair in consultation with the members of the committee. At the committee meetings, representatives of the national minorities and the language groups may directly address senior officials of the Federal Ministry of the Interior and members of the Bundestag. The minorities and language groups appreciate this direct exchange, which thus complements the regular contacts at working level.

## II. Cooperation across states

In its last report, the Committee of Experts encouraged the German authorities to present the cooperation between state authorities with regard to the protection and promotion of Low German.

The regional language Low German is spoken in eight states of the Federal Republic of Germany (Brandenburg, Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine-Westphalia, Saxony-Anhalt and Schleswig-Holstein). This is very challenging for federal and state authorities and the representatives of the Low German speakers because they have to coordinate very closely to protect and promote the language. Hence, to simplify cooperation and to share experience, the meeting of federal and state officials on Low German has been held annually in one of the states concerned since 2007. Participants include representatives of the ministries concerned and of the states, the Federal Ministry of the Interior and representatives of the *Bundesrat für Niederdeutsch* (Federal Council for Low German), a representative body of the Low German speakers. So far, six two-day meetings have taken place in different states. The meetings repeatedly focused on education. In addition, participants discussed the role of Low German in the media, administration and justice as well as in old age. The next meeting will take place at the invitation of Schleswig-Holstein in Lübeck in May 2013.

## III. Changed framework conditions

The following legislative amendments as well as practical and actual changes in the report period have an impact on the languages protected under the Charter:

In July 2012 the parliament of the **Free Hanseatic City of Bremen** adopted an amended Media Act imposing new diversity requirements on private broadcasters. The new Section 13 (3) calls on broadcasters to include an appropriate amount of broadcasts in Low German in their programmes. Paragraph 3 emphasizes the promotion of the Low German language and codifies the call for more broadcasts in Low German.

In addition, the Senate of the **Free Hanseatic City of Bremen** concluded a framework agreement with the German Sinti and Roma Association of Bremen on 17 July 2012. Through the agreement, the Senate expresses its respect of the history of German Sinti and Roma and recognizes their ethnic, cultural, linguistic and religious identity. Moreover, it aims at promoting participation of Sinti and Roma living in Bremen in cultural, social and economic life and in public affairs. In the fields of language, culture and education the state government intends to improve the participation and success of Sinti and Roma children by implementing educational measures tailored to their needs. The Senate confirms its commitment to the undertakings accepted under the Charter for

Regional or Minority Languages. Bremen is the second state concluding the partnership through such an agreement, after Rhineland-Palatinate.

In its budget for 2012 and 2013 **Lower Saxony** provides for € 450,000 in funding to promote Low German and Sater Frisian in schools. In addition, funding of the *Landschaften* and *Landschaftsverbände* (municipal associations) for promoting regional culture has been increased by € 600,000 to provide more targeted project support for Low German and Sater Frisian. Overall, € 1.15 million are earmarked for research and education to better integrate the Low German and Sater Frisian languages in these areas.

On 24 April 2012 the government of **Saxony** adopted a plan to stimulate and encourage the use of the Sorbian language. The plan calls for measures to improve language skills, increase the use of the Sorbian language in public life and to impart knowledge about the Sorbian language, culture and tradition.

On 14 November 2012 the **Schleswig-Holstein** parliament unanimously adopted the amended state constitution. The state now expressly protects and promotes also the national minority of German Sinti and Roma. Following the parliament's unanimous vote, the parliament's president will establish a committee for this minority. Like the existing committees for the Frisian ethnic group and for the German minority in Northern Schleswig, this committee will be composed of members from all parliamentary groups and minority representatives.

In addition **Schleswig-Holstein** reported that the state's School Act (SchulG) of 24 January 2007 was amended on 28 January 2011. The state also noted that the new state government, a coalition of SPD, Bündnis 90/Die Grünen and SSW, has announced another amendment of the School Act effective 1 January 2013, restoring the 2007 version of Section 124 "Subsidies irrespective of need, amount of subsidy". The statement reads: "We will restore full equality of pupils at Danish schools by introducing cost-per-pupil rates (*Schülerkostensatz*) based on the 2007 School Act. In 2012, the state government will look into how Section 114 of the Schools Act can be amended to cover allowances for the transport of pupils to schools of the Danish minority, in an effort to establish the equality of Danish minority schools and public schools."

#### **IV. Brochure of the Federal Ministry of the Interior**

In 2012 the Federal Ministry of the Interior published a new brochure on minorities and regional and minority languages on its website to draw the attention of a broad audience to the minorities and their languages, including the regional language of Low German and its speakers. The brochure will be published in print in 2013.

#### **V. Sinti music festival**

Since 2001 the Verein Hildesheimer Sinti e.V., the Lower Saxony regional association of the Sinti Allianz Deutschland, has been organizing an international Sinti music festival. The festival has an international reputation and every year attracts German and European visitors to Hildesheim. Funding is provided by the city of Hildesheim, the Lower Saxony Ministry for Research and Culture, the Friedrich-Weinhagen-Stiftung, the regional local authority Landschaftsverband Hildesheim and Sparkasse Hildesheim.

## **VI. Language conference**

In November 2010 the Bundesraat für Nedderdüütsch (Federal Council for Low German) and the Institut für Niederdeutsche Sprache (INS – Institute for the Low German Language) organized the conference “*Mit den Regional- und Minderheitensprachen auf dem Weg nach Europa – Mehrsprachigkeit, Sprachwandel und Sprachenschutz als Herausforderung für die Bildungssysteme*” (regional and minority languages on their way to Europe –multilingualism, language change and language protection as a challenge of education systems) in Berlin to promote and protect regional or minority languages. The Federal Ministry of the Interior provided funding for the event.

## **VII. Language contest**

The second language contest “*Serbska rěc jo žywa – Serbska rěč je žiwa – Sprachenfreundliche Kommune*” (language-friendly community) took place in 2011/2012. It is organized once in a legislative term under the auspices of the parliament presidents of Saxony and Brandenburg, the two councils for Sorbian/Wendish and Sorbian affairs, and Domowina. The aim is to raise awareness among municipalities of the Sorbian languages and to encourage their use. Some municipalities participating in the contest significantly increased their activities, e.g. in using the languages when presenting themselves to the public.

## **VIII. Europeada**

In June 2012, the time of the European football championships, members of the Sorbian people organized the second European football championships of language (autochthonous) minorities in Upper Lusatia, Saxony. The event was an opportunity for participants to meet members of other minorities and learn more about Lusatia and the Sorbs. It was hosted by Domowina, the umbrella organization of the Sorbian associations and organizations in Lusatia, together with the Federal Union of European Nationalities. Saxony’s Minister-President Stanislaw Tillich, also a member of the Sorbian people, agreed to serve as patron. Europeada 2012 was also supported by the Free State of Saxony, the Westlausitzer Fußballverband e.V., the Federal Ministry of the Interior and the Mitteldeutscher Rundfunk broadcasting station.

## **IX. Discussion at the German Bundestag**

On the occasion of the 20th anniversary of the signing of the European Charter for Regional or Minority Languages by Germany, the German Bundestag discussed language protection in Germany and adopted a list of requirements at its 211th session on 29 November 2012. Taking account of their responsibilities specified in the Basic Law, the federal and state governments were asked to

- present national minorities in Germany a report on the situation of regional and minority languages once per legislative term;
- present the responsible Bundestag Committee on Internal Affairs the fourth and all subsequent monitoring reports of the Council of Europe Committee of Ministers;
- develop a global strategy promoting regional and minority languages together with the representatives of minority and regional languages in Germany, setting goals for certain areas of society and outlining possible approaches;

- examine whether it makes sense to protect minority and regional languages as intangible cultural heritage;
- ensure that a national conference of representatives of regional and minority languages widens the perspective on language protection and promotion beyond minorities and ethnic groups;
- ensure that regional and minority languages have a greater impact in educational institutions, schools, universities, administration and the media in line with the undertakings entered into under the European Charter for Regional or Minority Languages;
- adopt and implement the recommendations of the Committee of Ministers regarding the application of the Charter in Germany in line with the fourth report of the Committee of Experts;
- improve strategies for learning regional and minority languages in Germany in the medium term and tailored to the needs of the individual languages;
- develop strategies for securing the future of regional and minority languages in cooperation with the language and minority policy bodies of the individual groups;
- intensify the promotion of German language cultivation and preservation among German minorities in Europe in the framework of support policy and cultural policy abroad.

The federal government and the state governments will seek to implement these requirements in the framework of their constitutional competences.

#### **X. Music contest**

The Friesenrat Sektion Nord e.V. (Frisian Council) organizes a Frisian music contest funded by the Federal Government Commissioner for Culture and the Media. Bands, solo singers, choirs and other musicians may submit their songs until 15 January 2013. The winners will be announced at a concert in autumn 2013. It is also planned to publish a CD.

## D. Recommendations of the Committee of Ministers

### I. Recommendation 1

The Committee of Ministers recommended that the German authorities adopt specific legal provisions, where their absence hinders practical implementation of the undertakings which Germany has entered into under the Charter.

Under the Act Ratifying the Language Charter of 9 July 1998, the European Charter for Regional or Minority Languages in Germany has the status of federal law taking precedence over subordinate law, including state legislation, and is to be applied as the more specific law overriding other federal laws. This means that there are comprehensive legal provisions in place ensuring compliance with the Charter at the national level. The federal lawmaker has made sure, by virtue of these provisions, that the undertakings which Germany has accepted are directly applicable on the judiciary and the administration. No further legal provisions are needed to protect or promote regional and minority languages.

### II. Recommendation 2

The Committee of Ministers recommended that the German authorities ensure that the reduction of subsidies for private schools and cuts of the transport allowances will not jeopardize the continued functioning of the Danish-language education at the current level.

In 2011 and 2012, the state of Schleswig-Holstein cut funding for the Danish Schools Association; that meant that the Danish school system faced slashes in funding. The extensive Danish school system is especially important for preserving the Danish language. For instance, approximately 5,700 pupils in Schleswig-Holstein attend primary schools and *Gemeinschaftsschulen* (comprehensive schools) run by the Danish Schools Association. Two *Gemeinschaftsschulen* have upper secondary levels in place. Also, the Association runs a boarding school as an external branch of the *Gemeinschaftsschulen*.

During the negotiations surrounding the 2011 federal budget the Federal Government decided, in November 2010, to earmark € 3.5 million for the Danish Schools Association. In November 2011, the Budget Committee of the German Bundestag set aside another € 3.5 million for the Danish Schools Association in the 2012 budget. That meant that repercussions of the budget cuts at the regional level were largely headed off, and Danish-language education in Schleswig-Holstein was not at a vital threat. However, the Christian-Paulsen-Skolen in Flensburg was closed down.

From 2007 to 2010, the Danish Schools Association received the following amounts in annual grants from the State Education Ministry:

2007: € 25.57 million (5,635 pupils)

2008: € 27.79 million (5,596 pupils)

2009: € 28,46 million (5,588 pupils)

2010: € 30,23million (5,568 pupils)

In 2011, the schools run by the Danish Schools Association received € 31.1 million in grants, including the above-mentioned federal grant of € 3.5 million. The federal grant largely made up for the cut in the regional budget. In 2012, the Danish schools received

€ 33.45 million, which meant that the grant - excluding the money set aside by the Federal Government - was almost that paid out in 2010, and much higher than the sums earmarked in 2008 and 2009, with the number of pupils being more or less the same.

As regards the problems associated with transport allowances cf. E. II. 1. a.

### III. Recommendation 3

The Committee of Ministers recommended that the German authorities adopt and implement a structured policy for the promotion and preservation of North Frisian, Sater Frisian and Lower Sorbian, including in particular measures which ensure as a matter of urgency that primary and secondary education is systematically available in these languages.

As regards a structured policy for the preservation of Lower Sorbian, **Brandenburg** gives details in the chapter dealing with the individual undertakings.

In **Lower Saxony** the decree "*Die Region und ihre Sprachen*" (The Region and its Languages) took effect on 1 August 2011, on the basis of which specific mandatory subjects in primary education may be taught in the regional or minority language. As a rule, subjects are taught bilingually, or using i.a. the immersion method.

The rules which apply to primary schools basically also apply to lower secondary schools and may also be applied to optional compulsory courses or subjects (excluding foreign languages).

Pupils wishing to attend classes in order to acquire or consolidate Low German or Sater Frisian need to have the consent of their parents.

Meanwhile Lower Saxony's school authority has recruited 20 teachers for advisory work. Schools conducting projects to implement Low German and/or Sater Frisian may compensate the teachers for the time they spend on these special tasks and activities. These projects include:

- extended language encounter or language acquisition in the classroom,
- the regular use of Low German and Sater Frisian in classroom instruction and in daily school life,
- regular participation in contests and conducting events also with external organizers,
- organizing music or drama working groups/projects outside normal classes,
- organizing working groups/projects for specialized subjects addressing particular aspects of the region or of the regional languages,
- trying out the immersion method in various specialized subjects in primary or lower secondary education,
- conducting language courses taught also by lay teachers or external experts with regional language skills,
- proving that it makes sense to teach Low German/Sater Frisian as local languages in addition to foreign languages,
- making full reference to and use of the region and the regional languages in daily school life and in the classroom.

Furthermore, schools may apply for the "Low German/Sater Frisian" label.

The decree "*Friesisch an Schulen im Kreis Nordfriesland und auf Helgoland*" (Frisian at schools in the district of Nordfriesland and in Heligoland) was adopted on 2 October 2008. It forms the basis for teaching Frisian at schools in Schleswig-Holstein. It requires schools in this language area to inform parents that they may enrol their children for Frisian instruction. Frisian instruction will be offered if a suitable number (usually a minimum of 12) pupils is available to form a class. Instruction may include pupils from different grades and from different types of schools.

On top of supplementary Frisian instruction in primary education, Frisian may be offered as an optional subject in grades five and six. Starting in grade seven, Frisian may be offered in the framework of optional compulsory subjects.

At the upper secondary level, the minority language Frisian can be chosen as a substitute for a foreign language, if sufficient staff is available. Attendance of Sater Frisian lessons is voluntary.

Schools providing Frisian language instruction in Schleswig-Holstein are working hard to place it on a broader footing in order to make it even more attractive and to make its contents and results accessible to a broader public. The following may serve to illustrate this approach: The reading competition "Lees frisch, freesk, ferig, öömrang, sölring", a music competition, "Bjarnebiike" - a cultural event for children organized by schools in Risum-Lindholm, the Christian-Feddersen Award of the students' competition organized by the Nordfriisk Instituut, Christmas of Languages, Open House events with a Frisian emphasis, Frisian reports for the Offener Kanal Westküste radio broadcasting station, and Frisian film projects.

#### **IV. Recommendation 4**

The Committee of Ministers recommended that the German authorities ensure that the provision of education in Upper Sorbian is not jeopardized by the changes in the educational system concerning this language.

The school system in Saxony has been stable for many years. The School Regulations governing individual types of schools have been adapted i.a. in order to increase permeability between types of schools and to harmonize examinations. The changes have benefited the provision of education in Upper Sorbian. The design, introduction and evaluation of the 2plus strategy deserve particular mention here.

#### **V. Recommendation 5**

The Committee of Ministers recommended that the German authorities upgrade the teaching of Low German to the status of a regular school subject being taught as an integral part of the curriculum and increase the number of hours devoted to Low German, in the Länder concerned.

The governments of the states concerned have made the following comments in this context:

**Brandenburg** does not intend to introduce Low German as a separate subject in primary or secondary education owing to the low number of pupils interested in learning the language.

In the **Free Hanseatic City of Bremen**, Low German is part of the overall curricula for primary education and part of German education in secondary schools. The focus is on Low German as a cultural asset and on structural particularities (comparing Low German and English). Regional variants and particularities are also addressed. The teaching details are left to the schools.

In 2010, the **Free and Hanseatic City of Hamburg** introduced Low German as a regular subject with a separate curriculum, allocating approved subject hours. The classes, which are geared to language acquisition, are offered in the rural regions of Finkenwerder, Neuenfelde, Cranz, Vier- and Marschlande, which form part of the Low German linguistic landscape.

In **Mecklenburg-Western Pomerania**, Low German is taught in German classes. This approach has proved successful in implementing the schools' legal mandate to promote Low German. Mecklenburg-Western Pomerania is not planning to introduce Low German as a separate subject.

**Lower Saxony** refers to its reply regarding Recommendation No. 3 in Chapter D, Section III; furthermore, before taking a decision on introducing Low German as an additional subject, Lower Saxony wishes to analyse the language acquisition possibilities in regular classes granted under the decree.

In the regions of **North Rhine-Westphalia**, the use of Low German in everyday life has decreased compared with the previous reporting period. A school trial is to be launched to find out whether this trend can be stopped by administrative action. Cf. the comments regarding Chapter E, paragraph 2.a.

**Saxony-Anhalt** has signed Part II of the Language Charter and feels particularly committed to meeting the arising obligations. The aim is to prepare - and where possible put into practice - targeted language acquisition measures already for nursery schools. For several years, working groups have been offered at schools, regrettably with little resonance. At the beginning of the 2011/2012 school year, there were 26 Low German working groups at 25 schools, attended by 221 students. These figures are not satisfactory. For this reason, Saxony-Anhalt is seeking to provide more offers and attract more pupils.

**Schleswig-Holstein's** state government is not planning to make Low German a regular subject and finds the number of school hours allocated to Low German sufficient.

## **VI. Recommendation 6**

The Committee of Ministers recommended that the German authorities ensure that an effective monitoring mechanism exists in the field of education for all regional or minority languages covered under Part III.

The Committee of Experts acknowledged, in its latest reports, that existing administrative structures could be used to monitor regional or minority language education. The education ministries at state level and the supervisory school authorities monitor the measures taken to increase regional and minority language instruction. Furthermore, Germany regularly reports back to the Council of Europe with regard to the measures taken in the field of education. In addition, the governments of Saxony and Schleswig-Holstein regularly report to their parliaments concerning the situation of the minorities within their states and their languages. The reports themselves are made public. Furthermore, there is parliamentary control in place in every state: The state

governments need to reply to all parliamentary enquiries. Germany does not acknowledge the need for further reporting requirements. From the German point of view, Article 8 (1) (i) of the Language Charter cannot be construed to mean that a central body needs to be set up. It would not be in line with the federal structure provided by the German constitution to have a central mechanism in place to control the states with regard to education. Also, such a mechanism would bring undesirable effects: further bureaucracy and extra costs.

## VII. Recommendation 7

The Committee of Ministers recommended that the German authorities take resolute action to establish a structured policy for making it practically possible to use regional or minority languages in dealings with the administration and, where relevant, in the courts.

Initially, it should be noted that the law applicable in the Federal Republic of Germany is fully in line with the obligations arising from the Language Charter.

As regards Danish, North Frisian, Sater Frisian and Low German, Germany has undertaken to make the submission of certificates and evidence in the above-mentioned regional or minority languages permissible in civil procedures as well as in administrative court proceedings, if necessary by the use of interpreters and translations. Furthermore it is not permissible to deny the validity of legal documents drawn up within Germany solely because they are drafted in a regional or minority language.

It is true that, according to Section 184 first sentence of the Judicature Act (*Gerichtsverfassungsgesetz, GVG*), the official language in court is German. However, based on the constitutional right to a fair trial (Article 2 (1), Article 20 (3) of the Basic Law), the right to a legal hearing (Article 103 (1) of the Basic Law) and the right of recourse to the courts (Article 19 (4), Article 20 (3) of the Basic Law), the courts are obliged to take into account statements by persons involved in proceedings which are in a foreign language, including documents and evidence in a foreign language.

It is merely for Lower and Upper Sorbian that the Federal Republic of Germany took on further reaching obligations. The right of the Sorbs to speak Sorbian in court in their areas of settlement is guaranteed in line with Section 184 second sentence of the Judicature Act. This means that the requirements are met also with regard to Lower and Upper Sorbian.

It would be up to the states to establish a structured policy for making it practically possible to use regional or minority languages in dealings with the administration and, where relevant, in the courts.

The **Free Hanseatic City of Bremen** does not consider it necessary to take measures to establish such a policy. The authorities are not aware of any cases where Low German could not be used owing to practical obstacles to be removed in this manner.

In **Lower Saxony** Low German and Sater Frisian can be used in dealings with the administration and in the courts in line with the Charter. The general use of these two languages concern above all the dealings with local authorities. This is illustrated by the possibility of conducting marriage ceremonies in Low German/Sater Frisian or of submitting certificates in Low German/Sater Frisian.

**North Rhine-Westphalia** has not taken any measures to establish a structured policy for making it practically possible to use regional or minority languages in the courts, and does not intend to do so because it feels there is no practical need for it.

### VIII. Recommendation 8

Finally, the Committee of Ministers recommended that the German authorities take measures so that adequate radio and television broadcasting are available in Danish, Low German, Lower Sorbian, North Frisian, Romani, and Sater Frisian.

Owing to the freedom of broadcasting and the freedom of the press guaranteed by the German constitution it is not possible to interfere in or determine the programming by providers. All the authorities can do is encourage the broadcasting institutions to make sure that their programmes reflect regional and minority languages in an adequate manner. Neither the federal nor the state authorities are in a position to exercise coercive measures.

In July 2012 the parliament of the **Free Hanseatic City of Bremen** adopted the Media Act amending i.a. the diversity requirements on private broadcasters. The new Section 13 (3) calls on broadcasters to include an appropriate amount of broadcasts in Low German in their programmes.

In addition, the Senate of the **Free Hanseatic City of Bremen** concluded a framework agreement with the German Sinti and Roma Association of Bremen on 17 July 2012, calling on the public service broadcasters and the state media authority to include the particular concerns of Sinti and Roma in their programmes. Furthermore, the Senate confirms that it supports the use of the Offener Kanal radio broadcasting station to give the German Sinti and Roma a higher profile.

Within his constitutional powers, the then Minister-President of Lower Saxony sent a letter to media professionals in September 2009 to acknowledge the efforts they undertook to promote the use of Low German in the media. He also called on them to continue and step up these efforts, saying that the regional language identity could make a major contribution to cultural and social diversity. Furthermore, in June 2010, he visited the citizens' radio station Ems-Vechte-Welle as part of his 2010 summer tour - attracting a great deal of media attention.

The government of **Lower Saxony** amended the Lower Saxony Media Act (*Niedersächsisches Mediengesetz*, NMedienG), thereby documenting its commitment to the adequate representation of regional and minority languages. The amendment was adopted by Lower Saxony's parliament in 2010. Section 15 (2), second sentence, of the Media Act requires broadcasters to include the regional and minority languages used in the coverage area in an adequate manner.

With regard to **North Rhine-Westphalia** it should be noted that Low German is only spoken in certain parts and that its use in everyday life continues to decrease. Therefore it is difficult to produce programmes in Low German. However, the Westdeutscher Rundfunk (WDR) broadcasting station and the Media Centre of the regional local authority Landschaftsverband Westfalen-Lippe have entered into negotiations about opening the large WDR audio archive up to the interested public. The idea is to produce a CD covering the most important radio play and feature productions of 60 years. Most of the rather complex legal issues surrounding the project have already been solved, the Media Centre stated.

With regard to the private sector it should be noted that some regional newspapers have resumed giving a higher profile to Low German in their productions by re-introducing Low German columns. For instance, the "*Westfälische Nachrichten*" newspaper, the biggest newspaper in the Münsterland region, publishes a commentary in Low German every Saturday, which is also made available in the audio version on the newspaper's website. Also, websites providing Low German content have been linked to the homepage of the Westphalia association in Münster - an offer appreciated by many users according to the clickstream analysis.

**Saxony-Anhalt's** Ministry of Culture invited a representative of the Magdeburg centre of Mitteldeutscher Rundfunk (MDR) broadcasting station to take part in meetings of the "Low German" Working Group, which was set up at state level approximately ten years ago. The reasons for doing so had been discussed in previous meetings. Unfortunately, the invitation has not been acted upon so far. Saxony-Anhalt will continue in its efforts. At the latest meeting of the "Low German" Working Group it was suggested to introduce a radio church service in Low German to be broadcast by the MDR's culture radio programme "Figaro".

**Schleswig-Holstein** has very limited possibilities to provide financial incentives to increase the provision of the Low German regional language and minority languages. With regard to the representation of these languages in Schleswig-Holstein, reference is made to the below-mentioned statements concerning the recommendations. Furthermore, Schleswig-Holstein's government decided, in October 2012, to second the Minister-President's Commissioner for National Minorities and Ethnic Groups, Border Area Work and Low German to the Broadcasting Board of the Deutschlandfunk broadcasting station, in an effort to give the concerns of minorities and ethnic groups a higher profile in public service broadcasting institutions.

## E. The Committee of Experts' evaluations

### I. Evaluations with respect to Part II of the Charter

#### 1. Article 7 (1) (c)

##### a. Upper Sorbian

In its last report the Committee of Experts asked the Saxony authorities to provide it with further information in the next State Report on the strategy to encourage the use of Sorbian in public life (Nos. 34–36).

The above-mentioned strategy was presented by the Saxony State Ministry of Science and the Arts at a Cabinet meeting on 24 April 2012 as a set of measures to encourage and revive the use of the Sorbian language. This mandate was formulated in the coalition agreement forming the state government for the fifth legislative session of the Saxony State Parliament. It states that "Sorbian language and culture shall continue to receive significant funding. The Sorbian language is indispensable for strengthening and ensuring Sorbian everyday life."

The measures are based on proposals from participating ministries in Saxony's state government, from the commissioners for Sorbian affairs from the rural districts of Bautzen and Görlitz, from Domowina – Bund Lausitzer Sorben e.V. and from the Section for Sorbian Matters at the Saxony State Ministry of Science and the Arts. The plan calls for measures to promote the acquisition of the Sorbian language, increase its use in public life and to impart knowledge about the Sorbian language and culture. Some of these measures are already being implemented, while others require more detailed specification and greater awareness among possible partners.

The set of measures is published on the website of the Saxony State Ministry of Scientific Affairs and Arts at [www.sorben.sachsen.de/](http://www.sorben.sachsen.de/).

##### b. Low German

In its last report, the Committee of Experts suggested to the German authorities that they should include in their next State Report information on specific measures taken to increase the use of Low German in education, including universities (Nos. 37–38).

In the state of **Brandenburg**, Low German is offered in the form of activity groups at some primary schools (*Grundschulen*) in the northern school districts of Eberswalde and Perleberg. As the name indicates, these are not language courses, but a service offered by the school in which pupils may take part voluntarily. Low German activity groups are not based on framework curricula, nor is performance graded on the same basis that applies to classroom work. Activities may be led by teachers or non-school personnel (parents, clubs, native speakers, etc.).

In the **Free Hanseatic City of Bremen**, there were no additional measures to promote the use of Low German at the University of Bremen beyond the cooperation agreement between the *Institut für Niederdeutsche Sprache* (Institute for the Low German language) and the University of Bremen as mentioned in the last State Report. Bremen also refers to its comments in Chapter E. II. 6. Low German in the Free Hanseatic City of Bremen

The **Free and Hanseatic City of Hamburg** refers to its comments in Chapter E. II. 7. Low German in the Free and Hanseatic City of Hamburg.

The state of **Mecklenburg-Western Pomerania** refers to the comments in Chapter E. II. 8. Low German in Mecklenburg-Western Pomerania.

The state of **Lower Saxony** refers to its comments on Recommendation 3 in Chapter D. III and adds that the decree "*Die Region und ihre Sprachen im Unterricht*" (The region and its languages in the classroom) made the following binding effective 1 August 2011, in addition to rules on language acquisition:

Schools that render outstanding and long-term services to Low German and Sater Frisian, i.e. not only language encounter but also acquisition as part of their school mission, can be given the title of a Low German or Sater Frisian school.

The school authority of Lower Saxony has allotted 265 teaching hours to advising and support (as at 1 February 2012). In addition to advising schools and expert conferences, advisers for Low German and Sater Frisian are also responsible for helping with regional and state competitions, initiating and organizing regional expert networks for Low German and continuing professional education, maintaining contacts with the regional associations (*Landschaften* and *Landschaftsverbänden*) and conducting public information efforts.

When hiring teaching staff, it is now possible to specify knowledge of Low German/Sater Frisian as an additional qualification in addition to the subjects to be taught. The Lower Saxony school authority is called on to advise schools accordingly and advertise open teaching positions with this additional qualification.

A supervisory body monitors how Lower Saxony is meeting the education-related requirements set by the Charter. This body is made up of representatives from the state administration, the regional associations and the Niedersächsischer Heimatbund. Monitoring is based on the report of the Lower Saxony school authority, which provides information on the activities of the advisers, on how the allotted teaching hours are used and on measures to promote the regional and the minority language as intended by the Charter over the previous year.

In July 2012, Lower Saxony's State Ministry of Education and the Ostfriesische Landschaft agreed to cooperate on an education project for the acquisition of the regional language Low German and the minority language Sater Frisian as early second languages. The aims are to draw up guides for competence-oriented multilingual instruction on the model of Low German and Sater Frisian (work on curricula), to develop curriculum for language immersion in Low German/Sater Frisian in primary schools (work on curricula), to introduce and/or expand language immersion in order to facilitate language acquisition, to increase and intensify Low German offerings in schools, and to draw up high-quality, certifiable advanced training for (primary school) teachers in Low German and Sater Frisian.

Since 2009, advanced training courses have been offered on the basis of the core curriculum which take into account both language encounter and language acquisition. These courses are in two parts and are aimed above all at primary school teaching staff with little or no knowledge of Low German. Average enrolment for the courses is about 35 participants.

At the Carl von Ossietzky University of Oldenburg, the university chair in Germanic linguistics: Linguistic pragmatics and sociolinguistics/Low German was temporarily filled from 16 December 2007 until 15 December 2012. The position was initially limited to five years. In the meantime, the process of making the position permanent was initiated and completed in September 2012. In 2012, state funding for the University of Oldenburg to strengthen Low German increased by € 100,000; starting in 2013, funding will increase by € 150,000 every year. As a result, the university advertised a permanent half-time position for a research assistant and a permanent half-time position for a lecturer for special tasks. In addition, a temporary half-time position for a lecturer for special tasks was made permanent.

Over the past three and a half years, various types of Low German and Sater Frisian courses were tested. The courses given under the auspices of the university chair focused on linking Low German and Sater Frisian issues with topics of general relevance for education in the field of German. The testing phase ended in the 2012 summer semester. To follow up, a study programme is to be developed from the existing building blocks which will allow every group of students to participate in these specialized studies with various areas of concentration during the bachelor programme. The master programme of study has so far been oriented towards students majoring in the subject and those training to become teachers at *Gymnasium* (grammar school). Planned reforms of other degrees will lead to expanding the master programme course offerings. Every semester, practical Low German language courses have been offered for beginners and advanced learners consisting of four hours of instruction per week, with an expanded course offered once a year. Course instruction is based on the levels of the Common European Framework of Reference for Languages (CEFR).

A certificate in Low German was introduced with the start of the specialized studies; it requires successfully completing specialized courses, practical language exercises and a final thesis on some aspect of Low German. This certificate is likely to become increasingly relevant for hiring at schools in Lower Saxony which are striving for a higher profile in the field of Low German. The specialized studies are striving to establish a programme of advanced training for teachers at the University of Oldenburg. At the state's initiative, a certified training programme is to be developed in Oldenburg, to be carried out with the help of external instructors and with the support of the specialized studies. The main task of the specialized studies will be to work with experts from schools and regional associations and in consultation with the state's school authority to develop curriculum initially for primary school teachers, followed by curriculum for other groups of teachers, which satisfies the requirements for certification. Additional plans include developing a series of textbooks for teaching Low German in primary and secondary schools, initially for a selected language region and later for other language regions.

A research group applied for funding from the German Research Foundation (DFG) for a project on Low German in northern Lower Saxony and Westphalia.

The project aims to develop a standard process for lay persons to collect audio recordings in the region Bersenbrücker Land and is intended to serve as a model for other projects in other Low German language regions. The resulting archive of audio recordings is intended not only to add to current stocks of dialect recordings, but also to be available for use in university courses and as a resource for final theses and to enable concrete implementation of "language encounters" with Low German at school as

required in the core curriculum. With this in mind, the recordings will be available on the Internet and a guide for teachers in various types of schools will be developed. Nearly complete data files of 77 speakers from 16 different sites are already available. Further, selected data from the 16 sites can be accessed using an interactive map that can be found at [www.niederdeutsch.uni-oldenburg.de/55984.html](http://www.niederdeutsch.uni-oldenburg.de/55984.html). This map is regularly updated.

A significant proportion of research resources was dedicated to the project "Intonation in varieties of Dutch", begun at the University of Nijmegen in 2006 by the Dutch Organization for Scientific Research; after its move to Oldenburg, this project was expanded to include the town of Weener in Ostfriesland in order to capture the Low German and local High German in this region.

With its concentrations in Low German and Sater Frisian, the University of Oldenburg serves as a partner for the following projects as well, in which aspects of language promotion, language protection and cultural work predominate:

- Low German–High German online dictionary for Ostfriesland (cooperation project between the university and the Ostfriesische Landschaft)
- Immersion courses at the *Gymnasium Warstade-Hemmoor* (external dissertation project)
- Low German in Lower Saxony (cooperation with the tourism marketing firm TourismusMarketing Niedersachsen GmbH (TMN), Hanover)

The major goals for the next few years include:

- Stabilizing student demand for specialized studies in Low German at the level attained in the bachelor programme and gradually increasing demand in the master programme
- Establishing a certified programme in Low German for advanced teacher training at the University of Oldenburg
- Increasing research output in the field of Low German, Sater Frisian and High German. In recent years, the focus has been on building up the specialized studies programme and creating a regional network. Expanding research into Low German and Sater Frisian is viewed as one of the most important tasks for the coming years. It is also related to the goal of strengthening Low German as a subject of university study. First, research on the Low German foundations of High German in terms of phonetics, phonology and prosody is intended to help strengthen the role of Low German in the study of German language and literature. Second, experimental research in these areas is intended to raise the profile of Low German in the international research community.

The NHL Hogeschool Leeuwarden is a leader in training teachers for multilingual instruction in Dutch, Frisian and English at schools in the Dutch province of Friesland. In 2011, instructors at the Instituut Educatie en Communicatie, Afdeling Talen, agreed on joint school-oriented courses in the field of Low German, Sater Frisian and West Frisian.

The state of **North Rhine-Westphalia** reports that the Low German competitions for primary school pupils continue to be very important for the schools in the Münsterland. These competitions are usually held every two years in the rural areas of the

Münsterland administrative district under the auspices of the state programme for culture and schools.

In Münster, a new official for the preservation of local culture developed a model for experienced teachers and artists who are speakers of Low German to offer activities for schools. With support from the district government, this project has been carried out in Münster's primary schools and has been recommended to its secondary schools.

In addition, the guide on Low German in the classroom is to be revised in coordination with the initiative on regional projects for Low German. In coordination with the regional agency, Low German texts, conversations and documents are to be published as multimedia on the Internet to offer an occasion for children, young people and adults to speak and work with the language.

See the comments on Chapter I. 1.2.a regarding a planned school pilot project.

With regard to university education and training, it should be noted that in North Rhine-Westphalia, the post of professor for Low German at the University of Münster was upgraded to the level of W-2. Professor Spiekermann began his work in summer semester 2012 with a concentration on Low German. As a result, it is once again possible to complete doctoral and post-doctoral (*Habilitation*) studies in Low German at Münster. The following activities in the Low German language and literature section during the reporting period should be mentioned: the project "Mittelniederdeutsches Glossarienkörpus", which aims to collect and publish the terminology preserved in Latin–Middle Low German and Middle Low German–Latin vocabulary manuscripts of the late Middle Ages; and an atlas of early Middle Low German written languages, which will display the regional Low German written languages of the 14th century in cartographic form. A new project on Low German in Westphalia is creating a digital text archive of medieval documents, chronicles, inscriptions and religious literature.

In conjunction with the commemoration of the 150th birthday of Augustin Wibbelt, probably the most important writer in Münsterland Low German, in 2012, the University of Münster and the Augustin Wibbelt Society planned a campaign for schools and cultural associations across Westphalia.

At the University of Bielefeld's Department of Linguistics and Literature, Professor Seelbach is temporarily continuing the activities of Professor Wirrer, who has retired. Until December 2012, Professor Wirrer also supervised the research project on language variations in northern Germany and Low German, which was in its final phase. The joint project with the University of Münster, "Niederdeutsch in Westfalen. Historisches Digitales Textarchiv" (Low German in Westphalia: A historical digital text archive) has been under way since 2009 and is continuing successfully at both locations; during the reporting period, it received funding from the state of North Rhine-Westphalia and the Landschaftsverband Westfalen-Lippe. The project "Repertorium der mittelalterlichen Autoritäten" has been completed and all Low German texts are now accessible. At the University of Bielefeld, bachelor and master theses are drawing connections between writings in dialect by authors of a particular region and texts from the 15th and 16th centuries. Classes on Middle Low German are given regularly. Quality improvement funds from North Rhine-Westphalia are to be used to add Low German language classes to German department course offerings. Lastly, cooperation was recently established with the University of Tallinn on topics of Low German language and literature in Reval (17th-century journals and writings in dialect).

In 2010, Professor Tophinke was hired as the chair for German and General Language Studies at the University of Paderborn. Professor Tophinke has applied for DFG funding for a project on Low German syntax. At the same time, a lectureship in Low German was established starting in winter semester 2011/12; the post is held by Dr Nagel of Münster.

All three universities continue to offer lectures and seminars on Low German, which have found an interested audience even among non-specialists. For example, the University of Münster is involved in the cross-cutting project on language variations in northern Germany. Several studies of actual language praxis in Westphalia are currently under way.

In the field of cultural education, Low German theatre activity in the reporting area has increased over the past two years. According to the Fachstelle Niederdeutsch of the Westfälischer Heimatbund, there are about 200 theatre companies in Westphalia. These local theatres are independently managed and financed and currently offer the broadest opportunity to learn, speak and perform in Low German. Happily, the Low German theatres enjoy surprisingly large audiences, are very popular with the local population and often offer outstanding results.

The Low German theatre company of Münster, which stands out from the many independently managed and financed theatre companies, had its production of the Low German play *Spiells van Dr. Faustus* from the 2006/07 season professionally recorded and produced a DVD; North Rhine-Westphalia contributed € 3,000 towards the production costs. This linguistically valuable production is available in particular to schools in the Westmünsterland region.

A "regional" entitled "Zukunftsland Westmünsterland" (Westmünsterland: Land of the future) will be held in 2015/16. Representatives of participating institutions are to present a language project for qualification which attempts to follow the phenomena of Low German in the district.

At the initiative of the Münster district government, it was possible in autumn 2011 for the first time to bring together all institutions working in the field of Low German to produce a cultural programme for the joint federal–state meeting of desk officers in April 2012. The programme was advertised throughout the Münsterland region, attracted large audiences and received a great deal of media attention.

Also deserving of mention are numerous research activities of the Westphalia commission for dialect and name research (Kommission für Mundart und Namensforschung Westfalens), an institution devoted to documenting and researching Low German in the region Westfalen-Lippe and based at the Landschaftsverband Westfalen-Lippe.

In the state of **Saxony-Anhalt**, a course on early childhood acquisition of Low German was offered both winter and summer semesters from 2010 to 2012 as a module of the bachelor programme in cultural studies/German. During the course, students developed projects to promote early childhood acquisition of Low German (course materials, instructional games, picture books, etc.) that were used in selected nursery schools and primary schools.

In the master programme in culture, transfer and intermediality, the optional compulsory module on Low German between oral and written language that was announced in the state's previous comments has now been completed.

Together with the Landesheimatbund, the Arbeitsstelle Niederdeutsch (office for Low German) at the Otto von Guericke University of Magdeburg regularly offers advanced training in Low German for teaching and child-care staff.

In 2010, the text *Unsere plattdeutsche Fibel - Wir lernen Plattdeutsch in Sachsen-Anhalt 1. – 6. Schuljahr* (Our Low German primer: Low German in Saxony-Anhalt for grades 1 through 6) was revised; the Landesheimatbund has so far delivered complete classroom sets to 41 schools by request.

The state is funding a project of the Landesheimatbund on early childhood education in the field of Low German which was conducted in close cooperation with the Arbeitsstelle Niederdeutsch in 2011 and 2012. Two advanced teacher training courses on this topic were carried out in 2012 and a CD of teaching materials was produced.

Advanced training courses on this topic were offered at the University of Magdeburg in 2010 and 2011 for primary school teachers and child-care staff.

In 2010, 37 schools took part in the annual competition for reading Low German aloud ("Schülerinnen und Schüler lesen PLATT"), which is funded by the Ostdeutsche Sparkassenverband and sponsored by the state education minister of Saxony-Anhalt; in 2011, 33 schools participated. In 2011, a new brochure for the competition was drafted and printed, with child-friendly texts.

Additional events in the field of education:

- 2011: Low German theatre competition for children
- 2011: Low German theatre workshop for children and youth, sponsored by the Landesheimatbund and carried out in cooperation with the Puppentheater Magdeburg
- 2012: Low German theatre competition for children
- 2012: Low German project day held at a Magdeburg primary school.

In the state of **Schleswig-Holstein**, the decree "*Niederdeutsch in der Schule*" states that Low German is the teaching principle in all schools in Schleswig-Holstein. It also provides for the possibility of setting up activity groups. Although this does not make Low German an independent subject of study, schools are obligated to teach about Low German language and culture.

The Schleswig-Holstein state government continues to make every effort to increase the use of Low German in the education sector. Specific measures taken in 2012 to strengthen and promote Low German:

- Model school in the field of Low German

From 1 August 2012, the regional school in Niebüll, Nordfriesland, is the first model school for Low German in Schleswig-Holstein. It receives extra funding from the state government to develop courses and for documentation, advanced training and research support.

Language acquisition is the primary focus of instruction in Niebüll. The competences of the University of Flensburg and the Low German centres in Schleswig-Holstein are used for support, as is the expert counsel of the Institute for Low German.

The aim of this model project is to share the expertise developed in Niebüll with other schools in Schleswig-Holstein in order to strengthen Low German in the educational sector.

- "Plattdüütsch-Emmi"

The state parliament of Schleswig-Holstein, the State Ministry of Education and Research and the Schleswig-Holstein Heimatbund have together initiated a new prize to promote Low German in day-care centres, schools, higher education and youth groups, the "Emmi för Plattdüütsch in Sleswig-Holsteen".

It takes the place of the Niederdeutsche Schul-Siegel and "Do mol wat op Platt" awards. Together with the State Minister of Education and Research and the Schleswig-Holstein Heimatbund, the president of the state parliament awards the prize once a year.

The Low German section is located within the Institute for German at the University of Flensburg. All German majors must take an introduction to Low German or Frisian in their first semester. In their third year of study, German majors may choose a concentration in Low German: In this concentration they can deepen their knowledge of Low German in two modules (six classes). In addition to a regular bachelor of arts in German, the university also awards a Low German certificate to those who successfully complete both modules. Classes in the Low German concentration are also open to German majors who have not chosen this concentration. Students are regularly informed during classes and office hours and at information events about classes in Low German.

In June 2012, the University of Flensburg was awarded an "Emmi för Plattdüütsch in Sleswig-Holsteen" on the basis of the successful bachelor thesis by a student in the Low German concentration.

There are three instructors for the Low German section. In winter semester 2012/2013 the University of Flensburg is offering ten classes in Low German. For winter semester 2013/2014, the university is revising its teacher training courses in line with the types of schools in Schleswig-Holstein (*Grundschule*, *Regionalschule* and *Gemeinschaftsschule*) and expanding its master programme from two semesters to four. In this context, the university is examining whether to lend even greater weight to the Low German concentration.

Low German (chair for German philology, in particular Low German language and literature) is firmly anchored within the department of German language and literature at the Christian Albrechts University of Kiel (CAU). In a number of bachelor and master programme modules, German majors can choose classes with an emphasis on Low German. Further, majors of German and other subjects who are not studying to be teachers can choose modules having a Low German focus in order to gain additional qualifications in Low German philology. Majors in all departments who are studying to be teachers may take Low German as an additional subject during or after their teacher training.

Students in the master of arts programme in German now also have the option to choose a concentration in Low German. University of Kiel students are regularly informed about all these options via special information events, in class and during instructors' office hours. In winter semester 2012/2013, the university is offering 13 classes related to Low German.

Further, the Low German section of the University of Kiel's German department entered into a cooperation agreement with its counterpart at the University of Flensburg. Under this cooperation agreement, the two universities can exchange Low German instructors, and students of each university can take Low German classes at the other institution for credit. The two universities coordinate their semester offerings in Low German.

The University of Kiel offers two courses in Low German, which are also open to students from other departments. This option is available through the module "Low German language acquisition", which offers two courses, Low German for beginners ("Wi lehrt Platt") and for advanced learners ("Nedderdüütsch in'n Düütschünnerricht"). Students who have not registered for the teacher training course in the additional subject area may take these classes by permission if space permits.

The Committee of Experts encouraged the authorities of Schleswig-Holstein to review the plans for a complete discontinuation of the support for the *Institut für Niederdeutsche Sprache* (No. 39).

While negotiating the budgets for 2011/12 and the mandatory budget cuts, the state government examined the possibility of cutting all state funding for the *Institut für Niederdeutsche Sprache*. When it announced its decision to end its funding, the state government assumed that its only option was to terminate its agreement to provide funding.

Following successful negotiations based on Article 6 (2) of that agreement with the aim of revising the operating plan for the further funding of the Institute for Low German, the termination of the agreement was reversed. The subsidies for the institute are being reduced starting in 2012, so the state can reduce its financial contribution. In this way, Schleswig-Holstein will continue to be a member of the institute.

At the same time, the state government and the Low German Council of the Schleswig-Holstein state parliament asked the states of Brandenburg, Mecklenburg-Western Pomerania, North Rhine-Westphalia and Saxony-Anhalt to provide financial support to the Institute for Low German.

## 2. Article 7 (1) (f)

### a. Low German

In its latest report, the Committee of Experts advised the authorities of Saxony-Anhalt, Brandenburg and North Rhine-Westphalia to offer Low German on a voluntary basis at preschools and as a regular elective in its own right at primary and secondary schools, and to ensure sufficient basic and further training for teachers (Nos. 45–46).

With regard to Low German at primary schools, **Brandenburg** refers to the comments on Article 7 (1) (c). In addition, it is noted that in Brandenburg the education offices, with their advisers in the framework of the regional structure of further training for teachers, have the option of organizing and carrying out events as needed and if persons with the necessary language skills are present. If external training providers can offer courses, they may be recognized as advanced teacher training.

**North Rhine-Westphalia's** Ministry for Schools and Continuing Education is currently reviewing the possibility of conducting a school pilot project in Low German. This project, initially limited to five years, would be carried out at six to ten primary schools, building on the German core curriculum investigating language and language use as part of the

originary instruction. At the moment, the usual questions that arise before launching a school pilot project need to be dealt with, for example concerning the didactic programme, advanced training for teachers, project coordination, cooperation with school and non-school partners (universities, publishers) and financing. In the medium term, the pilot project would serve to assess whether it is possible to create a separate subject of study in Low German that could be continued to the lower secondary level. It should be noted that North Rhine-Westphalia has no preschools as such.

The state of **Saxony-Anhalt** also refers to its efforts to meet the obligations from Part II of the Language Charter; these efforts were already described in the response to Recommendation 5 of the Council of Ministers. The rest of the measures described in detail with regard to Article 7 (1) (c) demonstrate the diverse activities the state has undertaken to advance the teaching of Low German at preschools and primary schools.

At the same time, the Committee of Experts called on the Lower Saxony authorities to develop a structured policy intended to improve the state of Low German education in primary and secondary schools (No. 47).

**Lower Saxony** refers to its comments on Article 7 (1) (c) in Chapter E. I. 1. b.

#### **b. Sater Frisian**

In its latest report, the Committee of Experts called on the German authorities to take the necessary structural measures, in particular in the field of teacher training, to ensure the sustainability of bilingual education in nursery schools and primary schools in Saterland (Nos. 48–49).

Lower Saxony explains that one of the schools participating in the project on early bilingualism is a primary school in Saterland; as a result, primary school children in Saterland have been learning Sater Frisian since January 2012.

In August 2011, the University of Oldenburg submitted an application to the DFG for an initial project on language contact between Sater Frisian, Low German and High German in Saterland; this application was approved in March 2012.

With its concentrations in Low German and Sater Frisian, the University of Oldenburg serves as a partner for the following projects as well, in which aspects of language promotion, language protection and cultural work predominate:

- Saterland as a model region for early bilingualism (project in cooperation with the Oldenburgische Landschaft and the Ostfriesische Landschaft)
- Completion of the dictionary of Sater Frisian (with state funding)
- Sater Frisian language course (support for a native speaker of Sater Frisian in developing a textbook in cooperation with the Oldenburgische Landschaft).

### **3. Article 7 (4)**

#### **a. Romani**

In its latest report, the Committee of Experts called on the German authorities to take into consideration, in the promotion of Romani, the needs and wishes expressed by all relevant groups which use Romani in Germany (Nos. 56–58).

The state government of **North Rhine-Westphalia** continues to fund the Counselling Bureau for Sinti and Roma, which advises members of the minority, mediates between

the minority, majority and their institutions, and also promotes school and extra-curricular education, among other things. To supplement the Bureau's efforts, since January 2012 the **North Rhine-Westphalia** State Ministry of Labour, Integration and Social Affairs has provided funding for a social worker in Wuppertal, who advises and assists children, young people and families in Romani on behalf of the social Counselling Bureau of the state association. The Sinti Alliance in **North Rhine-Westphalia** has not requested any financial support, so the state has not worked with the Alliance in recent years.

The state of **Rhineland-Palatinate** continues to provide funding to the Association of German Sinti and Roma in Rhineland-Palatinate, reg'd society (member of the Central Council of German Sinti and Roma) and the Sinti Union of Rhineland-Palatinate, reg'd society (member of the Sinti Alliance of Germany, reg'd society).

The Association of German Sinti and Roma in **Schleswig-Holstein**, reg'd society, which does not belong to any umbrella organization and equally represents the interests of all Sinti and Roma in Schleswig-Holstein.

## **II. Evaluations with respect to Part III of the Charter**

### **1. Danish in Schleswig-Holstein**

#### **a. Article 8**

In its latest report the Committee of Experts encouraged the German authorities to ensure that the foreseen budgetary cuts of the state of Schleswig-Holstein do not jeopardize the current level of provision of Danish-language education. (Nos. 61 - 65). It also called on the authorities to find a long-term solution to the problems associated with transport allowances for pupils attending Danish schools (Nos. 66 - 67).

Reference is made to Recommendation 2 of the Committee of Ministers.

In the years 2009 to 2011, Schleswig-Holstein reimbursed the districts of Schleswig-Flensburg, Nordfriesland and Rendsburg-Eckernförde for half of the costs they had voluntarily paid to the Danish Schools Association in transport allowances for 2008, 2009 and 2010. The total amount of € 1.1 million was paid. The governing coalition parties - Sozialdemokratische Partei Deutschlands (SPD, Social Democratic Party of Germany), Bündnis 90/Die Grünen (Alliance 90/The Greens) and Südschleswigscher Wählerverband (SSW, South Schleswig Voters' Association) - stated the following in their coalition agreement:

"In 2012, the state government will look into how Section 114 of the Schools Act can be amended to cover allowances for the transport of pupils to schools of the Danish minority, in an effort to establish the equality of Danish minority schools and public schools."

Section 114 of the Schools Act regulates the transport of pupils to publicly maintained schools as an obligatory task incumbent on (local) school providers.

#### **b. Article 10 (1) (a) (v)**

In its latest report the Committee of Experts strongly urged the German authorities to ensure that documents in Danish can be submitted to administrative authorities in practice (Nos. 74 - 76).

With reference to the previous reports, the government of Schleswig-Holstein regards the obligation under Article 10 (1) (a) (v) of the Charter as fulfilled. As required by the Charter, users of Danish may validly submit a document in Danish with a German translation. However, the state government will hold specific talks with respect to this issue in the first six months of 2013, as requested by the Danish minority.

#### **c. Article 11 (1) (b) (ii) and (c) (ii)**

In its latest report, the Committee of Experts urged the authorities to take measures to encourage and/or facilitate the broadcasting of television programmes in Danish on a regular and sufficient basis (Nos. 77 – 83).

According to their coalition agreement covering the period of 2012 - 2017, the governing coalition parties at state level - Sozialdemokratische Partei Deutschlands (SPD, Social Democratic Party of Germany), Bündnis 90/Die Grünen (Alliance 90/The Greens) and Südschleswigscher Wählerverband (SSW, South Schleswig Voters' Association) - are planning to argue with vigour in the bodies of the Norddeutscher Rundfunk (NDR)

broadcasting station to make sure that public service broadcasting reflects the linguistic and cultural diversity prevailing in Schleswig-Holstein.

Reporting on the Danish minority on NDR 1 Welle Nord regularly includes news and reports on current events, extensive features in the programme “Von Binnenland und Waterkant” (From inland and the water’s edge) and one-hour productions on special occasions. In this context, parts of interviews are frequently broadcast in Danish; they are previously translated and explained but not voiced over.

The Danish town of Sønderborg launched a bid to become the 2017 European capital of culture; the underlying concept also involved districts in Schleswig-Holstein and the town of Flensburg. On this occasion, journalists of NDR 1 Welle Nord and the Danish Radio P4 Syd broadcasting station produced a one-hour German-Danish radio feature, which was broadcast on NDR 1 Welle Nord in August 2012 as part of the "Ostseemagazin" - a programme concerning issues in the Baltic Sea states.

Europe's largest bridge, the Fehmarn belt link, is bound to make the cooperation between the NDR and their Danish counterparts even closer. There already is joint research into how this bridge will change the lives of those on either side of the belt. The results will be exchanged and fed into the radio and television coverage.

The NDR broadcasting studio in Flensburg deserves particular mention with regard to German-Danish cooperation. Close cross-border contact with Danish colleagues makes sure that Danish and/or cross-border issues are regularly covered by the programmes “SH-Magazin” and “SH 18:00”. The German-Danish cooperation and the mutual news coverage serve the understanding between Germans and Danes and their recognized minorities on either side. As a rule, the reports are spoken in Standard German, with Danish subtitles or voice-over.

Radio Schleswig-Holstein (R.SH) produces programmes and features in Danish in cooperation with the Danish newspaper "Flensburg Avis". These are broadcast several times a day on weekdays, covering above all regional news. In addition, regional windows are offered on special occasions, such as elections.

#### **d. Article 11 (1) (d)**

In its latest report, the Committee of Experts strongly urged the German authorities to take measures to encourage and/or facilitate the production and distribution of audio and audiovisual works (Nos. 84 - 86).

The Flensburg branch of the Offener Kanal (OK) Schleswig-Holstein broadcasting station regularly produces and broadcasts Danish programmes, which can be received by members of the Danish minority in the coverage area (Flensburg, Schleswig, Niebüll, Kappeln). The cooperation between the OK Flensburg branch and AI-TV, a non-profit making television station in Apenrade, Denmark, plays a special role here.

## **2. Upper Sorbian in the Free State of Saxony**

#### **a. Article 8 (1) (b) (iv)**

In its latest report, the Committee of Experts encouraged the authorities to take the necessary measures so that the practical implementation of the “2 plus” model ensures adequate language proficiency of the Upper Sorbian-speaking pupils (Nos. 105 – 112 and 113 - 119).

According to the Free State of Saxony the evaluation of the bilingual “2plus” model project has been completed successfully. The goals of the project have been reached:

- gaining empirical results regarding the promotion of active bilingualism and the best development, promotion and revitalization of the Sorbian language, culture and identity.
- developing and testing differentiated approaches to the promotion of bi- and multilingualism in order to find a strategic reply to differing education backgrounds.

The project was accompanied by bi- and multilingualism experts and scientists of the Institute for Sorbian Language and Culture at Leipzig University.

The “2plus” model project was launched in the 2002/2003 school year, involving all six Sorbian primary schools, the Schleife primary school, the four Sorbian *Mittelschulen* (secondary schools), the Schleife *Mittelschule*, and the Sorbian *Gymnasium* (grammar school). Bilingual classes were set up, leaving the diverging linguistic backgrounds of the pupils aside. All curricular and extracurricular education processes were bilingual.

The project involved 109 pupils in primary education, starting from grade one, and 91 pupils in grades five and six. In addition, a monolingual control group was established in grades five and six, consisting of 41 pupils; this group was not taught in line with the 2plus model.

Annual benchmark tests were conducted and evaluated for both languages, beginning with grade one. To this end, standardized analysis tools designed to monitor language development in the context of bilingual education were adapted to accommodate the Sorbian-German language pair. Initial analyses by the schools and detailed questionnaires filled in by teachers and pupils were also evaluated.

Under the lead of the school coordinators for bilingualism the project schools documented all measures taken to put the project into practice in everyday school life, the teaching methods in bilingual classes, the curricular and extracurricular framework conditions, the use of bilingual worksheets for specific subjects, the involvement of parents and the strategic school work geared to bilingualism.

The surveys show that all pupils made considerable progress in their language development with the help of the 2plus strategy. They had a better access to and attitude towards the Sorbian language. The pupils taking part in the 2plus model project were better able to read and write texts both in German and Sorbian. 2plus achieved a contextual bi- and multilingualism enabling pupils to use their language skills in line with the situation in hand.

#### **b. Article 8 (1) (d) (iv)**

In its latest report the Committee of Experts encouraged the authorities to continue identifying proactively other areas where vocational training in Upper Sorbian might be offered (Nos. 120 - 124).

The competent Saxon Education Agency (Bautzen Regional Office) is not aware of the Domowina project mentioned by the Committee of Experts in No. 122, and was obviously not involved in it. It points out that such an offer would not be realistic, given the great variety of subjects covered and the great distances involved. Rather, the

authorities promote the preservation of Sorbian education at the Sorbian College for Social Pedagogy (Sorbische Fachschule für Sozialpädagogik).

**c. Article 8 (1) (h) (i)**

In its latest report, the Committee of Experts requested the Saxon authorities to provide further information on the implementation of the recruitment agreement which guarantees Sorbian-speaking graduates a position (Nos. 125 - 126).

Leavers of the Sorbian *Gymnasium* (grammar school) may conclude such an agreement, provided they intend to undergo teacher training. The Saxon Education Agency (Bautzen Regional Office) and the Sorbian institutions provide annual informational events. The students are guaranteed places for practical training. There were problems in very rare cases where the would-be teachers had not concluded the agreement, had not performed well in their studies or where they failed to contact the Saxon Education Agency (Bautzen Regional Office) in time. However, remedies were provided in all cases where the young teachers so wished. The Coordinator for Sorbian Affairs at the Bautzen Regional Office has meanwhile established the routine of requesting all Sorbian-speaking students doing teacher training to report back annually about their progress in order to minimize the above-mentioned problems.

**d. Article 8 (2)**

In its latest evaluation report, the Committee of Experts encouraged the authorities to take measures to make available Upper Sorbian education in a pro-active manner in those places where the number of users would justify such an offer (Nos. 132 - 135).

According to the Saxon authorities this requirement is already met. Education offers are provided or can be provided if and when the actual demand is signalled.

**e. Article 9 (1) (c) (ii)**

In its latest report, the Committee of Experts encouraged the Saxon authorities to take measures to make it easier to use Upper Sorbian in the courts in practice (Nos. 136 - 139).

The right of Sorbs to use the Sorbian language in the courts in their home districts is enshrined in Section 184 of the Judicature Act (*Gerichtsverfassungsgesetz, GVG*) and Section 9 of the Act on the Sorbs' Rights in the Free State of Saxony (*Gesetz über die Sorben im Freistaat Sachsen (SächsSorbg)*), and is unconditionally ensured in practice. Sorbian citizens have the right to present their concerns in Sorbian or in German. It is particular in the regular jurisdiction that there are staff members (of various service grades) who speak Sorbian well and are thus able to help Sorbian citizens. These citizens are already well aware that they may use the Sorbian language in the courts. Furthermore, most of the parties before the local courts and Bautzen Labour Court are represented by lawyers who are also aware of the rights of Sorbian citizens.

Public events and law courses at grammar schools are used to make the population aware of the fact that applications may be filed in Sorbian with the local courts and that hearings may be conducted in the Sorbian language.

**f. Article 10 (1) (a) (iv)**

In its latest report the Committee of Experts encouraged the Saxon authorities to provide specific information on the possibility to submit applications in Upper Sorbian to local and

regional authorities in other parts of the Upper Sorbian language area outside the core area (Nos. 140 - 141).

Section 9 of the Act on the Sorbs' Rights in the Free State of Saxony means that Saxony has returned to the pure territorial principle with regard to official languages. Section 9 of said Act governs the official use of the Sorbian language. Section 3 of the Act gives citizens the right to use Sorbian in their dealings with the Saxon authorities and its corporations, institutions and foundations. Using the Sorbian language has the same effect as using German. The authorities may respond to, and adjudicate, such petitions in Sorbian. Sorbian contact persons are only provided in the Sorbian settlement area, however. Outside the area defined in Section 3 of the Act on the Sorbs' Rights in the Free State of Saxony, the state authorities need not accept or process letters submitted in the Sorbian language.

#### **g. Article 10 (2) and Article (3) (b)**

In its latest report, the Committee of Experts encouraged the German authorities to take measures in order to encourage the Upper Sorbian speakers to use their language in their dealing with the authorities in practice (Nos. 142 - 145) and to ensure that replies from public bodies are given in Upper Sorbian (Nos. 146 - 148).

The state administration, its bodies and local authorities may respond in Sorbian to letters submitted in the Sorbian language, but they do not have to, as stipulated by Section 9 of the Act on the Sorbs' Rights in the Free State of Saxony. As a rule it is ensured, though, that where petitioners so request, the Sorbian language is used. The authorities have little room for discretion here.

The state administration and the rural districts in the Sorbian settlement area have commissioners for Sorbian affairs in place (e.g. Section 10 of the Statutes of the rural district of Görlitz). In practice, the procedure is as follows: Incoming letters are handed over to the commissioner for Sorbian affairs who sees to a translation into German without delay. Generally, the competent agencies reply in German, unless the applicant has requested a response in the Sorbian language.

A recent survey in the rural district of Görlitz has shown that, of the 2000 public service employees, 27 actually speak Sorbian - a seemingly low, but actually sufficient number. According to the rural districts in Saxony there have not been any complaints that cases submitted in the Sorbian language took too long or were dealt with unsatisfactorily.

#### **h. Article 10 (4) (c)**

In its latest report, the Committee of Experts urged the authorities to take measures to ensure compliance as far as possible with requests from public service employees having a knowledge of Lower Sorbian to be appointed in the territory in which that language is used (Nos. 149–151).

The employment of Sorbian-speaking public service employees within the Sorbian settlement area is a major concern of the Saxon government. This concern is worded as goal 1.1 "More Sorbian language skills in the public service" as part of the "Plan of Measures by the Saxon Government to Stimulate and Encourage the Use of the Sorbian Language", which also serves the implementation of the measures requested under letters g - h with regard to Article 10.

Two measures have been taken to reach the goal "More Sorbian language skills in the public service" (measure 1.1.1 and measure 1.1.2). For instance, Sorbian language skills are considered an asset for job applicants. Also, public service employees are to be given the opportunity to acquire the Sorbian language skills they need for their job, e.g. by attending adult education courses in the Sorbian settlement area.

Figures reflecting the number of applications filed by public service employees wishing to move into the Sorbian-speaking area are not available, however.

#### **i. Article 11 (1) (b) (ii)**

In its latest report, the Committee of Experts encouraged the authorities to promote the broadcasting of Upper Sorbian programmes by private radio broadcasters (Nos. 152 - 156).

The Act on Private Broadcasting in Saxony (*Sächsisches Privatrundfunkgesetz* (SächsPRG), in its Section 7 (1), states that private broadcasters should represent the views of minorities. There is one representative of the Sorbian associations in the members' assembly of Saxony's media authority (*Sächsische Landesmedienanstalt*, SLM), as stipulated by Section 29 (1) of said act. The Saxon training and trial channel (*Sächsischer Ausbildungs- und Erprobungskanal*), a Bautzen-based non-profit making limited-liability company launched by the SLM, continues to be dedicated to broadcasts in the Sorbian language.

#### **j. Article 11 (1) (c) (ii)**

In its latest report, the Committee of Experts encouraged the authorities to promote the broadcasting of Upper Sorbian television programmes on a regular basis (Nos. 157 - 162).

Section 6 (3) of the Inter-State Treaty on Mitteldeutscher Rundfunk (MDR) requires the broadcasting station to represent the concerns of all groups of society, including that of minorities. For this reason and also owing to constitutional requirements the MDR also broadcasts programmes in the Sorbian language. The programmes are produced at the regional studio in Bautzen. Since 2009 there have been few changes regarding the Sorbian language TV broadcasts by MDR, which are as follows:

MDR airs a "tele-window" programme, "Wuhladko", in the Sorbian language on every first Saturday of the month, at 12:25, which is repeated on the following Tuesdays at 09:15 throughout the MDR coverage area. The programmes can be received also via live stream on the Internet. The monthly TV programme Wuhladko is now also available on the internet for seven days after the first broadcast.

"Łužyca", a TV programme produced by Sorbs for Sorbs in the Lower Sorbian language, is taken on by the Rundfunk Berlin Brandenburg (RBB) broadcasting station and broadcast at 13:20, and is repeated by the MDR regional service one week after it was first broadcast by the RBB, usually on the 4th Saturday of the month.

#### **k. Article 11 (1) (f) (ii)**

In its latest report, the Committee of Experts asked the authorities to provide information on the application of financial existing measures for financial assistance also to audiovisual productions in Upper Sorbian (Nos. 163 - 165).

The second agreement between the Federal Government and the state of Brandenburg and the Free State of Saxony on joint funding for the Foundation for the Sorbian People was signed on 10 July 2009. This means that the annual allocations to the Foundation for the Sorbian People are ensured. That said, it is not possible to increase the funds to support film productions. For this reason, Saxony put the focus on film projects for children and young people in both Sorbian languages in the period under review. The production of films is very costly. Synchronizing films might be another way of increasing Sorbian-language offerings. Furthermore, technical developments in the audio-visual sector had to be accommodated. From 2009 to 2011, eight co-funded projects were completed. It has to be kept in mind that it is not always possible to complete a project within a calendar year.

In 2012, the Federal Ministry of the Interior gave financial assistance towards a Domowina film production in the run-up to the 10th Lusatian International Folklore Festival in 2013.

### **I. Article 13 (1) (c)**

In its latest report, the Committee of Experts encouraged the authorities to strengthen their efforts to oppose practices designed to discourage the use of Upper Sorbian in connection with economic or social activities (Nos. 174 - 176).

The Saxon authorities have not taken any new measures in the period under review.

### **m. Article 13 (2) (c)**

In its latest report the Committee of Experts strongly urged the authorities to take measures to ensure that social care facilities can receive and treat the persons concerned in Upper Sorbian (Nos. 177 - 182).

The "Plan of Measures by the Saxon Government to Stimulate and Encourage the Use of the Sorbian Language", contains the "use of the Sorbian language in social care facilities (care homes, public health institutions) in the Sorbian settlement area" as goal 2.5, and specifically "intensifying the contact with the operators of hospitals and care homes in the Sorbian settlement area" as measure 2.5.1. Social institutions such as hospitals, retirement and other homes are to be made more aware of the benefits of looking after Sorbian-speaking persons who need care owing to illness, old age or other reasons in the Sorbian language.

The Saxon Education Ministry draws attention to its contribution to the Fourth Report, according to which care in the Sorbian language in hospitals and social institutions in the Upper Sorbian region is ensured on top of the "Plan of Measures by the Saxon Government to Stimulate and Encourage the Use of the Sorbian Language".

Privately-run facilities select their own staff. They must fulfil legal requirements only as regards the staff's qualification. The facilities are subject to supervision but the supervisory body cannot request a facility to employ Sorbian-speaking staff. Article 13 (2) of the Charter obligates the Contracting Parties only to the extent that "the public authorities are competent". However, public authorities are not competent in this area.

Holstein, distributes state funding to the Sinti and Roma with German citizenship living in Schleswig-Holstein.

### 3. Lower Sorbian in Brandenburg

#### a. Article 8 (1) (a) (iv)

In its latest report, the Committee of Experts urged the German authorities to allocate the necessary resources for the provision of preschool education in Lower Sorbian (Nos. 186–191).

Ten nursery schools in Brandenburg provide child care using the Sorbian language. These centres are operated by different providers, both local government and independent child and youth welfare agencies. These providers are responsible for the funding of their day-care centres.

#### b. Article 8 (1) (b) (iv)

In its latest report, the Committee of Experts recommended that the German authorities adopt and implement a structured policy for the promotion and preservation of Lower Sorbian, including in particular measures which ensure that primary education is available in this language (Nos. 192–195).

In the Cottbus school district, 20 public schools and one parochial school offer instruction in Sorbian at all primary grade levels. The primary school in Drebkau offered Sorbian in sixth grade for the first time in the 2011/12 school year. The Witaj project offers subject instruction in Lower Sorbian at five schools. During the 2011/12 school year, 906 pupils in the Cottbus district participated in Sorbian instruction at the primary level and 239 pupils took part in Witaj classes.

In the Wünsdorf school district, Sorbian is taught at two primary schools, one of which also participates in the Witaj project. The schools offer Sorbian at all primary grade levels. During the 2011/12 school year, 53 pupils in the Wünsdorf district participated in Sorbian instruction and 45 took advantage of Witaj offerings.

#### c. Article 8 (1) (c) (iv)

In its latest report, the Committee of Experts recommended that the German authorities adopt and implement a structured policy for the promotion and preservation of Lower Sorbian, including in particular measures which ensure that secondary education is available in this language (Nos. 197–203).

The Lower Sorbian grammar school, the *Oberstufenzentrum* in Cottbus and three *Oberschulen* offer Lower Sorbian classes at the secondary level.

In general, these are voluntary, with the exception of instruction at the Lower Sorbian grammar school, where all pupils are required to take Sorbian as a second foreign language.

#### d. Article 8 (1) (g)

In its latest report, the Committee of Experts said it would welcome more information about the teaching of the history and culture of the Sorbs at university level (Nos. 204–206).

Since winter semester 2007/08, the University of Potsdam has offered a required optional subject in the social sciences each semester for students training to be teachers. Regardless of the specific type of teaching certificate sought (type of school, subjects), students may choose to take a seminar on topics related to national

minorities/regional and minority languages in Germany/Sorbs/Wends in Brandenburg. So far eleven seminars have been offered and 210 students have enrolled and assessed the significance of the topic positively. These seminars are offered as a lectureship funded by the teacher training centre, organized by the chair for civic education and taught by a former staff member of the University of Potsdam. In addition to the above-mentioned seminars, individual classes are offered, for example in the German department, at the instructors' initiative, in which information about Sorbs/Wends is integrated into classes on Low German.

#### **e. Article 8 (1) (h)**

In its latest report, the Committee of Experts strongly urged the German authorities to adopt a more structured policy with regard to teacher training, in close cooperation with speakers of Lower Sorbian (Nos. 207 – 211).

The *Arbeitsstelle für sorbische (wendische) Bildungsentwicklung* (office for the development of Sorbian/Wendish education) in Cottbus offers a two-year advanced teacher training programme supervised by the University of Potsdam and the *Verein Weiterqualifizierung im Bildungsbereich* (association for further qualification in education) leading to an additional qualification in bilingual teaching and learning: Sorbian/Wendish as a working language in primary education and secondary subject instruction. The subjects of instruction are life choices/ethics/religion, physical education, history, mathematics and music. In four cycles, about 33 teachers have successfully completed the qualification. At the moment, no other teachers are in the pipeline to take the qualification course; nonetheless, the *Arbeitsstelle* will continue to offer this measure as a way to ensure the provision of high-quality Sorbian instruction.

In addition, the University of Leipzig still offers a continuing education master programme in Lower Sorbian as mentioned in the last report. Five students completed the programme during the reporting period. It has been agreed in principle to continue this programme.

Based on current demand from school administrators, funding is available for individual advanced and continuing training for teachers. Adult education centres (*Volkshochschulen*) offer additional possibilities for further training.

At the University of Potsdam's teacher training centre, four pedagogical guides on Sorbian topics have been produced and are available for free on the Internet.

#### **f. Article 9 (1) (a) (ii) and (iii)**

In its latest report, the Committee of Experts recommended that the German authorities take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in the courts (Nos. 217–219).

In criminal proceedings, defendants have the right to use Lower Sorbian in the courts, and provision is made for submitting petitions and evidence in Lower Sorbian. Proceedings in the civil, labour, administrative, financial and social courts also permit documents and evidence to be presented in Lower Sorbian. No difficulties have been reported with regard to the fulfilment of these undertakings by the administrative authorities, courts, public prosecutors or authorities of the justice administration.

**g. Article 10 (1) (a) (iv)**

In its latest report, the Committee of Experts strongly urged the German authorities to take the necessary steps to ensure that the possibility to submit oral and written applications in Lower Sorbian is guaranteed in practice (Nos. 220–224).

According to Section 4 of Brandenburg's Administrative Procedure Act (VwVfGBbg), citizens who speak a minority language may submit oral and written applications in this language to administrative authorities and public services, and documents presented in this language are legally valid. According to this provision, Section 23 (2) to (4) of the Federal Administrative Procedure Act (VwVfG) applies in the Sorbian settlement area on the condition that Sorbian participants in proceedings are not charged for interpreters and translators. Within the Sorbian settlement area, in derogation from Section 23 (3) of the Federal Administrative Procedure Act, the time limit is in operation even if a complaint, motion or declaration of intent is submitted to the authority in Lower Sorbian.

**h. Article 10 (2) (b) and (3) (b)**

In its latest report, the Committee of Experts called on the authorities to encourage Lower Sorbian speakers to submit oral or written applications to the authorities (Nos. 229–231) and encouraged the authorities to provide further detailed information with regard to the possibility of submitting a request and receiving a reply in Lower Sorbian in the case of public services provided by the administrative authorities or other persons acting on their behalf (i.e. postal services, hospitals, electricity, public transport) (Nos. 225–228).

For the communities and municipal associations within the Sorbian settlement area, protecting and promoting the Sorbian language represent key aspects of implementing political and cultural work. This includes encouraging speakers of Lower Sorbian to submit oral and written applications in the Sorbian language. Many communities and municipal associations in the Sorbian settlement area use their names written in both German and Lower Sorbian. In official correspondence, bilingual letterhead is most often used. Publications are increasingly printed in two languages, and bilingual projects in nursery schools, schools and clubs as well as communities and municipal associations receive support and funding. Directional signs to and within authorities are usually printed in both German and Lower Sorbian. The communities and municipal associations within the Sorbian settlement area have commissioners for Sorbian/Wendish affairs, some of them full-time, who represent the concerns of Sorbian individuals. The commissioners serve as points of contact, also in case translation is needed, and promote good relations between Sorbs and the non-Sorbian population. However, in practice little use is made of the possibility to submit oral and written applications to authorities in the Sorbian language, even though the conditions for processing and responding to such applications are met.

**i. Article 10 (4) (c)**

In its latest report, the Committee of Experts urged the authorities to take measures to ensure compliance as far as possible with requests from public service employees having a knowledge of Lower Sorbian to be appointed in the territory in which that language is used (Nos. 232–234).

The Brandenburg State Ministry of the Interior has repeatedly consulted the other ministries as well as communities and municipal associations in the Sorbian settlement

area and recommended that command of Lower Sorbian should be considered positively when filling posts if this skill might be of use for performing the envisaged job. However, according to Article 33 (2) of the Basic Law, which is implemented in Section 12 of the Act on State Civil Servants, every German shall be equally eligible for any public office according to his aptitude, qualifications and professional achievements so that command of the Sorbian language cannot be generally considered a qualification criterion for employment with public authorities. Command of Lower Sorbian plays a role in job announcements and hiring whenever the job description for a specific post explicitly requires it. The openings at the Lower Sorbian grammar school in Cottbus in recent years were advertised in multiple languages. In this case, Sorbian language skills were a selection criterion for participation in the recruitment process. The level of desired language skills differed depending on the tasks or function advertised. For primary school posts, job advertisements are published in multiple languages in the official journal of the State Ministry for Education, Youth and Sport, if the post is for an institution in which Lower Sorbian is taught. This applies in particular to primary schools participating in the Witaj project (bilingual education). For such posts, knowledge of spoken and written Lower Sorbian is a mandatory selection criterion. The Council for Sorbian Affairs is kept informed of the results of recruitment processes. The Sorbian language skills of a labour court judge who attended a Sorbian grammar school were a positive factor in the decision to hire.

**j. Article 11 (1) (c) (ii)**

In its latest report, the Committee of Experts encouraged the authorities to take measures to encourage and/or facilitate the broadcasting of television programmes in Lower Sorbian on a regular basis (Nos. 240 – 242).

Brandenburg continues to adhere to its position, represented in previous State Reports, that the authorities do not have the right to take measures to encourage and/or facilitate the broadcasting of television programmes in Lower Sorbian on a regular basis. Doing so would violate the independence of the media. Due to the constitutional principle of government non-intervention in broadcasting, the states have no influence on programming content. Government is prohibited from exercising any influence whatsoever on the programmes of broadcasters, which alone are responsible for deciding on their content. For this reason, under broadcasting law the state of Brandenburg cannot require the public broadcaster Rundfunk Berlin-Brandenburg (RBB) nor private broadcasters to televise programmes in Lower Sorbian.

**k. Article 13 (1) (d)**

In its latest report, the Committee of Experts requested the authorities to provide more information on the measures taken to encourage and/or facilitate the use of Lower Sorbian in economic and social activities.

The authorities are unable to present any information on new measures in this regard.

**4. North Frisian in Schleswig-Holstein**

**a. Article 8 (1) (a) (iv)**

In its latest report, the Committee of Experts strongly urged the authorities to make available, systematically and through adequate institutional and financial support, at

least a substantial part of preschool education in North Frisian to those pupils whose families so request (Nos. 257–261).

Among other things, child day care should encourage learning, including language promotion. This also includes promoting minority and regional languages in day care. However, the state is unable to provide direct financial support due to the transfer of state funds under the Financial Equalization Act (FAG).

The amended act gives local governments (*Kreise* and *kreisfreie Städte*) greater autonomy in their use of funds. It is, therefore, the task of the bodies responsible for the children's day-care centres offering North Frisian or Low German activities to negotiate funding with the local government concerned. For the funding of Low German or North Frisian language offerings, only the point of contact has changed, because the local governments receive state funds in order to autonomously perform the tasks specified in the Child and Youth Services Act (Social Code Book VIII) and other legal obligations.

Due to the importance of the minority and regional languages of Schleswig-Holstein, the state government will examine whether additional funding can be provided.

From 1993 to 1996, at the initiative of the body set up by the Schleswig-Holstein state parliament for issues related to the Frisian ethnic group (*Gremium für Fragen der friesischen Volksgruppe beim Schleswig-Holsteinischen Landtag*), nursery schools in Süderende on the island of Föhr and in Risum-Lindholm tested whether the Frisian language could be permanently revived in a nursery-school context. On the basis of the results, Frisian was introduced at additional nursery schools and is now being offered, to varying extents, in 17 nursery schools. The language offerings depend on which Frisian speakers are available and for how long. Language offerings range from thirty minutes a week to the entire school day.

#### **b. Article 8 (1) (b) (iv)**

In its latest report, the Committee of Experts strongly urged the German authorities to make available North Frisian teaching as an integral part of the curriculum within primary education (Nos. 262 – 266).

The state government of Schleswig-Holstein is not currently planning to introduce Frisian as a regular subject, thus there is no corresponding curriculum. However, the institute for advanced teacher training (IQSH) does have guides which are structured like lesson plans.

During the 2012/13 school year, 802 pupils at 17 schools, including nine primary schools, took classes in Frisian. To this end, the state allotted 21 instructors and 92 teaching hours per week. Against the backdrop of demographic change (the number of primary school pupils in Schleswig-Holstein is steadily shrinking), this reduction in the number of pupils corresponds to the overall trend at schools in Schleswig-Holstein.

To improve the acceptance and sustainability of Frisian instruction, the Nis-Albrecht-Johannsen-Schule in Risum-Lindholm (primary school) is currently testing Frisian immersion classes in local history and social studies from third grade on, in addition to Frisian language instruction. In this way, Frisian language skills are acquired along with subject knowledge. In addition, the Frisian language gives pupils access to the cultural values of the region.

### **c. Article 8 (1) (c) (iv)**

In its latest report, the Committee of Experts strongly urged the German authorities to make available North Frisian teaching as an integral part of the curriculum within secondary education (Nos. 267 – 271).

Frisian instruction continues to compete above all with English in primary education and the classic foreign languages of the lower and upper secondary levels. Ultimately, it is apparent that when Frisian is not spoken in everyday life, there is little motivation to learn Frisian at school.

Frisian is taught at the secondary level in the *Gymnasium* in Wyk on the island of Föhr, at the regional school on the island of Amrum, at three schools of the Danish minority (*Risum Skole/Risem Schölj*, *Bredsted Danske Skole* and *Vesterland-Kejtum Danske Skole*) and on Heligoland.

### **d. Article 8 (1) (h)**

In its latest report, the Committee of Experts strongly urged the authorities to ensure that appropriate facilities for teacher training are in place to meet the needs for education in North Frisian in a short and long term perspective and to provide incentives aimed at increasing the number of North Frisian teachers at all levels of education (Nos. 272 – 275).

The supply of teachers for Frisian education in Schleswig-Holstein is largely ensured. Despite the continuing low demand, Frisian is offered at the university level via a certificate course as a supplementary examination with eight weekly hours.

Students usually complete their practical training in the subjects in which they took the first state examination or completed their master degree. Because this is not possible for Frisian, the Schleswig-Holstein state government created the following exception for Frisian in practical training:

- During their practical training, students may take Frisian as an additional module. They receive a certificate after having completed at least 40 module hours. The result of this additional training is taken into account when assigning the overall grade for the second state examination.
- Teacher candidates complete their additional practical training in Frisian at schools where Frisian is taught, and they teach Frisian themselves under supervision.
- Teachers who have completed a certificate course in Frisian may also be assigned to supervise teacher candidates.

In this way, a sufficient supply of Frisian teachers is ensured for the future.

The Christian-Albrechts-University of Kiel introduced new courses of study effective winter semester 2007/08. Since then, students may complete a bachelor or master in Frisian philology under the two-subject model, and those in a teacher training course may study Frisian for teaching at secondary level as an additional subject.

No students enrolled in Frisian as an additional subject in winter semester 2009/10, winter semester 2010/11 or winter semester 2011/12, however. The University of Kiel offers Frisian as a required elective for students in the teacher training course for German; students must complete a course to be admitted to examinations.

In addition to providing information flyers, the university organizes information days to present all aspects of Frisian philology at the university. It also informs pupils at the *Gymnasium* in Wyk on the island of Föhr, which is the only *Gymnasium* offering instruction in Frisian, about their possibilities for studying Frisian.

Ultimately, however, interest will be limited due to the lack of demand for *Gymnasium* teachers in Frisian in Nordfriesland (limited career prospects).

At the University of Flensburg, Frisian is currently taught as part of the multi-disciplinary bachelor course in education, which prepares students to teach at primary and secondary schools (*Hauptschulen, Realschulen*) and special remedial schools (*Sonderschulen*). As part of this course, proof of the successful completion of a class in Low German or Frisian is required for admission to examinations in German. In addition, students may major in German with a concentration in Frisian. This encompasses two Frisian modules, one basic and one more intensive. Including the introductory course, this option involves well over 600 credit hours.

Due to the lack of demand, limited capacities and limited options for assignment for teachers with this training, master programmes for teacher candidates do not include a Frisian concentration. In order to do justice to the importance of this minority language, the University of Flensburg's Centre for Advanced Training has offered a certificate course in Frisian studies since the 2008/2009 winter semester which is open to students in the teacher training course, guest students at the University of Flensburg and teachers. This course builds on the relevant modules in the multi-disciplinary bachelor course in education. Successful completion of the course qualifies graduates to teach Frisian at schools in Schleswig-Holstein. As of January 2012, eleven persons completed the master programme at the University of Flensburg with a qualification to teach Frisian; three more are currently enrolled in the programme.

For winter semester 2013/14, the university is revising its teacher training courses in line with the types of schools in Schleswig-Holstein (*Grundschule, Regionalschule* and *Gemeinschaftsschule*) and expanding its master programme from two semesters to four. In this context, the university is examining whether to lend even greater weight to the Frisian concentration.

This demonstrates that neither the state nor the universities have given up trying to strengthen Low German and Frisian.

#### **e. Article 10 (1) (a) (v)**

In its latest report, the Committee of Experts encouraged the authorities to provide specific information in the next periodical report on measures taken to ensure that it is possible in practice to validly submit documents in North Frisian (Nos. 280 – 282).

No new measures have been taken since the last report.

#### **f. Article 11 (1) (b) (ii) and (c) (ii)**

In its latest report, the Committee of Experts urged the authorities to continue to take measures to encourage and/or facilitate the broadcasting of television programmes in North Frisian on a regular basis (Nos. 283 – 290).

This issue was discussed at the meeting of the Consultative Committee on Issues concerning the Frisian Ethnic Group with the Federal Minister of the Interior in November 2011, which representatives of the Federal Ministry, members of the German

Bundestag, representatives of the states of Lower Saxony and Schleswig-Holstein and members of the Frisian ethnic group also attended. Following the meeting and in line with the principle of media autonomy, the Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities wrote to the chair of the broadcasting board for the broadcaster Norddeutscher Rundfunk (NDR) asking him to further promote radio and television broadcasts in Frisian.

According to their coalition agreement covering the period 2012–2017, the governing coalition parties at state level – Sozialdemokratische Partei Deutschlands (SPD, Social Democratic Party of Germany), Bündnis 90/Die Grünen (Alliance 90/The Greens) and Südschleswigscher Wählerverband (SSW, South Schleswig Voters' Association) – are planning to argue with vigour in the NDR bodies to make sure that public service broadcasting reflects the linguistic and cultural diversity prevailing in Schleswig-Holstein.

The current situation is as follows: Since September 2010, the Frisian radio station FriiskFunk has broadcast from a permanent studio in Alkersum, on Föhr, Monday through Friday, 8–9 a.m., in cooperation with the public-access station Offener Kanal (OK) Schleswig-Holstein, the foundation Ferring-Stiftung and the Frisian Council. Frisian-language programmes are produced and broadcast on the frequencies of the OK for the west coast. So FriiskFunk is available from Niebüll to Meldorf along the west coast of Schleswig-Holstein, except for the northern half of the island of Sylt. In this way, it covers part of the North Frisian language area.

The programme is also available as an Internet livestream via terrestrial FM. After they are broadcast, Frisian-language programmes can be accessed on the Internet at [www.friiskfunk.de](http://www.friiskfunk.de), where the archive now encompasses several hundred radio programmes in Frisian.

NDR broadcasts both radio and television programming in Frisian. For example, the state channel for Schleswig-Holstein, NDR 1 Welle Nord, offers Frisian speakers a wide array of reporting on the region, its people and culture, in both German and Frisian, as part of its news coverage, regular series and one-hour specials.

The regularly scheduled programme *Frasch for enarken* (Frisian for all) covers political topics as well as entertainment. Depending on the topic, the German-language programme *Von Binnenland und Waterkant* (Inland and at the water's edge) interviews Frisian speakers in their native language, helping make sure that the Frisian language is heard on the programme, independently and as a matter of course.

NDR 1 Welle Nord also occasionally produces hour-long programmes in Frisian. In 2009, an expensive programme was produced on the life of Frisian immigrants in New York; it was broadcast in Frisian within the Frisian language area and in German in the rest of the broadcasting area. The production, written by Elin Rosteck, received a special prize at the 8th RADIOJournal awards.

Since 2001, NDR 1 Welle Nord and the *Nordfriisk Instituut* (North Frisian Institute) have organized a writing and storytelling competition, *Ferteel iinjens*, every two years. The competition seeks short stories on various topics written in Fräisch, Freesch, Halunder, Ömrang or Sölring. NDR 1 Welle Nord chooses the five best stories, which can be heard on the Internet.

The competition encourages large numbers of people not only to speak Frisian, but also to write in Frisian. *Ferteel iinjens* thus helps preserve Frisian while encouraging its

development. The competition receives extensive radio and television coverage, and NDR 1 Welle Nord presents the highlights of the final event in a one-hour show. The theme for the 2012 competition was *Ferteel iinjens - wat for da Bjarne, Jongen, Künner* (Tell me a story - something for children). The competition has since evolved into an effective way to promote authors and literature.

In addition to its long cooperation with the OK Westküste, NDR also supports FriiskFunk on the island of Föhr and provides targeted funding for basic and advanced staff training. NDR also provides FriiskFunk access free of charge to its current Frisian-language programmes and its extensive archives.

NDR 1 Welle Nord regularly offers internships to students of Frisian. This project has been very successful. Many interns have gone on to work freelance for NDR radio and television. Thanks to advanced training for freelancers, especially those in Nordfriesland and Flensburg, numerous programmes in Frisian (with subtitles) have been broadcast. In addition to reports on Frisian culture, traditions and institutions, promotion of the Frisian language at schools, in academia and in the media is especially important.

Television programmes produced at the NDR broadcasting centre in Schleswig-Holstein (*Schleswig-Holstein Magazin* and *Schleswig-Holstein 18:00*) regularly report on Frisian issues and personalities. In order not to interfere with the original Frisian and because the number of persons in Schleswig-Holstein who understand Frisian is limited, programmes are usually subtitled in High German, or they are produced in High German and include some spoken Frisian.

On 8 October 2011, NDR television organized a special night of programming dedicated to all things Frisian, with documentary films about Heligoland, Nordfriesland and Ostfriesland produced in the Frisian language area.

The NDR 1 Welle Nord website at [www.wellenord.de](http://www.wellenord.de) has a link to Frisian pages with a wealth of information about related topics, including information about the series *Frasch for enarken* which is available in German, Fering and Fräsch. The website also offers access to an extensive audio archive with 50 Frisian radio programmes to listen to and more detailed information about the writing and storytelling competition *Ferteel iinjens*. The various Frisian dialects are explained at length. A Frisian language course is also offered.

Radio Schleswig-Holstein (R.SH) does not have a specific time slot for Frisian programming. The radio station says that the regional and minority languages are occasionally included in programming, for example in regional news, event calendars or games.

#### **g. Article 11 (1) (e) (ii)**

In its latest report, the Committee of Experts encouraged the authorities to take measures to encourage and/or facilitate the publication of newspaper articles in North Frisian on a regular basis (Nos. 295 – 297).

In response to this recommendation, the state of Schleswig-Holstein refers once again to the freedom of the press in Germany, which prohibits any government influence on press publications.

**h. Article 11 (1) (f) (ii)**

In its latest report, the Committee of Experts requested the German authorities to provide, in the next periodical report, information about audiovisual productions in North Frisian that have been supported by the Filmförderung Hamburg Schleswig-Holstein (Nos. 298 – 301).

The Filmförderung Hamburg Schleswig-Holstein GmbH does not give North Frisian any preference in the area of funding, production or broadcasting of audio or audiovisual works. Funding is granted exclusively on the basis of quality- and content-related criteria.

No Frisian films received funding during the reporting period, as no funding applications were submitted.

**i. Article 12 (1) (e)**

In its latest report, the Committee of Experts encouraged the German authorities to provide specific information on measures taken to ensure that the bodies responsible for organizing or supporting cultural activities other than the Frisian organizations have at their disposal staff who have a full command of Frisian (Nos. 302 –303).

The state of Schleswig-Holstein has not taken any new measures in this area since the fourth periodical report.

**j. Article 14 (1) (a)**

In its latest report, the Committee of Experts stated that, according to the information provided, no international agreements required by the undertaking existed and no negotiations were under way (Nos. 308 – 309).

No measures were taken during the reporting period.

**5. Sater Frisian in Lower Saxony****a. Article 1 (1) (a) (iv)**

In its latest report, the Committee of Experts called on the authorities to provide more information on the results of projects in the area of preschool education in Sater Frisian (Nos. 313 – 316).

Public and private providers of youth welfare are responsible for preschool education curriculum at day-care centres. These must decide locally and in close consultation with parents' representatives whether and how Sater Frisian may be part of the profile of one or more day-care centres. The state government does not require Sater Frisian to be taught at nursery schools (*Kindertagesstätten*). The orientation plan for the field of language and speaking states: "In regions where a regional language is spoken (e.g. Low German), multilingualism is a good way to enhance language comprehension and speaking skills." This applies not only to Low German, but also to Sater Frisian.

**b. Article 8 (1) (e) (ii)**

In its latest report, the Committee of Experts asked the Lower Saxony authorities for information about the further development and sustainability of current Sater Frisian offerings at universities and other institutions of higher education (Nos. 317 – 319).

In recent years, the focus on Low German assigned to the new chair for German philology at the University of Oldenburg has been expanded into a focus on Low German

and Sater Frisian. Since summer semester 2009, a practical course in Sater Frisian has been offered every academic year by a native speaker of Sater Frisian. This course is open to all students as well as junior research and teaching staff who hope to benefit from the study of Low German and Sater Frisian or who have a general interest in dialects or linguistic typology. Those who successfully complete the course receive a certificate from the Seelter Buund, the Saterland Frisian association for the preservation of regional and local traditions. In the past, doctoral students from outside the Low German and Sater Frisian focus have also taken the course.

The focus on Low German and Sater Frisian provided the impetus for the joint project on Saterland as a model region for early multilingualism, which has been conducting a multi-year continuing education programme for nursery and primary school teachers in Saterland since mid-2011 in cooperation with the project on Ostfriesland as a model region for early multilingualism (project to run from 2011 to 2015). This project is intended to expand the supply of immersion language teaching at day-care centres and primary schools in Saterland. Should the plan to transfer parts of nursery school teacher training to the University of Oldenburg in the coming years be carried out, then the Low German focus would also be involved in this training, in which the topics of early multilingualism and language immersion are especially relevant.

The focus on Low German and Sater Frisian has close ties to non-academic institutions. Its cooperation with the associations Oldenburgische Landschaft, the Ostfriesische Landschaft, the Niedersächsischer Heimatbund and the Seelter Buund deserve particular mention.

A new edition of Dr Fort's Sater Frisian dictionary is in the works, with financial support from the state of Lower Saxony. Further, in 2011 the focus on Low German and Sater Frisian helped produce the Frisian language textbook *Friesischer Sprachkurs: Seeltersk* by Johanna Evers, published by Ramsloh press. The Oldenburgische Landschaft provided financial support for these efforts.

Please see also the comments on Article 7 (1) (c) in Chapter E. I. 1. b.

### **c. Article 8 (1) (f) (iii)**

In its latest report, the Committee of Experts called on the Lower Saxony authorities to take measures to re-establish an offer of adult education in Sater Frisian (Nos. 320 – 321).

Institutions of adult education in Lower Saxony, which are funded in accordance with the Lower Saxony Adult Education Act (NEBG), regularly offer courses in Low German language and culture. These also include courses to learn Sater Frisian, which are mainly offered in the Saterland region. Due to the small size and population of the municipality of Saterland (approx. 124 square km, approx. 13,136 residents), only a limited number of language courses are offered and are not listed separately here.

The NEBG does not currently allow direct influence to be exerted on institutions of adult education, for example to expand offerings in the area of Sater Frisian.

The responsible ministry is currently considering whether to provide funding for workshops or similar local events to expand the range of Sater Frisian language offerings.

**d. Article 8 (1) (g)**

In its latest report, the Committee of Experts requested the German authorities to provide more specific information in the next periodical report on the extent to which the teaching of the history and the culture which is reflected by Sater Frisian is ensured in practice, not only in the education of Sater Frisians, but also in mainstream education in the region (Nos. 322 – 324).

The decree "Die Region und ihre Sprachen im Unterricht" (The region and its languages in the classroom) specifies that, when teaching regional content, the languages of the region should always be included. This is mandatory in subject-specific instruction and is also the case in the teaching of required electives, in activity groups and through offerings at all-day schools. For all types of schools, the core curriculum for the individual subjects of instruction provide for including the regional context when planning lessons. School curriculum must take this context into account particularly in the subjects biology, German, geography, history, political science, religion, basic science, economics, music and art.

To preserve the Sater Frisian language, the state funds a range of projects, some of them having an impact beyond the state's borders. These include the Sater Frisian dictionary produced by Dr Marron Fort, the Seelter Buund project to preserve Sater Frisian as a cultural asset for future generations and the Oldenburgische Landschaft projects on Saterland as a model region for early multilingualism and the Sater Frisian language course.

**e. Article 8 (1) (i)**

In its latest report, the Committee of Experts asked the Lower Saxony authorities for more information about the outcome of the revision of the decree "The Region in Classroom Instruction" (Nos. 325 – 328).

Please see the comments on Article 7 (1) (c) in Chapter E. I. 1. b.

**f. Article 10 (1) (a) (v) and (c), (2) (c) and (d)**

In its latest report, the Committee of Experts strongly urged the authorities to take the necessary steps to ensure that the users of Sater Frisian may validly submit a document in Sater Frisian and to allow the administrative authorities to draft documents in Sater Frisian (Nos. 329 – 333) and to take measures to encourage the local publication of official documents also in Sater Frisian (Nos. 337 – 342).

The European Charter for Regional or Minority Languages is directly applicable law, so no further legislation is needed to allow the administrative authorities to draft documents in Sater Frisian. In the same way, users of Sater Frisian are quite free to validly submit documents in Sater Frisian.

**g. Article 10 (2) (b)**

In its latest report, the Committee of Experts encouraged the German authorities to take positive measures to make it possible in practice to use Sater Frisian in dealings with the administration (Nos. 334 – 336).

Please see the comments on Article 10 (1) (a) (v) and (c) in Chapter E. II. 5. f.

Given the right of local self-government, the state government is not allowed to set rules for the use of Sater Frisian in local administration. The European Charter for Regional or Minority Languages has the status of law, so local governments are bound by its provisions when performing their tasks.

The local governments are aware of the need to enable the use of Sater Frisian in dealings with public administration.

#### **h. Art. 10 (2) (e) and (f)**

In its latest report, the Committee of Experts emphasized that it is possible to encourage the use of Sater Frisian in assemblies of regional and local authorities, at least on a symbolic level (Nos. 343 – 345).

The regional and local authorities are aware of the need to use Sater Frisian in assemblies as far as possible.

#### **i. Article 10 (4) (c)**

In its latest report, the Committee of Experts urged the authorities to take measures to ensure compliance as far as possible with requests from public service employees having a knowledge of Sater Frisian to be appointed in the territory in which that language is used (Nos. 349 – 352).

The right of local self-government must be respected also when it comes to the deployment of staff who ask to be assigned in the Sater Frisian language area. As part of their authority to hire and dismiss staff, local governments are free to decide where to assign their staff. However, it may be assumed that language skills are taken into consideration when hiring or evaluating requests for transfer.

#### **j. Article 11 (1) (c) (ii), (1) (d) and (1) (f) (ii)**

In its latest report, the Committee of Experts urged the German authorities to adopt positive measures aimed at encouraging and/or facilitating the broadcasting of television programmes in Sater Frisian on a regular basis (Nos. 356 – 359), the production of audio and audiovisual works (Nos. 360 – 362) in Sater Frisian and provide financial assistance to audiovisual productions in Sater Frisian (Nos. 366 – 368).

This issue was discussed at the meeting of the Consultative Committee on Issues concerning the Frisian Ethnic Group with the Federal Minister of the Interior in November 2011, which representatives of the Federal Ministry, members of the German Bundestag, representatives of the states of Lower Saxony and Schleswig-Holstein and members of the Frisian ethnic group also attended. Following the meeting and in line with the principle of media autonomy, the Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities wrote to the chair of the broadcasting board for the broadcaster Norddeutscher Rundfunk (NDR) asking him to further promote radio and television broadcasts in Frisian.

In addition, it should be noted that the public-access radio station Ems-Vechte-Welle now broadcasts the programme *Middeeges* in Sater Frisian and Low German every second Sunday from 11:03 to 13:00 (with brief interruptions for the news). NDR also broadcasts occasional programmes on the Sater Frisian language and Saterland, in which Sater Frisian is also spoken.

In the past it was explained that financial assistance for broadcasts in the minority language Sater Frisian may be applied for in accordance with the guidelines of Lower Saxony's media authority regarding grants for public-access radio.

Like every form of state aid, funding for Sater Frisian radio must be applied for and therefore requires interested parties to take the initiative. In principle, Lower Saxony welcomes appropriate applications for funding. The representatives of the interests of Saterland Frisians are welcome to apply for the funding indicated.

#### **k. Article 12 (1) (d)**

In its latest report, the Committee of Experts asked the Lower Saxony authorities for more specific information on the effect of the transfer of the task of promoting Sater Frisian to the Oldenburger Landschaft e.V. (Nos. 369 – 370).

A traineeship was created at the Oldenburgische Landschaft, among other things to support the interests of Saterland Frisians; in 2012, this position was made permanent. Funding for the position in 2012 and 2013 is provided by the state of Lower Saxony. The institutional funding for the Oldenburgische Landschaft was increased accordingly. The Oldenburgische Landschaft will assume responsibility for funding the position starting in 2014. Making the position permanent has already had a significant impact on support for Saterland Frisians, as the following projects illustrate: A Sater Frisian language course with an accompanying CD; the books *The Little Prince* and *Shock-Headed Peter* published in Sater Frisian; the project on Saterland as a model region for early multilingualism; training for nursery school teachers in Sater Frisian; design of a logo; immersion instruction at primary schools and nursery schools; Sater Frisian postcard contest; refurbishment of the roof of the Saterland Frisian Kulturhuus. The municipality of Saterland is preparing an application for funding from the state of Lower Saxony in order to add an acoustic ceiling and create listening stations in Sater Frisian at the information centre of the Bokelesch chapel; an application for funding from the Federal Ministry of the Interior for a cultural tourism project is also being prepared.

### **6. Low German in the Free Hanseatic City of Bremen**

#### **a. Article 8**

In its latest report, the Committee of Experts encouraged the authorities to continue the steps towards establishing a systematic approach to Low German education (Nos. 379 - 380).

Low German continues to be part of the curricula for primary and secondary education in Bremen. Specific details are left to the schools.

#### **b. Article 8 (1) (a) (iv)**

In its latest report the Committee of Experts requested the authorities to provide further information about the extent to which Low German is used in pre-school education and to present a systematic approach (Nos. 381 – 383).

Low German continues to be promoted especially in day-care centres in the regions bordering on Lower Saxony; to this end, children learn rhymes/verses and songs in Low German in an effort to keep the regional language alive. At present, there is no increased demand for pre-school education in Low German beyond what is presently on offer.

**c. Article 8 (1) (b) (iii)**

The Committee of Experts strongly urges the authorities of the Free Hanseatic City of Bremen to adopt a structured approach with a view to ensuring that Low German is systematically taught within primary education with regular school hours allocated to it (Nos. 384 - 386).

Based on the curricular provisions governing German in primary education, Low German is offered as part of German classes and across subject areas. Pupils regularly learn Low German poems and songs in primary education; some primary schools also offer Low German working groups (seven primary schools in Bremen, four in Bremerhaven). Parts of basic science classes are also taught in Low German.

The state of Bremen organizes an annual Low German reading competition. In 2012, 42 primary school pupils from Bremen and 30 from Bremerhaven took part in the urban district competition, and 35 primary school pupils in the rural district competition.

**d. Article 8 (1) (c) (iii)**

In its latest report, the Committee of Experts strongly urged the authorities to take the necessary measures to make the teaching of Low German within secondary education more systematic with regular school hours allocated to it (Nos. 388 – 390).

In secondary education, Low German is taught across subject areas (e.g. in music classes). The German curriculum, specifically the teaching of German, seeks to enable pupils to establish a cultural identity. Regional language, colloquial and Standard German phrases are identified, as well as regional variants. Similarities between Low German and English are addressed.

It is up to the individual schools to decide to what extent they wish to teach Low German as part of the overall curriculum. Two secondary schools in the state of Bremen have Low German working groups in place.

Two secondary schools in Bremen and Bremerhaven took part in the 2012 Low German reading competition.

**e. Article 8 (1) (g)**

In its latest report, the Committee of Experts encouraged the German authorities to ensure the teaching of the history and the culture which is reflected by Low German (Nos. 391 – 394).

This is the purpose of teaching of Low German across subject areas. For instance, parts of the basic science classes in primary schools and of global or environmental science and history classes in secondary schools are taught in Low German.

**f. Article 8 (1) (h)**

In its latest report, the Committee of Experts encouraged the authorities to provide basic and further training of teachers of Low German (Nos. 395 – 397).

In the Federal Republic of Germany, teacher training consists primarily of the corresponding university studies. In Bremen, regular teacher training studies take five years, while the practical training period takes only 18 months. Low German is part of the regular university teacher training.

The Land Institute for Schools (*Landesinstitut für Schule*) offered Low German as an optional compulsory course during the practical teacher training; however, there was an insufficient number of students wishing to attend the course so that it was cancelled. There were two reasons for this: The teacher trainees either spoke Low German already or learning it did not have a high priority for them.

**g. Article 10 (1) (a) (v), (1) (c), (2) (a), (b), (c) and (d)**

In its latest report, the Committee of Experts encouraged the German authorities to

- take resolute action to establish a structured policy for making it possible to use regional or minority languages in dealings with the administration (Nos. 398 – 400),
- take specific measures to make sure that a certain degree of implementation follows the mere “allowing” of documents to be drafted in Low German (Nos. 401 – 403),
- not only allow the use of Low German within regional or local authorities, but to take specific measures to implement the undertaking in practice (Nos. 404 – 406),
- not only to allow oral and written applications to be submitted in Low German, but also to take specific measures to implement the undertaking in practice (Nos. 407 – 409), and
- to encourage local and regional authorities to publish official documents in Low German (Nos. 410 – 412).

The Free Hanseatic City of Bremen upholds its view that no separate administrative provisions are necessary to comply with this undertaking, as the Charter constitutes directly enforceable law in Germany. The Charter only makes it inadmissible to prohibit the use of a regional language; it does not require positive action. For this reason Bremen feels it is not necessary to take further measures to fulfil the four above-mentioned undertakings.

That said, the Senator of the Interior and Sport, in April 2011, sent a letter to the authorities and staff members in his remit, taking up the recommendations the Committee of Experts made in its latest report. He once again drew attention to the undertakings under the Charter and encouraged the staff members to be open towards citizens presenting their concerns in Low German and speak with them in that language, or, if they do not speak the regional language themselves, to refer them to other colleagues who do. The managers of authorities have been requested to look into establishing a Low German contact person for their remit.

Furthermore, employees have been invited to bring to the attention of the management any publications or other documents that should also be published in Low German.

Employees have been encouraged to speak Low German at the workplace, provided all those involved actually speak the regional language. As a result, Low German is spoken in various offices.

#### **h. Article 11 (1) (c) (ii)**

In its latest report, the Committee of Experts urged the authorities to encourage the broadcasting of television programmes in Low German on a regular basis, for instance through financial incentives (Nos. 413 – 416).

It should be noted that, owing to the freedom of broadcasting and the freedom of the press guaranteed by the German constitution, it is not possible to interfere in or determine the programming by public or private providers. Against this backdrop, the diversity requirements in the Media Act (*Landesmediengesetz*) have been amended to require providers to broadcast an adequate share of programmes in Low German. Although the provision to promote the use of Low German only amounted to an appeal to providers until then, both public and private providers regularly represented Low German topics and the Low German language.

Radio Bremen, a public service broadcaster, has a Low-German speaking news presenter on the payroll, who presents news and events concerning Low German topics as they happen in the Low German language. In May 2012, a programme in the "buten un binnen" series was completely dedicated to Low German.

Sat1regional and RTLregional, two regional private broadcasting stations, cover news and events in Low German as they happen. According to the situation in hand, Low German topics are covered and/or reports are broadcast in the Low German language. Center.tv Bremen, another regional private broadcaster, has a weekly format called "NORDreporter", covering human interest stories and accommodating Low German issues. Center.tv Bremen is planning to launch a series in autumn of 2012 called "Spuren der niederdeutschen Sprache und Erlernen dieser" (Traces of Low German; Learning the Language), to be aired by the daily regional magazine of center.tv.

The public-access television broadcasting station Bürgerrundfunk Bremen (Radio Weser.TV) has produced its own television programme based on the radio programme entitled "De Plattsnuten". Also, some Low German theatre productions are broadcast.

#### **i. Article 11 (1) (d)**

In its latest report, the Committee of Experts strongly urged the German authorities to take measures to encourage and/or facilitate the production and distribution of audio and audiovisual works in Low German (Nos. 417 – 419).

Radio Bremen covers events and news concerning Low German as they happen; also, reports are broadcast in Low German. For instance, "Bremen Eins", a specialized programme service provided by Radio Bremen, broadcasts news in Low German every weekday at 10:30. "Nordwestradio", a programme service provided by Radio Bremen and Norddeutscher Rundfunk, regularly presents Low German media. In the programme series "Gesprächszeit" i.a. Low German speakers are invited along to talk. During the live radio broadcast "Nordwestradio unterwegs" on-site reports on Low German matters such as Low German teaching at schools are aired by Nordwestradio.

Private broadcasters also take care to represent Low German issues in various ways. The news presenter of the "Moin" programme provided by ENERGY Bremen speaks Low German and covered the 2011 elections to the Bremen parliament in that language. It should be noted that ENERGY Bremen has been honoured by the "Verein Deutsche Sprache e.V." (a non-profit making association to promote German as an independent cultural language) for its efforts to preserve and maintain Low German, and has been

made the official sponsor of the word "Moin!" (standing for "good morning" or "hello"). ENERGY Bremen also supports the Hip-Hop Band "De Fofftig Penns", which produces Low German songs, by presenting their songs and videos. The broadcaster also advertises Low German events in the coverage area.

Bürgerrundfunk Bremen, a public-access radio service, enables citizens to produce programmes in Low German. The public-access television broadcasting programme of Radio Weser.TV regularly represents Low German by broadcasting programmes such as "De Plattsnuten", "Plattdütsch to'n Koffie" and news or theatre productions in Low German. Finally, Bürgerrundfunk Bremen and the Institut für Niederdeutsche Sprache (Institute for Low German, INS) make every effort to exchange information regarding the Low German language.

#### **j. Article 11 (1) (e) (ii)**

In its latest report, the Committee of Experts encouraged the authorities to take measures to encourage and/or facilitate the publication of newspaper articles in Low German on a regular basis (Nos. 420 – 422).

The Institut für Niederdeutsche Sprache (Institute for Low German, INS), a Bremen-based publicly funded agency, operates "ins-presse", a press service which is active throughout northern Germany and regularly disseminates news regarding Low German topics.

The public service radio broadcaster Radio Bremen posts Low German news and contributions or interviews on its website every day. A programme for smartphones - the "Plattdütsch App" (Low German App) has been developed and is made available free of charge. Internet and app users can receive Low German news and learn the language with the help of a language course, during which a new teaching unit is posted every week.

#### **k. Article 11 (1) (g)**

In its latest report, the Committee of Experts encouraged the authorities to provide more specific information on the support for the training of journalists and other staff for media using Low German in the next periodical report (Nos. 423 – 425).

In Germany, there are no regulations governing the training of journalists; most of the journalists are trained in private schools or media companies. The state does not exert an influence on the teaching contents, because that would violate the constitution. Where students of state universities decide to go into journalism, they may use the Low German offerings of Bremen University as part of their studies (not as part of the journalist training).

#### **l. Article 12 (1) (c)**

In its latest report, the Committee of Experts encouraged the German authorities to foster access in Low German to works produced in other languages (Nos. 426 – 428).

If "works" are construed to mean not only literary works but also other linguistic products, Bremen has a 35-year history of translating "Low German news". Every day, Radio Bremen translates the news and the weather report from Standard German into Low German, in the process of which many new Low German terms need to be coined. This work helps not only to preserve but also to develop the language. The terms are

recorded by the Institut für Niederdeutsche Sprache (Institute for Low German, INS) and are made accessible to the wider public via the Internet.

#### **m. Article 12 (1) (d)**

In its latest report, the Committee of Experts called on the authorities to ensure that the bodies responsible for organizing or supporting cultural activities make appropriate allowance for incorporating the knowledge and use of the Low German language and culture (Nos. 429 – 431).

The parliament of the city-state of Bremen, after discussing the situation of Low German in the state of Bremen in depth, decided, on 18 October 2012, to set up an Advisory Council on Low German ("Beirat Platt") to the President of the city parliament. It represents all areas affected by Low German: the parliamentary groups, the INS, the Low German umbrella organizations of Bremen and Bremerhaven, and representatives of the schools, the scientific community, the media, the theatre, the churches and the administration etc. This advisory council serves to share information and to make sure that the language group participates in all cultural matters.

#### **n. Article 12 (1) (f)**

In its latest report, the Committee of Experts called on the authorities to encourage direct participation by representatives of the users of Low German in providing facilities and planning cultural activities (Nos. 432 – 434).

The Free Hanseatic City of Bremen fulfils this undertaking indirectly, by promoting the Institut für Niederdeutsche Sprache (Institute for Low German, INS) institutionally, by paying an headquarter state contribution on top of the the state contribution.

The INS serves as an information and networking agency for cultural organizations, groups and individuals, supporting and encouraging all those who speak Low German or wish to promote the language and its culture. Ultimately, it seeks to encourage more people to take an interest in and seek to preserve the regional language and the culture it involves.

#### **o. Article 13 (2)**

In its latest report, the Committee of Experts urged the authorities to adopt a structured policy with a view to making more systematic the possibility to be received and treated in Low German in social care facilities (Nos. 439 – 442).

Many facilities in Bremen employ staff speaking Low German. This means that the reception and treatment in Low German is generally ensured. It is not possible to do more because most of the social care facilities are privately run, which means that the state cannot impose requirements concerning the recruitment of staff. On top of that, it would not make much sense to introduce such a requirement at this stage, because it will be difficult to meet the foreseeably high demand for nursing staff in the years to come to begin with.

### **7. Low German in the Free and Hanseatic City of Hamburg**

#### **a. Article 8 (1) (a) (iv)**

In its latest report, the Committee of Experts asked the authorities for information on the practical implementation of the directive on the cultivation of the Low German language

at preschools. In particular, the Committee asked for clarification on the extent to which Low German is taught at preschools (Nos. 446 – 448).

In its directive on preschool classes (*Richtlinie für die Bildung und Erziehung in Vorschulklassen*), the Free and Hanseatic City of Hamburg requires in the context of language promotion “great variety of learning situations enabling pupils to acquire the basic means and skills for interaction”. This also applies to Low German where it is spoken as a second language. The extent of instruction in the regional language depends on the group being taught and their language skills.

All other pupils who are not active speakers of Low German are to be familiarized with the language, in particular through poems and songs. The *Hamborger Plattdüütsch Pries*, an award given by the Low German association *Plattdüütsch in Hamburg* in cooperation with the Free and Hanseatic City of Hamburg since 2010, has provided a boost to preschool instruction. The competition is aimed at (pre-) schools and nursery schools which continually work to teach Low German to the children in their care.

As part of the family literacy project of the state institute for teacher training and school development (*Landesinstitut für Lehrerbildung und Schulentwicklung*), which actively involves parents in their preschool children's acquisition of written language, in 2011 parents wrote stories in Low German about family photos, which were then published in the multilingual series of mini-books.

#### **b. Article 8 (1) (c) (iii)**

In its latest report, the Committee of Experts strongly urged the German authorities to pursue their efforts to make the teaching of Low German an integral part of the curriculum within secondary education (Nos. 453 – 455).

In the Free and Hanseatic City of Hamburg, schools offer Low German as an optional subject. Under the current regulations, schools may set areas of focus by teaching Low German in particular (cf. Section 36 of the regulations for training and examinations in primary schools and grades five through ten of local schools and grammar schools (*Gymnasien*) (APO-GrundStGy)).

#### **c. Article 8 (1) (d) (iii)**

In its latest report, the Committee of Experts called on the authorities to include Low German as an integral part of the curriculum within technical and vocational education (Nos. 456 – 458).

Some vocational schools use elements of the Low German culture and language or make reference to them. Because the primary task of vocational schools is to impart occupational skills and strengthen skills in the subjects of mathematics, language and communication (German) and technical English, there are no plans to anchor Low German in the curriculum on a large scale.

#### **d. Article 8 (1) (h)**

In its latest report, the Committee of Experts asked for more information about the reform of basic and further training for teachers of Low German (Nos. 459 – 461).

The state institute for teacher training and school development regularly offers further training for primary school teachers on the teaching of Low German. For example, two

classes on Low German at primary schools – introducing the language, songs and dances – were offered at the 2012 conference for primary school teachers.

Since 2010, the state institute for teacher training has offered a Low German forum every two years. School administrators and teachers as well as university students with a concentration in Low German, school volunteers, media representatives, artists and advocacy groups are all invited. The forum aims to promote exchange among forum participants and maintain a network to help with instruction.

**e. Article 10 (1) (a) (v) and (1) (c)**

In its latest report, the Committee of Experts repeated that the authorities must take proactive measures to encourage speakers of Low German to avail themselves of the opportunity to submit documents in Low German and not merely to allow administrative authorities to draft documents in Low German, but to take specific measures to implement the undertaking in practice (Nos. 466 – 471).

The authorities of the Free and Hanseatic City of Hamburg are not aware of any cases in which a document has been submitted in Low German or in which anyone has asked whether it is possible to do so. For this reason, the authorities see no need to take proactive measures, also in view of the extra effort and expense such measures would require.

**f. Article 10 (2) (a)**

In its latest report, the Committee of Experts urged the authorities not only to allow the use of Low German in the framework of regional or local authorities, but also to take specific measures to implement the undertaking in practice (Nos. 472 – 474).

At the Hamburg state archives, there are cases in which staff and members of the public began by speaking to each other in High German and then both switched to Low German; the reaction from the members of the public was always very positive. This most often happens with older clients who staff are fairly sure have the relevant language skills and hope to overcome initial fears by switching to Low German.

Beyond that, the authorities see no need to take any measures; see also comments on Article 10 (1) (v) and (1) (c).

**g. Article 10 (2) (b)**

In its latest report, the Committee of Experts urged the authorities not only to allow oral and written applications to be submitted in Low German, but also to take specific measures to implement the undertaking in practice (Nos. 475 – 477).

Individual offices offer members of the public the opportunity to submit oral or written applications in Low German if they so desire. For documentation purposes, however, these applications then have to be translated into High German.

Beyond that, the authorities see no need to take any measures; see also comments on Article 10 (1) (v) and (1) (c).

**h. Article 10 (4)**

In its latest report, the Committee of Experts urged the authorities to take measures to ensure compliance as far as possible with requests from public service employees

having a knowledge of Low German to be appointed in the territory in which that language is used (Nos. 478 – 481).

The competent bodies are not aware of any employees having made such a request.

#### **i. Article 11 (1) (c) (ii)**

In its latest report, the Committee of Experts urged the authorities to encourage the broadcasting of television programmes in Low German on a regular basis (Nos. 482 – 485).

As a public broadcaster, NDR is an advocate for the Low German language, culture and literature. It has steadily expanded its Low German programming over the years. In addition to its broadcasts, it has also demonstrated social engagement on behalf of Low German, for example by participating in various bodies and serving on various boards dedicated to Low German.

The regional evening programmes from the four states that make up the NDR transmission area provide up-to-date coverage of Low German topics and events in the Low German language. Content ranges from state and local politics to culture and education as well as science, research and society.

NDR also broadcasts regularly scheduled programmes in Low German, such as

- *Plattdüütsch*, with the latest news on politics, the economy, sport and culture;
- *Die Welt op Platt*, with features on how German emigrants are maintaining their traditions abroad; and
- *Neues aus Büttenwarder op Platt*, a regional cult comedy with well-known actors.

NDR also offers a special Low German web presence where all audio and video broadcasts with Low German content can be accessed.

The commercial television station Hamburg 1 occasionally includes elements of the Low German language in its programme. However, the station has no statistics on the extent of such broadcasts.

In this context, it is necessary to refer to the constitutional principle of government non-intervention in broadcasting, according to which television and radio broadcasters have a great deal of autonomy. The aims of the Charter cannot be "government mandated" in this area, but only undertaken and achieved jointly in practice.

#### **j. Article 11 (1) (d)**

In its latest report, the Committee of Experts strongly urged the German authorities to take measures to encourage and/or facilitate the production and distribution of audio and audiovisual works in Low German (Nos. 486 – 488).

The *Filmförderung Hamburg Schleswig-Holstein GmbH* does not give Low German any preference in the area of funding, production or broadcasting of audio or audiovisual works. Funding is granted exclusively on the basis of quality- and content-related criteria.

The association *Plattolio e.V.* was founded on 20 May 2011, also with public funding; it aims to foster the younger generation's interest in Low German from an early age. The association's website [www.plattolio.de](http://www.plattolio.de) is intended to help achieve this aim. Its target audience includes sponsors and multipliers in schools and cultural institutions in the Low

German language area, and it provides suitable materials to support Low German language teaching.

#### **k. Article 11 (1) (f) (ii)**

In its latest report, the Committee of Experts encouraged the authorities to apply existing measures for financial assistance also to audiovisual productions in Low German (Nos. 489 – 491).

Although financial assistance measures (film promotion) for audiovisual productions do exist, they do not provide for any preferential treatment of Low German. Funding is granted exclusively on the basis of quality- and content-related criteria.

#### **l. Article 11 (1) (g)**

In its latest report, the Committee of Experts encouraged the authorities to support the training of journalists and other staff for media using Low German (Nos. 492 – 493).

The University of Hamburg offers classes on Low German language and literature in the subject areas of German language and literature (bachelor degree programme), Germanic linguistics (master degree programme) and German (bachelor and master in teaching). The department of language, literature and media is responsible for these classes. The Institute for Journalism and Communications does not offer any courses explicitly focused on the Low German language. However, students may choose electives in other subject areas including classes in or about Low German.

Students may also take Low German language courses at the interdisciplinary language centre. The University of Hamburg currently has no course offerings to promote Low German which are exclusively intended for journalists.

NDR offers journalism training in the form of an internship programme for radio, television and online content. The internships include three assignments at an NDR regional studio, so that interns come into contact with the Low German language, content and topics wherever they are covered. NDR does not offer specific or obligatory promotion in Low German.

NDR's central editorial office for Low German at its broadcasting centre in Schleswig-Holstein has an exchange programme with the University of Hamburg, and in winter semester 2012/13 a journalist from the central editorial office is teaching a course at the university on aspects of Low German radio features (*Vom ‚Theater im Dunkeln‘ zum Podcast – Aspekte des Niederdeutschen Hörspiels*).

#### **m. Article 12 (1) (d)**

In its latest report, the Committee of Experts called on the authorities to ensure that the bodies responsible for organizing or supporting cultural activities make appropriate allowance for incorporating the knowledge and use of the Low German language and culture (Nos. 494 – 495).

The Ohnsorg-Theater, which moved into its new, larger and technically well-equipped home at Heidi-Kabel-Platz 1 in August 2011, receives annual funding of € 1,880,000. During its latest season, the theatre put on 303 evening performances and 90 matinees in Low German. About 141,000 spectators visited the shows. The theatre also staged 130 performances while on tour, with a special emphasis on the urban periphery.

Starting with the 2012/13 season, the new studio stage is being used for children's theatre in Low German. The first play (*Lütt Aant – Ente, Tod und Tulpe*) is being performed bilingually, so that young audiences can follow the story without difficulty and gain exposure to Low German in an entertaining way. Performances are accompanied by theatre education offerings.

The 2012/2013 season marks the start of a collaboration between the Ohnsorg-Theater and the Oldenburg state theatre, with a guest production, *Die Wanze* (The bug), an "insect detective story" in High and Low German.

In addition to the Ohnsorg-Theater, the organization *Die Wendeltreppe*, founded in 1946, offers regular performances of cabaret, music and literature also in Low German. Hamburg's cultural authorities provide support for this organization in the form of a small annual budget for advertising.

The commercial theatre Hamburger Engelsaal, which receives a total of € 50,000, occasionally offers Low German performances, as do a number of amateur theatre companies which cultivate the Low German language, such as the Lohbrügger Bürgerbühne, Henneberg Bühne, De Nedderdütsche, Volksbühne Rissen, Amateurtheater Duvenstedt, Volksbühne Jenfeld, and Hans Sachs Bühne, among others.

#### **n. Article 12 (1) (f)**

In its latest report, the Committee of Experts called on the authorities to encourage direct participation by representatives of the users of Low German in providing facilities and planning cultural activities (Nos. 496 – 498).

Representatives of the authorities and of users of Low German are in regular contact with regard to facilities and planning cultural activities.

#### **o. Article 13 (1) (d)**

In its latest report, the Committee of Experts asked the German authorities to provide specific information on other measures taken to facilitate and/or encourage the use of Low German in economic and social life (Nos. 503 – 504).

In April 2012, the Hamburg public transport network HVV launched an advertising campaign in Low German on posters, in newspapers and on buses to publicize the benefits of public transport. The posters displayed a QR code which smartphone users could use to gain access to a website with the information in High German.

#### **p. Article 13 (2) (c)**

In its latest report, the Committee of Experts urged the authorities to adopt a structured policy with a view to making more systematic the possibility to be received and treated in Low German in social care facilities (Nos. 505 – 508).

No structured policy has been adopted for receiving and treating persons in Low German in social care facilities. Low German is rarely used in client interactions.

## 8. Low German in Mecklenburg-Western Pomerania

### a. Article 8 (1) (a) (iv)

In its latest report, the Committee of Experts asked the authorities to clarify, in the next periodical report, the extent to which Low German is taught in practice at preschools. The Committee also asked for further information as to whether there is a structured system which would give parents systematically the option to choose either preschool education entirely in Low German, or at least a substantial part of it in Low German (Nos. 512 – 516).

In response to the third evaluation report, starting with the 2009/10 school year the work of the Low German commissioners in Mecklenburg-Western Pomerania concentrated on preschool education. On the recommendation of the working group on Low German at school and in early-childhood education (*Niederdeutsch in der Schule und in der frühkindlichen Bildung*), a model project was developed to achieve more systematic teaching of Low German at nursery schools. The Stiftung Mecklenburg foundation sponsored the model project. In 2010, a variety of materials (books, workbooks, games) were supplied to all 20 participating nursery schools for teaching Low German. The project regularly invited all preschool teachers to workshops in 2010 and 2011 to share experience and gain additional training. In May 2011, a large Low German evaluation meeting was held at the university of applied sciences in Güstrow, to which nursery school teachers were invited along with school teachers in order to talk about the transition from early-childhood to school education. All the teachers agreed that Low German needs to be more firmly anchored and should have the status of a language of instruction at school.

The resulting teaching materials represent a key product of the model project and a milestone for Low German in early-childhood education in Mecklenburg-Western Pomerania; these materials are now being used to teach Low German at kindergarten.

The universities of Rostock and Greifswald developed a questionnaire to evaluate the model project and scientifically assessed the results.

### b. Article 8 (1) (b) (iii) and (c) (iii)

In its latest report, the Committee of Experts urged the authorities to pursue their efforts to ensure that Low German is systematically taught as an integral part of the curriculum at primary and secondary schools in the territories where Low German is used (Nos. 517 – 522).

Low German is continuously taught in many primary and secondary schools in Mecklenburg-Western Pomerania. A concrete survey on this issue is planned for 2012/13 as part of Stiftung Mecklenburg's model project on Low German in early-childhood education and transitions to secondary school (*Niederdeutsch in der frühkindlichen Bildung – Übergänge zur weiterführenden Schule*).

No further training for teachers and preschool teachers in certificate courses/subsidiary courses has taken place since 2009. Seventeen teachers and preschool teachers completed a Low German language course at the B2 level.

Low German is integrated in German classes. Low German still does not have the status of a separate subject of instruction in Mecklenburg-Western Pomerania, so it is not assigned a specific number of hours of instruction.

In practice, there is no supervisory body to ensure that the education offices implement the administrative regulation on Low German in the classroom (*Niederdeutsch in der Schule*). Nor does Low German have the status of a second or third language in Mecklenburg-Western Pomerania, since it is not a subject of instruction and is thus not part of the language plan. However, the teachers would welcome this status for Low German.

**c. Article 8 (1) (d) (iii)**

In its latest report, the Committee of Experts called on the authorities to include Low German as an integral part of the curriculum within technical and vocational education (Nos. 523 – 525).

Low German is integrated in German classes in Mecklenburg-Western Pomerania. There are no plans to include Low German as an integral part of the curriculum within technical and vocational education.

**d. Article 8 (1) (e) (ii)**

In its latest report, the Committee of Experts asked for more information in the next periodical report on the suggestion to establish a decentralized Low German master course and the introduction of a Low German certificate (Nos. 526 – 528).

After attempts to establish Low German within the bachelor and master courses as an independent subject failed, since 2008/2009 the University of Greifswald has offered the option to study Low German as a concentration within the teacher training course for German. Classes offered range from language acquisition to linguistics and literature to the teaching of Low German. A total of about 40 students will be enrolled in winter semester 2012/13.

Nor has the University of Rostock succeeded in establishing Low German as an independent subject, but it has been integrated as individual modules in existing and planned bachelor, master and teacher training courses. An introductory lecture class on Low German language and literature is a requirement for teacher candidates. Low German is offered as a required elective for academic courses.

According to the state ordinance of 16 July 2012 on the first state examination for teachers at schools of general education and vocational schools in Mecklenburg-Western Pomerania, Low German may be studied in the teacher training course as a subsidiary subject, in derogation from the otherwise customary rules. It is anticipated that Low German will be established on this basis as a subsidiary subject at both universities.

The decentralized master course and certificate in Low German are the subject of intense discussion and planning in which the universities of Greifswald, Hamburg, Kiel, Magdeburg, Oldenburg and Rostock are all involved. Now that a task force specifically set up for this purpose has met several times, initial ideas for the decentralized master course and the certificate have been developed. They are to be presented in 2013 and implemented at the participating universities as soon as possible.

**e. Article 10 (1) (a) (v)**

In its latest report, the Committee of Experts encouraged the German authorities to take resolute action to establish a structured policy for making it possible to use Low German in dealings with the administration (Nos. 534 – 536).

Because the Charter directly protects Low German as a regional language, the Low German language in Mecklenburg-Western Pomerania is regarded as a possible second language in the administration. There are no known cases of the justice administration rejecting Low German documents, nor are any cases known in which official correspondence has been written in Low German.

The Mecklenburg-Western Pomerania state parliament submitted a minor interpellation in Low German to the state government in 2012.

**f. Article 10 (1) (c)**

In its latest report, the Committee of Experts asked for more information on whether the administrative authorities continued to draft documents in Low German (Nos. 537 – 538).

The administrative authorities have not drafted any additional documents in Low German since the last report was produced.

**g. Article 10 (4) (c)**

In its latest report, the Committee of Experts asked for specific information concerning compliance with requests for appointment in the territory where Low German is used (Nos. 539 – 541).

No requests were submitted for appointment in the territory where Low German is used.

**h. Article 11 (1) (c) (ii)**

In its latest report, the Committee of Experts encouraged the authorities to promote the broadcasting of Low German programmes by private broadcasters (Nos. 542 – 545).

State-wide private broadcasters offer no specific programmes for regional and minority languages, although they occasionally focus on Low German and selected related topics.

**i. Article 11 (1) (f) (ii)**

In its latest report, the Committee of Experts asked the authorities to include specific information in the next periodical report as to whether existing measures for financial assistance had been applied also to audiovisual productions in Low German (Nos. 549 – 550).

The state government of Mecklenburg-Western Pomerania continues to represent its position of not providing state financial assistance for specific minority programmes.

Support for Low German productions is possible as part of Mecklenburg-Western Pomerania's cultural film promotion. However, no applications for such funding have been submitted.

**j. Article 12 (1) (c)**

In its latest report, the Committee of Experts encouraged the German authorities to take proactive measures to foster access in Low German to works produced in other languages (Nos. 551 – 553).

No applications for funding have been submitted. However, funding is possible according to the directive on the allocation of grants in the cultural field (*Richtlinie über die Gewährung von Zuwendungen im kulturellen Bereich*) and according to Section 96 of the Federal Expellees Act (BVFG).

**k. Article 13 (2) (c)**

In its latest report, the Committee of Experts urged the authorities to adopt a structured policy with a view to making more systematic the possibility for the persons concerned to be received and treated in Low German in social care facilities (Nos. 558 – 561).

The authorities have no information in this regard.

**9. Low German in Lower Saxony****a. Article 8 (1) (a) (iv)**

In its latest report, the Committee of Experts urged the authorities to systematically favour and/or encourage the provision of at least a substantial part of preschool education in Low German to at least to those pupils whose families so request and whose number is considered sufficient (Nos. 565 – 567).

Please see the comments on Article 8 (1) (a) (iv) Chapter E. II. 5. a.

**b. Article 8 (1) (g)**

In its latest report, the Committee of Experts requested the German authorities to provide more specific information in the next periodical report on the extent to which the teaching of the history and the culture which is reflected by Low German is ensured in practice (Nos. 571 – 573).

For all types of schools, the core curriculum for the individual subjects of instruction provide for including the regional context when planning lessons. According to the decree on the region and its languages (*Die Region und ihre Sprachen*), the regional context is to be taken into account in school curriculum, especially in the subjects German, history, geography, biology, music and art.

**c. Article 10 (1) (a) (v) and (1) (c)**

In its latest report, the Committee of Experts strongly urged the authorities to ensure that users of Low German may validly submit documents in Low German within its administrative districts to the administrative authorities of Lower Saxony (Nos. 578 – 582). The authorities were also told to encourage the national administrative authorities to draft documents in Low German and take certain measures for the practical implementation of the undertaking (Nos. 583 – 585).

The European Charter for Regional or Minority Languages is directly applicable law, so no further legislation is needed to allow the administrative authorities to draft documents in Low German. In the same way, users of Low German are quite free to validly submit documents in Low German.

**d. Article 10 (2) (a)**

In its latest report, the Committee of Experts recommended further improving the use of Low German in regional or local authorities (Nos. 586 – 589).

In general, it should be noted that Low German is used in many communities. There are numerous authorities in the relevant geographical areas that have staff who speak Low German and use it depending on the situation. Staff who speak Low German are assigned especially to the public information services. A large number of registry offices

in Lower Saxony will conduct weddings or register same-sex partnerships in Low German on request. Some local governments have commissioners for Low German.

Low German is regularly used in general oral communications with government agencies (such as the police), depending on the region and the interlocutors involved. This is true above all for local organizational units which interact with the public to a large degree. Particularly in rural areas, informal communication in Low German plays an important role in building trust, among other things.

The efforts of the Ostfriesische Landschaft to promote the use of Low German in public administration in Ostfriesland with its *Plattdütskbüro* deserve special mention.

#### **e. Article 10 (2) (b), (c), (d) and (e)**

– In its latest report, the Committee of Experts found a clear necessity to establish a statutory right to ensure the possibility for users of Low German to submit oral or written applications in this language (Nos. 590 – 592). In addition, it said that a structured policy was needed to encourage local and regional authorities to publish documents in Low German (Nos. 593 – 595) and to encourage regional authorities to use Low German in their debates (Nos. 596 – 597).

Given the right of local self-government, the state government is not allowed to set rules for the use of Low German in local administration. The European Charter for Regional or Minority Languages has the status of law, so local governments are bound by its provisions when performing their tasks.

The local governments are aware of the need to enable the use of Low German in dealings with public administration.

#### **f. Article 11 (1) (c) (ii)**

In its latest report, the Committee of Experts called on the authorities to investigate how existing Low German programmes could be broadcast on a regular basis (Nos. 605 – 608).

NDR offers a variety of television programmes in Low German. It has steadily expanded its Low German programming over the years.

The regional programmes from the NDR state broadcasting centres (*Hallo Niedersachsen* and *Niedersachsen 18:00*, *Hamburg Journal* and *Hamburg Journal 18:00 Uhr*, *Nordmagazin* and *Land und Leute* from Mecklenburg-Western Pomerania, *Schleswig-Holstein Magazin* and *Schleswig-Holstein 18:00*) provide up-to-date coverage of Low German topics and events. Features and news are also produced and broadcast in Low German. Content ranges from state and local politics to culture and education as well as science, research and society. In addition, regularly scheduled programmes and specials are broadcast in Low German.

#### **g. Article 11 (1) (d)**

In its latest report, the Committee of Experts called on the authorities to promote audiovisual works in Low German (Nos. 609 – 610).

In principle, Lower Saxony welcomes appropriate applications for funding. The representatives of the interests of the relevant actors are welcome to apply for the funding indicated. Like every form of state aid, funding for Low German broadcasting must be applied for and therefore requires interested parties to take the initiative.

In 2010, the *nordmedia fonds GmbH* provided funding for the NDR documentary in Low German, *Bingo – Toletzt entscheed jümmers das Glück*.

#### **h. Article 12 (1) (b)**

In its latest report, the Committee of Experts encouraged the German authorities to take proactive measures to foster the different means of access in other languages to works produced in Low German (Nos. 611 – 612).

The *Institut für Niederdeutsche Sprache* in Bremen provides support for promotion in this area. The state of Lower Saxony provides about € 127,000 in annual support.

In 2010, the Oldenburgische Landschaft organized the project *PLATTart-Festival für Neue Niederdeutsche Kultur*, an art festival for new Low German culture, with funding from the state of Lower Saxony. The festival was intended to demonstrate that Low German is up to date and has great potential for modern forms of expression. Over nine days, nearly 30 events focusing especially on children and young people as their target audience took place across the entire Oldenburg region. The programme included concerts, plays, readings, presentations of children's works, a choir festival, an advanced training course for teachers (*Wöör mit Kulöör*) and open-air activities. A festival highlight was the *PLATTgold* gala evening at the Staatstheater Oldenburg.

*PLATTart* is a collaboration between the Oldenburgische Landschaft as organizer and the Staatstheater Oldenburg, which is responsible for the artistic content.

#### **i. Article 12 (1) (c)**

In its latest report, the Committee of Experts encouraged the German authorities to take proactive measures to foster access in Low German to works produced in other languages (Nos. 613 – 614).

Many Low German theatres stage works not originally written in Low German. Especially the higher quality theatres (in particular those theatres that belong to the *Niederdeutscher Bühnenbund Niedersachsen/Bremen*) put on a large number of translated works. Lower Saxony provides annual financial assistance to the *Niederdeutscher Bühnenbund* under its framework agreement with the *Niederdeutscher Heimatbund*.

Two activities in particular should be pointed out: The music competition *Platt-Sounds* calls on young music groups to sing in Low German. If the song lyrics are in High German, the competition offers help with translation. The competition was very successful in 2011 and 2012. Lower Saxony provides funding for *Platt-Sounds* in the framework of the structures of the civic action group *Platt is Cool*, which is sponsored by various regional associations.

The state museum in Hanover has added an audioguide in Low German for its picture gallery: The texts were translated from High German into Low German and recorded by NDR announcers. Lower Saxony has helped pay for the costs of translation. The project has not yet been completed.

## 10. Low German in Schleswig-Holstein

### a. Article 8 (1) (b) (iii) and (c) (iii)

In its latest report, the Committee of Experts strongly urged the German authorities to make available Low German teaching as an integral part of the curriculum throughout the Low German speaking territory (Nos. 625 – 628).

The state government of Schleswig-Holstein currently has no plans to introduce Low German as a regular subject of instruction.

### b. Article 8 (1) (h)

In its latest report, the Committee of Experts asked the authorities for more information in the next periodical report on further training and continuing education for teachers of Low German (No. 633).

The state's expert adviser at the institute for advanced teacher training at Schleswig-Holstein's schools (IQSH) recruited new expert advisers and outside experts to teach the further training courses in order to do justice to the focus on language acquisition in the training courses. However, it is also important to utilize existing specialists and motivate them to teach Low German. Increasing attention is being paid to extending this further training to as many regions as possible. This is already happening through collaboration among the district expert advisers, for example those in the districts of Stormarn, the Duchy of Lauenburg and the Hanseatic City of Lübeck (joint Low German days; the district expert advisers provide mutual support with further training; etc.). For the 2012/13 school year the state expert adviser is also conducting a certificate course in Low German. This course is aimed at teachers at all types of school who understand Low German and want to increase their speaking skills and knowledge of the Low German language, literature and culture. A certificate is awarded for successful participation in the course, which is made up of several components. After completing the course, teachers are expected to act as multipliers, assist colleagues, help organize the reading context and teach Low German. The further training courses are listed in the IQSH catalogue and teachers can register for them online.

In addition, the state centres for Low German in Ratzeburg and Leck perform diverse and valuable service as venues for basic and further training:

- They offer events, further training and advising for advisers, teachers, instructors, education specialists from day-care centres and volunteers in preschools and schools.
- The centres provide each of these target groups with literature, media and materials for classroom use, gathered in special age-specific book crates that can be used outside the centres as well.
- At the centres for Low German, teachers work with the director to develop their own classroom materials; they also receive assistance and make contact with speakers of Low German.
- The six-day qualification course *Platt för de Lütten* at the Centre for Low German in Leck is aimed at teachers and education specialists from day-care centres. The first time this course was offered in 2011, 24 education specialists enrolled. Non-native speakers of Low German learn about the history of the language,

basic grammar and vocabulary, texts, textbooks and practical exercises. The course receives EU funding (European Agricultural Fund for Rural Development). The project is organized by the local government of the region Mittleres Nordfriesland.

In addition, various providers such as associations and clubs offer many further training courses. The IQSH website for school subjects lists all further training courses and has teaching materials available for download free of charge; it also has links to other websites that may be helpful in promoting Low German at school. From February to August 2011, the IQSH counted 91 participants in twelve further training courses on Low German.

The *Schleswig-Holstein Heimatbund* (SHHB) focuses much of its attention on the issue of Low German at school. This association devoted to local and regional language and culture serves as a point of contact for information on Low German at school; it also hosts further training for teachers. The SHHB library lends textbooks and specialist books on request. The SHHB works closely with the centres for Low German and with the state commissioner for Low German in the schools. It also works with the Low German task force of the international learning centre Jugendhof Scheersberg and takes part in the annual theatre workshops *Niederdeutsche Theaterwerkstatt für Kinder*, *Warksteed för Plattdüütsch Theater* and *Niederdeutsche Spielgruppentreffen*.

The Centre for Low German in the Schleswig region works with the Low German task force of the international learning centre Jugendhof Scheersberg and also takes part in the annual theatre workshops *Niederdeutsche Theaterwerkstatt für Kinder*, *Warksteed för Plattdüütsch Theater* and *Niederdeutsche Spielgruppentreffen (Kinderblock am Sonnabendvormittag)*. An Internet platform with teaching materials is planned.

The information system of the Centre for Low German in the Holstein region (newsletter, PLATTNET web directory and news) delivers information, suggestions for classroom activities and possibilities for participating in Low German cultural activities to interested parties.

### **c. Article 8 (2)**

In its latest report, the Committee of Experts asked for more information on the educational concepts and their practical implementation in environments where Low German is no longer an actively spoken language (Nos. 638 – 640).

In the area of adult education, adult education centres, which receive institutional funding from the state of Schleswig-Holstein, offer language classes in Low German. Continuing education providers and institutions are free to choose which classes they offer. The Continuing Education Act gives them the right to design their curriculum and programmes autonomously. Statewide, nearly 30 adult education centres offer about 60 classes in Low German; with total enrolment of 620, these classes are quite popular. Enrolment is up about 25% since 2007.

Low German is also part of the continuing education provided by Schleswig-Holstein's adult education centres for nursery school staff (*KiTa Weiterbildungsprogramm*). The state association of adult education centres in Schleswig-Holstein and the SHHB have set up a joint working group to develop curriculum for a course on becoming a guide to regional history and culture, with a special focus on Low German.

The centres for Low German in the Schleswig region (Leck) and the Holstein region (Ratzeburg) are also the first points of contact for the area of early childhood education. They advise and organize further training for specialist nursery school staff.

**d. Article 10 (1) (a) (v)**

In its latest report, the Committee of Experts reminded the authorities that apart from adopting administrative regulations, they could envisage other measures to make it possible to use Low German in dealings with the administration (Nos. 641 – 644).

The state of Schleswig-Holstein believes that it is not necessary to adopt administrative regulations to fulfil the undertaking, as the Charter constitutes directly enforceable law in Germany. No further measures have been taken.

**e. Article 10 (1) (c)**

In its latest report, the Committee of Experts urged the authorities not only to allow documents to be drafted in Low German, but also to take certain measures to implement the undertaking in practice (Nos. 645 – 647).

The state of Schleswig-Holstein believes that the provision does not require any further measures beyond allowing documents to be drafted in Low German.

**f. Article 10 (2) (b)**

In its latest report, the Committee of Experts called on the authorities to encourage speakers of Low German to make use of the language in communicating with the regional and municipal authorities (Nos. 648 – 650).

However, the state of Schleswig-Holstein is of the view that the undertaking only requires “allowing”, not measures to “encourage”, the speakers to make use of the language in communicating with the authorities.

**g. Article 10 (4) (c)**

In its latest report, the Committee of Experts urged the authorities to take measures to ensure compliance as far as possible with requests from public service employees having a knowledge of Low German to be appointed in the territory in which that language is used (Nos. 651 – 653).

No such requests have yet been made in Schleswig-Holstein. Nor can any be expected, as Low German is spoken throughout the entire state. In addition, the state points out that, when hiring public service staff, the principle of achievement as referred to in Article 33 (2) of the Basic Law is to be taken into account; thus knowledge of regional or minority languages may be used as a special selection criterion only for specific vacancies for which this criterion must be met. This is not the case for training vacancies in the general public administration or for junior managers to be hired for any ministry.

**h. Article 11 (1) (c) (ii)**

In its latest report, the Committee of Experts encouraged the authorities to promote the broadcasting of Low German programmes by private broadcasters, for example using financial incentives (Nos. 659 – 662).

The Open Channel of Schleswig-Holstein has a great many activities in Low German. In addition to various editorial desks in the Open Channel radio stations in Lübeck and

Heide, both Open Channel television stations in Kiel and Flensburg regularly record and broadcast plays in Low German.

**i. Article 11 (1) (d)**

In its latest report, the Committee of Experts asked the authorities to include in the next periodical report information about measures aimed at encouraging and/or facilitating the production of audio and audiovisual works in Low German (Nos. 663 – 664).

The *Filmförderung Hamburg Schleswig-Holstein GmbH*, which in principle could provide funding for audio and audiovisual works, did not provide any funding for Low German films, as no funding applications were submitted.

**j. Article 12 (1) (b) and (c)**

In its latest report, the Committee of Experts encouraged the authorities to elaborate more in detail on their role in the translation of Low German works and the translation of works in other languages into Low German (Nos. 667 – 669).

The state of Schleswig-Holstein provides institutional funding for the *Niederdeutscher Bühnenbund Schleswig-Holstein e.V.* and the *Landesverband der Amateurtheater Schleswig-Holstein e.V.*, thereby supporting their work as umbrella organizations. They provide services and advice for their member theatres and help them in planning their performance schedules. This involves not only staging existing works for the theatre, but also commissioning new Low German translations of dramatic works in High German and putting these on the stage.

**k. Article 13 (1) (d)**

In its latest report, the Committee of Experts requested the authorities to provide more information on the measures taken to encourage and/or facilitate the use of Low German in economic and social activities (Nos. 674 – 675).

The state of Schleswig-Holstein sees few possibilities for government influence in the area of economic and social activities.

**l. Article 13 (2) (c)**

In its latest report, the Committee of Experts urged the authorities to include in the next periodical report information about measures to ensure that speakers of Low German can be received and treated in Low German in social care facilities (Nos. 676 – 679).

In this area too, the possibilities for government influence are limited, as most retirement and nursing homes are privately owned and operated. However, the state government of Schleswig-Holstein continues to do everything within its power and in cooperation with the relevant associations and institutions to strengthen the use of Low German.

**11. Romani in Hesse**

**a. Article 8 (1) (a) - (e), (1) (f) (iii), (1) (h) and (2)**

In its latest report, the Committee of Experts encouraged the Hessian authorities to

- provide more specific information regarding the presence of Romani in education at all levels in the next periodical report (Nos. 686 – 688);

- strengthen their efforts to encourage the offering of Romani as a subject of adult education (Nos. 689 – 690);
- provide information about any teacher training for Romani language education (Nos. 691 – 693); and
- provide information on educational concepts and their practical implementation in environments where Romani is not an actively spoken language, in particular on the protection and promotion of Romani in the Frankfurt area (Nos. 697 – 699).

Implementation is delayed due to the ongoing discussions among German Sinti and Roma about the approach to opening the Romani language. For example, the Romani language course offered at the adult education centre in Marburg did not take place because the ethnic group did not reach agreement about whether non-native speakers and non-Sinti should be allowed to attend so that no one enrolled in the course.

For the same reason, it is very difficult to introduce Romani language courses at schools. In addition, the implementation of the Charter is complicated by the fact that Romani spoken by German Sinti and Roma does not have a standardized written form and that the minority regards it as a kind of 'insider language' which is not to be taught by national institutions. However, this would be necessary to provide language instruction at public schools subject to government supervision. It has to be concluded that teaching in Romani so far has not been promoted at Hessian schools and that progress within the meaning of the Charter seems very unlikely as such action is neither practicable nor wished for by the minority concerned.

This is also the reason for the lack of well-trained teachers and of teaching material accepted by the regional associations and the Central Council. However, some of the pupils from the ethnic group of Sinti and Roma who will take their *Abitur* exams at Hessian schools will probably go through university teacher training and become teachers with Romani language skills.

Pupils from the majority population are increasingly aware of the Romani language because the history and culture of the Sinti and Roma is taught during teacher training and in history classes. In this context, important work is done by the project office for national minorities (*Pädagogische Büro Nationale Minderheiten: Sinti und Roma*). In the framework of a cooperation scheme between the University of Marburg and the Hessian Ministry of Culture, it offers seminars on the history and culture of the Sinti and Roma and other minorities for students training to become teachers.

Although Hessian universities do not offer Romani courses as such, Giessen University notes that numerous Romani expressions are used in the language of Spanish youths. These expressions and their origin are discussed during courses on Spanish sociolinguistics.

#### **b. Article 9 (1) (b) (iii) and (c) (iii)**

In its latest report, the Committee of Experts recommended that the German authorities take resolute action to establish a structured policy for making it possible in practice to use Romani in the courts (Nos. 700 – 701).

This is an issue of the (still not available) interpreters. In order to provide official interpreters, the language must be codified to allow verification. As long as this is not granted, implementing this undertaking is very difficult.

**c. Article 10 (3) (c)**

In its latest report, the Committee of Experts reminded the German authorities to make it possible to use regional or minority languages in dealings with the administration for those who so wish, in order for the undertaking to be fulfilled (Nos. 705 – 707).

Romani speakers so far have not expressed their wish to use Romani in dealings with the administration. On the contrary: they refuse to communicate in Romani outside their families. Therefore, there are no reports about a violation of this undertaking.

**d. Article 10 (4) (c)**

In its latest report, the Committee of Experts encouraged the authorities to strengthen their efforts to have some Romani speakers among their employees (Nos. 708 – 709).

All jobs are available also for speakers of the Romani language. The General Equal Treatment Act (AGG), which also affects private contract law, can be used to counter discrimination against ethnic groups. The act provides that no one must be refused employment because of his/her ethnic origin. A person who is nevertheless discriminated against may sue for damages. Discrimination by public authorities is ruled out by Article 3 of the Basic Law which prohibits unequal treatment because of parentage or race.

**e. Article 11 (1) (b) (ii) and (c) (ii)**

In its latest report, the Committee of Experts urged the authorities to take measures to encourage and/or facilitate the broadcasting of radio and television programmes in Romani on a regular basis (Nos. 711 – 716).

On the basis of German constitutional law, no government may determine programming content. Thus Hesse has no way to exert influence on the design or selection of programmes. However, Hesse has informed the broadcaster Hessischer Rundfunk about Germany's obligations and initiated a dialogue between the state public service broadcasting corporation and the Hessian Association of German Sinti and Roma, while respecting the constitutional principle of government non-intervention in broadcasting. However, according to our information, representatives of the Sinti and Roma have not asked the state public service broadcasting corporation for any programming in the Romani language.

**f. Article 11 (1) (d)**

In its latest report, the Committee of Experts asked for information on whether audio and audiovisual works in Romani are actually produced and how their production and distribution is encouraged and/or facilitated (Nos. 717 – 719).

Press law governing press companies and their members does not give governments the authority to take action in this field. The production of audio and audiovisual works is in the hands of the regional association of the Sinti and Roma. The association has produced works using the funds provided by the state government. In addition, during the last ten years, no applications have been filed for film funding from the Hessen Film Fund (Hessische Filmförderung), and therefore films have not been produced during that time.

**g. Article 11 (1) (e) (i) and (ii)**

In its latest report, the Committee of Experts encouraged the authorities, in cooperation with the Romani-speakers, to overcome the existing obstacles due to the absence of a standard written form of Romani and the wish of some of the speakers not to make written materials in Romani publicly accessible (Nos. 720 – 721).

Approaches to solve this issue have been discussed with the regional association of the German Sinti and Roma.

**h. Article 11 (1) (f) (ii)**

In its latest report, the Committee of Experts asked the authorities to provide information on the application of existing measures for financial assistance also to audiovisual productions in Romani (Nos. 722 – 723).

Interesting stories may receive funding from the Hessen Film Fund. Producing a film in the Romani language would also be possible.

**i. Article 11 (1) (g)**

In its latest report, the Committee of Experts asked the authorities for specific information on training programmes of the Cultural Centre of German Sinti and Roma (Nos. 726 – 727).

In 2010 the Rhein-Necker Chamber of Industry and Commerce recognized the Documentation and Cultural Centre of German Sinti and Roma as a training company. Since September the centre has been offering one apprenticeship position for office assistants. From January 2013 the centre will participate in the European Voluntary Service for Young People. The programme aims at training and qualifying in particular Roma from eastern Europe through a study or professional training visit of up to one year abroad, thus improving their chances on the labour market. In addition, it is planned to establish and promote an academy and a professional training network to ensure sustainability in the field of education and training. At the moment, the centre does not have the necessary funds.

**j. Article 12 (1) (a)**

In its latest report, the Committee of Experts requested the authorities to provide information on the extent to which the Documentation and Cultural Centre supported by the authorities encourages types of expression and initiatives specific to Romani and fosters the access to works produced in Romani (Nos. 724 – 725).

The German authorities would like to ask the Committee of Experts to respect the wish of the members of the Sinti and Roma minority, and in particular of the Holocaust survivors, to not disclose their language – the German Romani – to outsiders.

In dealing with the language, the centre follows a “from Sinti for Sinti” approach. Seminars with selected participants address the language, its way of expression, its use and its cultivation. In 2011 the centre published an article about literary works and storytelling of German Sinti and Roma which is also distributed in Romani among the minority members.

The documentation centre engages in an exchange with the regional associations of the Central Council of German Sinti and Roma which are also involved in language

preservation. So far, the project that reached the largest audience was a one-hour broadcast of the Hessian regional association in cooperation with a private broadcaster.

Romani is also used in homework assistance and accompanied classes. In the area of music, we would like to point out the *Philharmonischer Verein der Sinti und Roma* (philharmonic association of Sinti and Roma) in Frankfurt which promotes the reputation and dissemination of the minority's cultural traditions and thus also pays tribute to the minority language.

Finally, a written form of Romani in its various dialects is developing on the Internet. Since most participants in chat rooms and forums are young Sinti and Roma who want to use their language beyond everyday conversation, this might be a fruitful basis for an intensive language cultivation pointing to the future.

#### **k. Article 12 (1) (d)**

In its latest report, the Committee of Experts pointed out to the Hessian authorities that cultural activities of Roma and Sinti associations must be supported or that they must be involved in such activities. According to the Committee, this undertaking refers also to bodies whose role is to organize or support various cultural activities. These bodies should give sufficient importance in their programmes to the knowledge and use of the Romani language and the culture it represents (Nos. 728 – 729).

Subject to available funds, the state government also supports cultural events of Sinti and Roma if they applied for funding and the project is considered suitable. Funding of cultural events of Sinti and Roma also encompasses the Romani language and the culture it represents.

For example, Hesse supports the international Roma philharmonic orchestra in Frankfurt.

One example for how Sinti and Roma are involved in cultural events is the joint concert of musicians of the Roma philharmonic orchestra and the orchestra of the *Gymnasium Philippinum* in Marburg in 2010. Pupils and Roma musicians played together, and the role of Sinti and Roma music in classical music was discussed in an accompanying presentation. The concert was funded by the university city of Marburg. A larger joint concert of this kind is planned in 2013.

Since Sinti and Roma were also among the groups persecuted by the Nazi regime, in recent years the Hessian state agency for civic education has organized several events on this issue, e.g.:

2006: Presentation by Dr Florian Freund on the persecution of gypsies in Austria (during the study tour "*Österreich unter dem Hakenkreuz*" [Austria under the Swastika])

2008: "*Zigeunerbilder*" in *Schule und Unterricht* (the image of gypsies at school and in classroom instruction), Hessian Association of German Sinti and Roma; exhibition and side programme, Darmstadt

2010: "Frankfurt – Auschwitz", Förderverein Roma e. V., exhibition and side programme, Frankfurt

2012: "Frankfurt–Auschwitz", Förderverein Roma e. V., exhibition and side programme, Bad Homburg

Informing the majority population about the history of persecution and the cultural expression of Sinti and Roma from the Early Modern Age until today is the aim of the publication “*Antiziganismus in der Geschichte*” – “*Zigeunerbilder*”: *Ursachen, Nutzen, Folgen, Auswirkungen auf Nicht-Sinti/Roma und Sinti und Roma* (the history of anti-gypsyism – the image of gypsies: reasons, advantages, consequences, impact on non-Sinti/non-Roma and Sinti and Roma) – which will be published in spring 2013 by the Hessian Ministry of Culture to complement existing education standards. The publication is intended to inform and make the majority population aware of the minority across all subjects, school types and grades.

It will be presented during a ceremony hosted by the city and university of Marburg to commemorate the 70th anniversary of the deportation of Sinti and Roma to the death camps; the orchestra of the *Gymnasium Philippinum* directed by Riccardo M. Sahiti will accompany the ceremony.

On 29 November 2012, the “*Requiem für Auschwitz*” directed by Riccardo M. Sahiti premiered in Germany at the Alte Oper in Frankfurt. Young people recited autobiographical accounts of survivors in a multimedia installation. In the evening, the exhibition “Frankfurt – Auschwitz” of the Förderverein Roma e.V. and the artist Bernd Rausch was presented in the foyer of the opera house.

#### **I. Article 12 (2)**

In its latest report, the Committee of Experts asked for more specific information on the promotional concepts and their practical implementation in the field of cultural activities and facilities in urban areas where now there are strong concentrations of Romani speakers (Nos. 730 – 733).

Hesse does not have promotional concepts specifically for municipalities where there are many Romani speakers.

#### **m. Article 13 (1) (d)**

In its latest report, the Committee of Experts requested the authorities to provide information in the next periodical report on any further developments in facilitating and supporting the use of Romani in the context of economic and social activities (Nos. 734 – 735).

We have already pointed out in the last report that the Hessian government provides institutional funding for the Hessian Association of German Sinti and Roma. Funding is provided with the aim and expectation that the association will offer advisory services in Romani for speakers of the national minority language in all social areas.

In its report about the use of the funds it received in 2011, the regional association stated that “850-900 Hessian Sinti and Roma contacted the representation of the national minority of Sinti and Roma in Hesse (i.e. the bureau of the regional association) in 2011. Taking into account the demand as well as legal possibilities and necessities, all Sinti and Roma were provided with comprehensive advice in all social areas. However, the association provided not only legal advice but also discussed further steps with the persons concerned.”

This means that by providing institutional and project funding the Hessian government has ensured that advisory services can be offered in Romani for speakers of the national minority language, in particular in dealing with the administration in the fields of

school/education, labour/social affairs, housing and childcare. This is important because members of the national minority often regard public authorities with mistrust given their history of persecution. In contrast, they trust the staff of the regional association, also because they provide advice in Romani.

With a view to the fact that there are only about 7,000 members of the national minority in Hesse it may be assumed that by having responded to 850-900 enquiries, the association's advisory service meets the needs of the minority.

**n. Article 14 (1) (a)**

In its latest report, the Committee of Experts requested more detailed information in the next periodical report on how Germany is applying bilateral and multilateral agreements with the objective of fostering contacts among Romani speakers in Germany and in other countries (Nos. 736 – 739).

The Hessian government has no specific information on this issue.

## **12. Assessments concerning federal authorities or all federal states**

### **a. Cultural policy abroad, Article 12 (3)**

In its latest report, the Committee of Experts encouraged the German authorities to adopt a structured approach in order to make appropriate provision for the regional or minority languages in their cultural policy abroad.

Deutsche Welle (German International Radio Service), whose programmes are broadcast in many languages, has posted an atlas on the Internet (<http://www.dw.de/deutsch-lernen/landeskunde/s-12377>) which is dedicated to Sater Frisian and Low German and shows the settlement areas, traditions, language distribution and particularities. Internet users can listen to audio examples and find background information regarding Sater Frisian and the forms of Low German spoken in Hamburg, Mecklenburg, the Niederrhein area, Ostfriesland and Westfalia.

Deutsche Welle produces a weekly 15-minute magazine in Romani, which is broadcast on Sundays from 12:30 to 12:45 and is repeated on Mondays.

Other than the measures taken by Deutsche Welle, the Federal Foreign Office does not support any measures taken to promote the cultural relations and education policy abroad. The German authorities uphold their view that the implementation of Article 12 (3) of the Language Charter does not necessarily have to involve the Federal Foreign Office and its cultural relations and education policy abroad.

### **b. Effective monitoring mechanism in the field of education, Article 8 (1) (i)**

In its latest report, the Committee of Ministers recommended that the German authorities ensure that an effective monitoring mechanism exists in the field of education for all regional or minority languages covered under Part III.

Cf. the statements under D. VI.

In addition, the state of **Lower Saxony** provided information concerning the decree "Die Region und ihre Sprachen" (The Region and its Languages), which took effect on 1 August 2011 and governs the establishment of a school supervisory body.

**North Rhine-Westphalia** has not signed Part III of the Charter; however it has begun to introduce a monitoring mechanism. At present, the Ministry of Schools and Further Education is drafting a school project on Low German, which is currently under review and is designed to establish Low German as an independent subject in the medium term, possibly in the lower secondary grades, too. As regards universities, however, Low German is primarily dealt with from the research perspective.

**III. Summary**

The competent authorities at the federal and state level have taken up the recommendations of the Committee of Ministers and of the Committee of Experts as regards the Fourth Report of the Federal Republic of Germany in accordance with Article 15 (1) of the European Charter for Regional or Minority Languages. The federal authorities, in cooperation with the states and the representatives of the language groups, took further efforts in the period under review in order to fulfil the undertakings under the Charter. These efforts will be continued in the future.

## **F. Comments by the associations**

The Federal Ministry of the Interior gave the representatives of the language groups the opportunity to make comments - orally, on the occasion of a joint conference, and in writing - on the Fifth Report of the Federal Government of the Federal Republic of Germany in line with Article 15 (1) of the European Charter for Regional or Minority Languages. Most of the oral comments have been incorporated in the report; the written comments are as follows:

### **I. Comments by the Sinti Allianz Deutschland**

#### ***Culture and language***

The Sinti Allianz Deutschland seeks to preserve and maintain not only its German culture but also the cultural heritage of the Sinti.

Preserving the Sinti culture and language in the private sphere is particularly important in this context. A long-standing binding order requires Sinti families to hand on the history, culture, language and values to the coming generations **orally**.

Using our language and culture at public schools, making it the subject of a university course or using it in the media would represent a serious violation of the cultural laws of the Sinti community.

This is why we reject all government measures in this field which intrude on the private nature of Sinti culture and language, such as those required by the European Charter for Regional or Minority Languages.

In spite of the taboos with regard to written Romani and the special position of the families within the Sinti culture, the Sinti Allianz has realized that Sinti communities need to open up softly and the Sinti culture needs to be presented to a certain degree in the socio-cultural environment if prejudices are to be overcome and social and cultural participation is to be achieved. Particular reference should be made here to the Sinti radio programme "Latscho Dibes" (Good day), which was launched in 2000 by the association Hildesheimer Sinti e.V., a member of the Sinti-Allianz e.V. It seeks to familiarize the German majority population with the Sinti culture in an effort to replace hostile stereotypes with positive attitudes.

The motto is togetherness instead of contrariness.

On 23 May 2005, the then Federal Minister of the Interior Otto Schily honoured the association Hildesheimer Sinti e.V. for the radio programme "Latscho Dibes" and declared it the 2005 Ambassador for Tolerance, an honour reserved for groups and individuals who fight with creativity and vigour against xenophobia and for democracy.

Regrettably, the "Latscho Dibes" radio editorial team, which has been operating since 2000, has not received any public funding as yet.

Reference should also be made to the 13th Hildesheim Sinti music festival, which is scheduled to take place in Hildesheim in 2013. It will be organized by Hildesheimer Sinti e.V. and the Lower Saxony regional association of the Sinti Allianz Deutschland, and will help to present the Sinti culture and language in spite of the above-mentioned taboos. The funding of the 2014 festival and that for later years is not secured; financial support is needed, however.

Regrettably, the Lower Saxon Ministry for Scientific and Cultural Affairs has announced that state grants will have to be stopped after the 2013 festival.

### ***Sinti and Roma?***

It is important to note that the term "German Sinti and Roma" does not stand for a single national minority; rather, the German Sinti and the German Roma belong to two different ethnic groups with different languages, cultures and legal systems,

and different historic roots and values, which translate into different needs.

This needs to be taken into account to do justice to the identity of German Sinti and German Roma. Sinti have lived in Germany for over 600 years. The town of Hildesheim plays an important role in the history of Sinti in Germany: The Sinti were first mentioned in the historical record in Hildesheim in 1407, where they were referred to in an invoice from a wine office.

German-born Sinti are subject to orders and prohibitions unknown to Roma, to whom different cultural orders and laws apply. The two groups also have opposing views on language instruction: Whereas Roma accept state-sponsored instruction in Romany, the Sinti consider this to be a serious violation of their community's cultural taboos.

If you want to pay equal respect to either group, their different names need to be referred to in all cases where it is deemed necessary to mention the ethnic origin. There are more than 150,000 Sinti in Germany, making it one of the sizeable minority groups. Owing to past political decisions they receive hardly any financial assistance to promote their traditions and their culture - a situation which needs urgent remedy. To date, most of the work is done by honorary workers. This is not enough, however, because qualified support and work is involved, in particular with the future-oriented activities in the communities on the ground, and child and youth work. Financial assistance is urgently needed to secure the future of the communities, overcome social disadvantages and establish child and youth work.

## **II. Comments by the Central Council and the Documentation Centre of German Sinti and Roma**

Traditionally, the Sinti and Roma families speak Romani as a second native language alongside German. Romani does not exist in writing and has been handed down orally over centuries. The Romani dialect spoken by German Sinti and Roma differs from other Romani dialects spoken elsewhere in Europe, although all are derived from ancient Indian Sanskrit. They have a common core vocabulary which indicates Sanskrit, Persian, Armenian and Greek origins. Romani and Sanskrit grammar have many close links. In the past, those members of the majority population who did research on the Romani language often did so in an effort to discredit the minority. Almost all linguistic literature reflected negative "gipsy stereotypes". Finally, the National Socialist regime sought to kill all Sinti and Roma and eradicate their culture. The overwhelming number of older members of the minority group were actually murdered, taking with them a great deal of linguistic knowledge. In 1936, the SS mandated the so-called race researchers of the Third Reich to register all Sinti and Roma. They learned their language in an effort to gain their confidence and gather useful information about them on the basis of which they were later deported to the ghettos and destruction camps in occupied Poland.

It is against this backdrop that most of the Sinti and Roma, in particular Holocaust survivors, refuse to share their language with persons not belonging to their groups. This is a stance the Central Council and its associated members cannot and will not disrespect.

That said, preserving and maintaining the German Romani language is part of the association's policy and is conveyed as part of the education and cultural work within the minority group. Information about the minority's history and about its language is passed on to an interested audience in lectures and publications - most recently at a meeting on minority and regional languages organized by the Institute for Sorbian Language and Culture of Leipzig University in December 2012, or in the book "Neben Deutsch. Die autochthonen Minderheiten- und Regionalsprachen Deutschlands" (Alongside German. The autochthonous minority and regional languages in Germany) published in 2009. The language and linguistic work is dealt with internally, by Sinti and Roma for Sinti and Roma. The Language Charter and thus the recognition of Romani as a minority language forms an important framework for the future shape and preservation of the German Romani language, which young Sinti and Roma use more and more self-assuredly.

The comments by the Sinti and Roma associations of Rhineland-Palatinate and Bavaria are as follows:

***Rhineland-Palatinate state association***

The state association, which represents the interests of some 8,000 Sinti and Roma living in Rhineland-Palatinate, concluded a framework agreement with the regional government in 2005, enshrining the protection of minorities in a legal instrument guaranteeing the protection and promotion of the culture of Sinti and Roma.

Rhineland-Palatinate gives financial support to the association's secretariat, thus supporting its educational and cultural efforts; furthermore it sponsors the volunteer activities by association members. The association acts as a point of contact for schools and other educational establishments (state institutions for professional teacher training, further training for employees of church or social institutions) on all matters concerning the Sinti and Roma minority groups; it also organizes seminars and specialist conferences which are to be attended by education multipliers and deal with the persecution of Sinti and Roma by the National Socialist regime and on the history and culture of the minority. Units covering Sinti and Roma issues are taught at school. The prejudices which the majority population holds with regard to the minority group of Sinti and Roma form an intrinsic part of Europe's cultural values, making equal treatment impossible. For this reason, the association needs to carry out educational work in schools, with teachers, within teacher training and with public relations multipliers.

The association provided training within the minority group and to promote the Romani language. Romani language training within the minority group in line with the requirements of the European Charter of Regional and Minority Languages and the information of and encounter with the majority population are essential elements to further the growth of mutual respect between the minority and the majority, which needs to be supported given the National Socialist persecution of the minority group. This work has been carried out primarily by voluntary workers. To continue this inter- and intracultural educational work, the funds necessary to hire a full-time Sinti/Roma official

continue to be needed. To this end there were negotiations with the government of Rhineland-Palatinate, which confirmed its intention to meet the obligations arising from the framework agreement; however, it refused to fund the full-time position due to budget restraints, and suggested the identification of alternatives such as model projects in cooperation with further education institutions. It should be noted, though, that the educational and cultural work is very important and cannot be carried out by a combination of voluntary and free-lance work. The association lacks the personnel to organize the matters involved. Projects need to be accompanied. Also, a full-time and paid official is needed because voluntary work has been stretched too far for many years. What is needed is vital start-up and motivation work which cannot be delivered in a combination of voluntary and free-lance work.

### ***Bavaria state association***

On 15 September 2010, Minister-President Horst Seehofer received a delegation of 13 Sinti and Roma Holocaust survivors at the Bavarian state chancellery. The delegation was led by Romani Rose, head of the Central Council of German Sinti and Roma, and Erich Schneeberger, head of the Bavaria state association. They spoke among other things about representing the minority in the Bavarian regulatory authority for commercial broadcasting (BLM), a demand made by the Central Council and the state association. This demand had Minister-President Seehofer's general backing. He promised to make efforts to ensure that the minority be represented in the regulatory authority, initially in an advisory capacity. Romani Rose and Erich Schneeberger pointed out that Sinti and Roma had lived in Bavaria as a minority for over 600 years. Therefore they should be represented in the public bodies like other socially relevant groups. That would raise public awareness and responsibility, and counteract prevailing clichés and prejudices.

On 11 May 2011, Erich Schneeberger, as head of the Bavaria state association of Sinti and Roma, met with Dr. Erich Jooß, head of the BLM commercial broadcasting regulatory authority. They agreed that, prior to a proper representation on the regulatory authority, a representative of our state association should be allowed to attend the BLM conferences and committee meetings as a "standing observer", and that he or she should be given access to information about the issues concerning minority protection, NS persecution etc., and be given the right to speak and make comments. On 5 December 2011, a meeting took place at the Bavarian state chancellery between State Minister Kreuzer, Dr. Jooß, head of the BLM, Romani Rose, head of the Central Council of German Sinti and Roma, and Erich Schneeberger, head of the Bavaria state association, the "possibility of participation in a consultative capacity" was raised. Dr. Jooß promised that he would discuss the possibilities of participation in the BLM bodies.

A press release dated 19 July 2012 (which was sent to us by Dr. Jooß's office on 20 July 2012) informed us that "Prof. Dr. Manfred Tremel, (who represents the Bavarian Homeland Association on the BLM), had been elected by the BLM commercial broadcasting regulatory authority on 19 July 2012 to become its minority commissioner".

In a telephone call on 20 July 2012, Erich Schneeberger as the head of the Bavaria state association told Dr. Jooß that that proposal did not live up to the promises made on 11 May and 5 December 2011. Our association therefore does not consider the establishment of a minority commissioner who is to serve as a "point of contact for minorities" an appropriate solution. The German Sinti and Roma demand that they, like other socially relevant groups, be enabled to present their own concerns in the

commercial broadcasting regulatory authority. Erich Schneeberger as the head of the Bavaria state association urged the regulatory authority to revise its decision without delay. So far there has not been any response, neither by the Bavarian state government nor by the BLM commercial broadcasting regulatory authority.

### **III. Comments by Domowina – Bund Lausitzer Sorben e.V.**

#### **1. General remarks**

During the reporting period, between the fourth and fifth periodical reports, a number of language promotion measures were implemented or adopted which will have a positive effect on the use of the Sorbian language, especially in the public sector. Special emphasis should be given to the state government of Saxony's adoption of a catalogue of measures to encourage and revive the use of the Sorbian language. This catalogue of measures directly addresses those in positions of responsibility as well as the majority population with specific plans for participation, thereby encouraging a positive attitude towards the use of the Sorbian language. Other plans and projects supported by the Federal Government and the two state governments will encourage positive attitudes towards the Sorbian language and multilingualism over the long term. In this context, we should like to emphasize the EUROPEADA 2012 football championships for speakers of minority languages in Europe, organized by the Federal Union of European Nationalities (FUEN) and hosted by Domowina in Lusatia. The following comments therefore address only the points where Domowina disagrees with the periodical report or where shortcomings have been found. The procedure for compiling the fourth periodical report, which called for the representatives of the federal and state authorities to work in parallel with the representatives of the protected language groups and which we criticized in our previous comments, was changed for the current report in accordance with our suggestion. We are pleased to note this change.

#### **2. re Section D**

##### ***Specific remarks on IV. No. 4***

The Free State of Saxony's description of the structure of the education system is correct. Nonetheless, it should be pointed out that past changes to school structures also related to local government reforms have led to school closures, changing the enrolment composition at the remaining schools. As a result, in some cases the proportion of pupils who are Sorbian native speakers to those who speak only German has changed to the disadvantage of Sorbian language areas. The 2Plus programme mentioned by the government of Saxony is intended to remedy this situation by providing early bilingual preschool education and bilingual instruction at primary level intended to compensate for differing levels of language skills among pupils. The evaluation of the 2Plus programme has shown that this situation leads to very different conditions and results of language acquisition. For this reason, the rigorous measures proposed to implement a successful 2Plus programme at the two schools which have introduced it should be taken soon. To do so, the Saxony State Ministry for Education must enact a supplementary, binding ordinance regarding the work at these two schools.

The current ordinance dating from 1992 needs to be revised in view of the 2Plus programme. It is not currently foreseeable when the Cabinet will take the necessary action to do so. Until then, it will not be able to improve the available resources, in particular the provision of qualified Sorbian teachers for bilingual instruction, as necessary.

### **3. re Section E. II. 2.**

#### ***Upper Sorbian in Saxony***

##### ***Article 8 (1) (b) (iv)***

We can largely confirm these statements. They do not refer to the evidence in practice of deficits among pupils who are Sorbian native speakers when they are a minority in the classroom. Implementing the measures from the 2Plus programme would compensate for these deficits. We therefore underscore the need for an ordinance to this effect.

##### ***Article 8 (1) (b) (iv), vocational education in Upper Sorbian***

The response leads us to believe that there was no concrete investigation as to where Upper Sorbian could be included in training other than at the Sorbian College for Social Pedagogy (*Sorbische Fachschule für Sozialpädagogik*). This should address above all other services and areas of society where the frequency of contact with Sorbians is highest. In the Sorbian language area, Sorbian language skills should also be taught in the tourism industry. The creation of the Lusatian lake district, where many Sorbian villages were razed to make way for lignite mining, also offers an opportunity in this regard. With the help of the Sorbian tourism association and the Union of Sorbian Craftsmen and Businessmen, support for pro-active government measures could be ensured.

##### ***Article 9 (1) (c) (ii)***

The rights guaranteed by Section 184 of the Judicature Act are to be upheld also when courts relocate. One example is the recent relocation of the regional court from Bautzen/Budy to Görlitz/Zhorjelc, which Domowina objected to in its statement during the hearings due to fears of this kind. As a result, Section 9 of the Act on the Sorbs' Rights in the Free State of Saxony was expanded. The practical consequences will become apparent following upcoming proceedings to be held in Sorbian.

##### ***Article 11 (1) (b) (ii)***

Commercial radio in Saxony currently has no Sorbian programme. The regional broadcasters have so far accumulated no resources to do so nor produced any programmes. On the positive side, at Saxony's training and trial channel, interested young people in particular have been learning specialized skills to produce radio and television shows. Sorbian-language programming could also be produced in this way, if the necessary resources are provided.

##### ***Article 11 (1) (f) (ii)***

The number of audiovisual products on offer remains quite limited. So the focus on programmes for children and young people is very welcome. Nonetheless, appropriate financial resources should be provided in the near term in the form of a permanent budget for the foundation and additional funding areas for audiovisual products in Sorbian. We are currently seeking to gain funding for a digital spelling programme in

Upper and Lower Sorbian to be available on the Internet. This project has been postponed for years due to a lack of funding.

#### **4. re Section E. I.**

##### ***Lower Sorbian in Brandenburg***

The state government of Brandenburg does not appear to be taking any measures to fulfil the undertaking in Article 7 (1) (c) and (d) with regard to Lower Sorbian.

During the reporting period, the Council for Sorbian Affairs at the Brandenburg state parliament initiated a discussion of amending Brandenburg's Act on the Specification of the Rights of the Sorbs (Wends) (*Sorben-(Wenden-)Gesetz*) precisely with reference to the Language Charter, which was not yet in force in Germany when the current version of the Act entered into force. The parliament has been discussing the draft amendment since 2012. In October 2012, the state government produced a report which in fact contradicts some of the Charter's aims. For example, it refers to the use of Lower Sorbian as lengthening court proceedings and to technical problems related to using the language in dealings with the public administration. It is not yet clear which direction the parliamentary discussion will take. However, the Sorbs/Wends would like the provisions to be made more specific with regard to the obligations resulting from the Language Charter. However, the state government and parliament have repeatedly put up significant resistance, arguing that the undertakings pursuant to Section II of the Charter are not binding.

With regard to Article 7 (1) (b), we refer to ongoing discussions on territorial restructuring in the state of Brandenburg. Although the Council for Sorbian Affairs submitted its comments making explicit reference to the Language Charter, it is not clear to what extent this aspect has been taken into account. Some of the models proposed raise fears that the Lower Sorbian language will be further marginalized.

#### **5. re Section E. II. 3.**

##### ***Lower Sorbian in Brandenburg***

###### ***Article 8 (1) (a) (iv)***

There are currently five different models at ten nursery schools for looking after children using Lower Sorbian. There are no reliable studies on the effectiveness of the various models. The network of Lower Sorbian-language offerings cannot be regarded as secure for the long term due to the current situation with regard to nursery school teachers. The Oberstufenzentrum in Cottbus offers training opportunities, but the main problem is medium- and long-term personnel planning by some local providers. Large parts of the Sorbian/Wendish settlement area do not have any preschool offerings in Lower Sorbian.

###### ***Article 8 (1) (b) (iv)***

The draft report describes the Witaj project as "basic science classes [*Sachunterricht*] in Lower Sorbian". This is incorrect. It is bilingual instruction in specific subjects [*Sachfachunterricht*]. Basic science is merely one of the subjects offered.

Apart from the offerings that are available in principle, there are major deficits with regard to the effectiveness of instruction. The lack of measures of positive discrimination and the application of general provisions forces primary schools to organize most instruction for mixed age groups, which makes optional classes even less attractive. The

reduction in resources since the 2011/12 school year seems to have further lowered the attainable language level. For this reason, the Sorbian/Wendish intraschool expert conference decided in September 2012, for example, that Lower Lusatia (i.e. the primary schools in Brandenburg offering Lower Sorbian classes) would, after 47 years, no longer participate in the central Sorbian Olympics.

The responsible Ministry of Education, Youth and Sport initially considered massive cuts in bilingual education for the 2012/13 school year. Following intensive negotiations, it was agreed that instruction should first be scientifically assessed before any organizational, conceptual or legal changes were made.

Regarding the Committee of Expert's recommendations on "structured measures", the language group can only say that no such measures exist. There are four different models for the six primary schools offering bilingual instruction. Lost teaching time in bilingual instruction is a major problem. There is no coordination between foreign language and bilingual class offerings. Subjects offered in bilingual instruction differ and depend on the available teachers, who are not properly trained. And bilingual classes are available only in a small part of the Sorbian/Wendish settlement area.

**Article 8 (1) (c) (iv)**

The same applies to the "structured measures" as in the area of primary education.

In addition to the offerings mentioned, two secondary schools, in Burg and Cottbus, offer foreign language classes. Initial planning for bilingual classes at the secondary schools in Burg and Vetschau is under way.

**Article 8 (1) (e) (iii)**

Instruction in Lower Sorbian is currently given only outside the state of Brandenburg, at the University of Leipzig. The facilities there paid for by Brandenburg, above all for teacher training, are extremely limited. Given the university's discussions over reorganizing the institute for Sorbian studies (*Institut für Sorabistik*), it is not clear whether Brandenburg wants or is able to take measures to fulfil the undertaking in Article 8 (1) (e) (iii).

**Article 8 (1) (g)**

Regarding the information on offerings at the University of Potsdam: Since winter semester 2007/08, the University of Potsdam has offered a required optional subject in the social sciences each semester for students training to be teachers. Regardless of the specific type of teaching certificate sought (type of school, subjects), students may choose to take a seminar on topics related to national minorities/regional and minority languages in Germany/Sorbs/Wends in Brandenburg. So far eleven seminars have been offered and 210 students have enrolled and assessed the significance of the topic positively. These seminars are offered as a lectureship funded by the teacher training centre, organized by the chair for civic education and taught by a former staff member of the University of Potsdam. They are not sufficiently anchored thematically in the course, nor do they reach all students in teacher training. In addition to the above-mentioned seminars, individual classes are offered, for example in the German department, at the instructors' initiative, in which information about Sorbs/Wends is integrated into classes on Low German.

Brandenburg is to adopt a new law on teacher training in 2012; after Sorbian/Wendish intervention, the sentence referring to the undertaking from the Language Charter from the 2007 law was again included in the new draft.

The implementation of the legal obligations to cover the history and culture of the Sorbs/Wends in the classroom remains unclear. It is up to the individual teachers to carry this out; no one checks whether and how they do so.

**Article 8 (1) (h)**

The University of Leipzig remains the only place where teachers are trained to teach Sorbian/Wendish. The state of Brandenburg funds a half-time post there for a lecturer for special tasks, which is clearly insufficient for training language instructors at all grade levels and all types of schools. It is impossible to foresee the impact on Lower Sorbian teacher training of current considerations to reorganize the institute of Sorbian studies and possibly turn it into an institute for minority languages. Further, teacher training in Saxony and Brandenburg continues to diverge, so that training in line with Saxony's system (different degrees, types of schools and grade levels) may become less and less attractive for potential students from Brandenburg.

In addition to the advanced teacher training programme mentioned in the report, there is also the master programme in Lower Sorbian at the University of Leipzig, which was mentioned in the fourth periodical report. Five students completed the programme during the reporting period. It is not clear whether this programme will be continued, although it has been approved in principle.

There are no structured advanced training measures, despite the undertakings in Article 8 (1) (g). There are isolated classes, such as those offered by the State Education Office in Frankfurt (Oder) for teachers of ethics and religion.

At the University of Potsdam's teacher training centre, four pedagogical guides on Sorbian/Wendish topics and one on the Sinti and Roma have been produced and are available for free on the Internet.

**Article 8 (1) (i)**

The language group believes that this undertaking must be regarded as still unfulfilled. There is no concrete, regular reporting, beyond the Council of Europe monitoring process. Nor does there appear to be any oversight of measures taken. Neither the division at the Ministry of Science, Research and Culture nor the desk officer at the Ministry of Education, Youth and Sport performs this task. In our experience, the state takes action only in response to pressure from the language group, for example from the Council for Sorbian/Wendish Affairs, the working party on Sorbian/Wendish educational issues at the Ministry of Education Youth and Sport or the Sorbian/Wendish education network.

**Article 9**

We refer to the state government's statement in October 2012 that using Lower Sorbian would lengthen court proceedings.

**Article 10**

We note massive deficits in implementing the use of Lower Sorbian in the administration and public services.

According to the state government's statement in October 2012, using the language in the administration would constitute an unreasonable burden in technical and organizational terms. Above all, ignorance and faulty decisions regarding the electronic data processing systems in use make it almost impossible to use the language correctly. In this way, persons and organizations with Sorbian/Wendish names are subject to discrimination. Ultimately, this also affects Article 13 (1) (d) of the Charter. Administration staff are often unaware of the legal situation, so that individuals using the language have been asked not to do so in future or have had to inform the administration of the applicable law.

Article 10 (2) (g) is regularly violated in practice. Bilingual traffic signs are often flawed or completely absent. A dialogue on traffic signage with the relevant authorities is planned for 2013. A similar dialogue on rail transport is already under way between Sorbian/Wendish representatives and Deutsche Bahn AG. The state of Brandenburg has included provisions to this effect in its draft local transport plan. The local operator of public transport for Cottbus, *Cottbusverkehr*, is currently testing bilingual station announcements in German and Lower Sorbian.

The state's narrow interpretation of the undertaking in Article 10 (4) (c) with regard to knowledge of the Lower Sorbian language as a positive criterion in filling posts remains problematic. The language group expressly disagrees with the state's interpretation of the law.

There is still no legal certainty with regard to fulfilling the undertaking in Article 10 (5) in view of the use of masculine and feminine forms in Sorbian/Wendish, which differs from German.

#### **Article 11 (1) (b) (ii) and 1 (c) (ii)**

Promoting, encouraging and/or facilitating do not require direct intervention in the guaranteed freedom of the press. As this undertaking is also applicable law (Section 12 (1) of the Act on the Specification of the Rights of the Sorbs, the state's opposition is incomprehensible.

## **IV. Comments by the Low German language group**

### **1. General remarks**

The Low German language group expressly welcomes the efforts to make the fifth periodical report shorter and more structured than the previous reports. The Federal Council for Low German (*Bundesrat für Nedderdüütsch*, BfN) supports the measures taken by the Federal Ministry of the Interior to this end. With regard to the content, the Federal Council welcomes the persistence of the Committee of Ministers in its effort to protect and promote the regional language Low German.

The Federal Council sees major differences in the eight federal states which have placed Low German under the protection of the Language Charter. As in the past, there are a few exemplary measures and a large number of rather slow processes. All groups involved in the process of implementing the Language Charter are urged to base their actions and reporting practice on the legal commentary on the European Charter for Regional or Minority Languages published in 2011 (in German) with the support of the Federal Ministry of the Interior and the Council of Europe.

Surprisingly, the periodical report makes no mention of the fact that the key Low German structures in Mecklenburg-Western Pomerania were abolished in 2012. After five months of struggle, it was possible to keep Schleswig-Holstein from terminating the funding agreement for the *Institut für Niederdeutsche Sprache* (INS) in 2010, which would have threatened the existence of activities related to the regional language. In view of that experience, the brief mention of reduced subsidies starting in 2012 (E. I. 1. b.) is highly unsatisfactory. Bremen, Hamburg, Lower Saxony and Schleswig-Holstein cut the institute's budget by about 8%, consciously accepting cutbacks in interregional efforts on behalf of Low German.

In the eight federal states which have placed Low German under the protection of the Language Charter, representatives of the language group see major differences regarding inclusion in policy and government-administrative contexts. The Federal Council welcomes the 2012 decision of Bremen's parliament to establish a consultative council for Low German. By contrast, it is highly irritated by North Rhine-Westphalia's attempt to shirk the undertaking in Article 7 (4) when it states that the current players, i.e. the Fachstelle and the Commission, ensure the cultivation of Low German to a suitable extent (letter of 21 September 2011). Brandenburg too showed little ambition when in its response of 1 March 2012 to a minor interpellation the state government said: "The state does not meet the conditions for committing to comply with 35 of the undertakings in Part III of the Charter with regard to Low German. As a result, Low German in Brandenburg does not come under the protection according to Part III of the Charter, but rather Part II. Part II formulates general aims, and states may place one or more languages merely under the 'protection' of this Part (which is less binding than Part III)." This response misunderstands Part II as a purely symbolic framework, as no protection is undertaken and the state also actively rejects all action or incentives for other stakeholders to act.

The Federal Council supports the ideas for a division of responsibilities between the federal and state governments. The principle of federalism, in this case involving eight federal states, often proves to be an obstacle in efforts concerning Low German. With this in mind, the representation of Low German speakers welcomes the federal and state efforts to use the annual meeting of federal and state officials to share information and coordinate on substantive issues. This positive approach could be expanded by inviting expert representatives to the relevant discussions. For example, it was not possible to meet with education desk officers during the reporting period. It is all the more regrettable that the states have not commented on the Federal Council's position papers on implementing the Charter in education. The language group representatives are not sure whether the state governments forwarded these position papers to their education ministries or how they may have been received. The states' representation at these meetings could also be improved; the same can be said of the representatives of the Bundestag parliamentary groups in the Consultative Committee on Issues concerning the Low German Language Group.

The Federal Council notes that many of the events and measures mentioned in the periodical report are organized by the private sector or by volunteers, in many cases without any state support or even without the state's knowledge.

## **2. Comments on the individual Council of Europe recommendations**

**Recommendation 1:** In formal legal terms, the principle formulated here may be sufficient. However, in practice and thus in the concrete application of the Language

Charter, major deficits are apparent, for example in a recent incident at the Stormarn job centre, where an individual was told that the Charter did not apply because of the small number of language speakers. This statement contradicts both federal law and the state law of Schleswig-Holstein, raising the question: How do the states make sure that their executive agencies are properly informed about the Language Charter and its application in practice?

**Recommendation 5:** The Federal Council for Low German thanks the Committee of Ministers for focusing on Low German as a school subject. The states have followed this recommendation in very different ways. Here too it is regrettable that the states have not worked with each other on the necessary curriculum developments. The comments incorporated in the report represent important starting points for all further discussion in this area.

Of the eight states addressed, six have rejected the idea without even seriously considering it. Brandenburg, Bremen, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine-Westphalia and Schleswig-Holstein do not plan to introduce Low German as a subject of instruction, thereby rejecting an important and effective way to promote the language. Brandenburg argues that the number of interested pupils is too low. Firstly, there are no reliable data to confirm this, and secondly, the focus for the necessary government action is on supply, while the documented demand is secondary. Mecklenburg-Western Pomerania continues to regard Low German instruction as part of German instruction, even though this model has not proved effective especially with regard to language acquisition. North Rhine-Westphalia uses the argument that the number of Low German speakers is continually shrinking; instead of concluding that the task is therefore all the more urgent, however, it uses this argument to justify its lack of activity.

Bremen's example shows that it certainly would have been possible to make qualitative progress during the reporting period: In its report *An Plattdüütsch fasthollen un Plattdüütsch starker machen*, Bremen's state parliament made the following announcement: "In this context the Senate intends to monitor the introduction of Low German as a separate subject of instruction in the Free and Hanseatic City of Hamburg in order to determine whether its experience is useful for anchoring Low German in the curriculum, approved subject hours and teacher training. Teaching materials are to be drafted in consultation with the INS and other states. Low German as an option for language acquisition with the aim of multilingualism should be more clearly defined" (parliament of the city-state of Bremen, printed document 17/1761; 17th term 3 May 2011). So far, no action has followed this announcement. The Bremen state parliament's policy paper on multilingualism in Bremen (parliament of the city-state of Bremen, printed document 17/1717; 17th term 29 March 2011) does not contain a single reference to the importance of Low German in school or preschool education.

Only Saxony-Anhalt and Hamburg have expressed the desire to fulfil the undertakings agreed to when they signed the Language Charter. The Federal Council expressly welcomes this position. It is noticeable that Hamburg's good example does not refer to the law. This raises the question as to how reliable the required optional subject of Low German is at Hamburg's primary schools.

**Recommendation 6:** There is no question that an effective monitoring mechanism is needed in the field of education beyond the existing structures. This is confirmed by the response to Recommendation 5. The regular report for the Council of Europe does not

really fulfil the monitoring/oversight function, as the state ministries avoid self-criticism and any mention of shortcomings or areas in need of improvement. They demonstrate the same reaction even within the states when reporting to the state parliaments. Only the bodies assigned to the state parliaments in which the Low German institutions have a vote promise effective monitoring and realistic accountability.

It would be desirable for all relevant states to follow the same or at least comparable praxis of reporting to the state parliaments.

**Recommendation 7:** To our knowledge, the interpretation of Section 184 of the Judicature Act as presented here is not accepted anywhere in judicial practice or teaching. This discrepancy demonstrates the need for the German authorities to take more resolute action to establish a structured policy.

The reference to local practice of conducting weddings or registering same-sex civil unions in Low German is incorrect. Marriages and civil unions are formalized by signing a form in High German; only the spoken part of the ceremony may be in Low German.

**Recommendation 8:** The Federal Council regrets that the debate over government discretion with regard to media providers has reached an impasse. In May 2010, the Federal Council organized a media convention in Hamburg; one of its aims was to advance the dialogue with policy-makers, public administration and public broadcasters (see the documentation *Zwischen Kulturauftrag und Unterhaltungsprogramm* (Between cultural commitment and entertainment), Leer 2010) and to take a fresh look at existing options. Their statements in the current periodical report show that the states have retreated even further behind concepts such as freedom of the press and broadcasters and media neutrality.

There is no question that the media, especially television and radio, have a great influence on the public perception of Low German. So the Federal Council is still waiting for more leadership from the government bodies. In current practice, the federal and state governments' interpretation of the law largely questions the Charter process when it comes to the media.

The Federal Council acknowledges Bremen's efforts to establish Low German more firmly within the framework of its state law on the media (*Landesmediengesetz*). By contrast, the remarks by North Rhine-Westphalia are hardly compatible with the Charter. The efforts described to provide public access to 1960s-era audio recordings from the WDR archives are admirable, but they hardly qualify as evidence of active, up-to-date language policy. The same is true of the Low German articles in the *Westfälische Nachrichten* and the website of Münster's *Stadttheimatbund*.

### **3. Part II of the Language Charter**

#### **3.1. Education, especially university education**

The Part II states show only limited willingness to address the issue of Low German in education proactively and constructively. As a result, the reports by Brandenburg, North Rhine-Westphalia and Saxony-Anhalt show little progress or hope for the future. The states urgently need to realize that by signing Part II of the Language Charter, they have accepted undertakings which must be fulfilled using concrete measures.

Brandenburg's report gives the impression that the state is not willing to make any room for Low German within the official educational system. North Rhine-Westphalia refers to

a few isolated activities in the Münsterland region and to private activities which the state neither funds nor supports. The lengthy reporting on university research once again demonstrates the medieval focus, which hardly helps promote the regional language. The Federal Council sees some promising trends in Saxony-Anhalt: Extracurricular activities and the revision and distribution of the primer show that the state is making an effort.

During the reporting period, Lower Saxony took a series of promising measures in order to establish the regional language more firmly in the education system. The decree *Die Region und ihre Sprachen im Unterricht* (the region and its languages in the classroom) creates the possibility of language acquisition, the title *Plattdeutsche Schule* (Low German school) creates incentives, and fixed numbers of hours for advising and support have been allotted for the first time. It should also be emphasized that these measures have all been taken in close consultation with representatives of the Low German language group. The report documents the efforts to improve the status of Low German in the education system. Because Lower Saxony did not sign any of the relevant items under Article 8, the Federal Council calls on the state to sign on to the undertakings related to primary and secondary school under Article 8 after the fact.

### **3.2. Specific measures at preschools, schools and in advanced training**

Brandenburg once again defends its lack of activity by citing a lack of demand; our information does not confirm such a lack, and this approach fundamentally contradicts that of the Language Charter. North Rhine-Westphalia's reference to a planned school pilot project is not aimed at a regular elective and as such is out of place. The Federal Council acknowledges the efforts of Saxony-Anhalt.

## **4. Part III of the Language Charter**

### **4.1. Education**

The reports by the individual states reveal very different levels of engagement; the positive trends, such as those in Hamburg, deserve to serve their neighbouring states as encouragement and a spur to further action. Regrettably, however, the states automatically react defensively, which is hardly conducive to improvement.

By formulating a rejection without supplying any arguments, Schleswig-Holstein ignores the Committee of Experts' recommendation and shows surprisingly little willingness to cooperate with the Charter process. Given the current efforts to establish Low German model schools in various regions, a more proactive attitude could have been expected from the state. We would like to point out that the update of the schools decree announced in the fourth periodical report has not yet been carried out.

Bremen's curricula for primary and secondary schools shows no evidence whatsoever of "anchoring" Low German. The curricula still contain unsystematic demands to use the regional language in the classroom. The Charter does not require schools to design Low German offerings without a command in the curricula. There is no empirical evidence at all that Low German is taught in primary schools. Even if one assumes that Low German is occasionally featured in classroom instruction, this would not meet the Charter requirement that Low German should be systematically offered as a school subject. The numbers of participants in the reading competition are falling, especially at the secondary level. Bremen does not advertise the competition in an up-to-date way, nor

does it support the competition with classroom offerings or standards. The responsible minister is a patron in name only.

The Federal Council sees the most progress during the reporting period in Hamburg's primary school praxis. Curriculum requirements are aimed at language acquisition drawing on regional culture; they meet current standards and could serve as models for other states. However, the Federal Council insists that Low German offerings be continued at secondary level. Necessary legislation must be enacted in the foreseeable future and a framework plan must be put in place.

When Mecklenburg-Western Pomerania reports that Low German is integrated in German classes and is nonetheless continuously taught, one must question the quality and quantity of such instruction, in particular the effectiveness of language acquisition. The Federal Council finds no reference to the fact that the Low German commissioner stepped down in 2012.

With regard to advanced teacher training, positive trends are apparent in Schleswig-Holstein and Hamburg. The Federal Council expressly welcomes the creation of the Low German forum in Hamburg, which acts as a network and source of new ideas. The appointment of a state specialist adviser in Schleswig-Holstein has proved effective. Mecklenburg-Western Pomerania does not give any reasons for discontinuing the highly praised certificate course in Low German.

Bremen's statement that demand for Low German in teacher training is not growing calls for action. Until students and teacher trainees see some evidence that Low German is a regular school subject, until even individual schools establish the regional language as part of their programme or profile, one cannot seriously expect students or trainees to feel motivated to take advantage of the relevant offerings.

The Federal Council notes with regret that no progress of any kind has been made with regard to vocational schools. This is surprising, given the fact that numerous institutions have recognized the need to take regional language skills into account. The Federal Council calls on Hamburg and Mecklenburg-Western Pomerania to study whether Low German modules should be added to training for health-care occupations.

#### **4.2. Administrative authorities and public services**

Public administration has made little progress with regard to Low German, even though there are many ways government could serve as a model in dealing with the regional language. The Federal Council greatly regrets that the government has once again failed to take advantage of these opportunities.

It remains to note that Low German is not recognized as a legally binding language for documents or contracts, neither by tax offices nor for marriages, nor can one register a child using Low German (example of Mika Fuhler, born 11.11.2012). There are no legally binding publications in Low German. Objections in the land consolidation procedure may not be lodged in Low German (examples: land consolidation procedure for the Bersenbrück Bypass, Altenoythe Hohefeld land consolidation procedure).

While Lower Saxony maintains that the state cannot set any requirements for local governments regarding the use of Low German due to the right of local autonomy, this argument is obviously faulty, as language requirements – namely, the use of German – are set in practice. Because local governments' right of autonomy is governed by law,

the obligations arising from the Language Charter should also be included. The state is called on to require the use of Low German.

We reject Bremen's argument that no action is required to fulfil the undertakings accepted because they are simply a prohibition of a prohibition. Implementing the Language Charter demands action. The same applies to Schleswig-Holstein's position that merely allowing documents to be written in Low German satisfies the Language Charter.

When Hamburg states that it sees no need for action, we can only respond: The state is obligated to take action. When it comes to hiring officially certified interpreters, the state should have no trouble finding them with the help of the Low German department at the university or the *Institut für niederdeutsche Sprache*. Hamburg mentions the possibility for public service staff to be assigned to an area where Low German is used. It is not clear what form this rule takes nor how it has been publicized within the public service.

### **4.3. Media**

To begin with, the general statements under Recommendation 8 apply.

Some of the text was obviously copied directly from elements supplied by the radio stations for the periodical report. As a result, numerous explanations lack the appropriate neutrality (calling for critical distance would doubtless be presumptuous). In general, we would like to point out that individual and thus random television or radio productions are not suitable evidence of a structured media policy. This applies to public as well as commercial broadcasters.

"Preferential treatment for Low German" is explicitly rejected with regard to promoting audiovisual works. The Federal Council does not expect any "preferential treatment"; however, like the Committee of Experts, it asks about measures to encourage and facilitate, or equivalent promotion. Unfortunately, there are no such measures.

The Federal Council welcomes the activities of the Plattolio association but asks about the proportion of funding from Hamburg. It also refers to the fact that Plattolio is the result of a private initiative which is largely funded by donations, some of them from the *Plattdütschroot för Hamborg*; sub-projects in 2010, 2011 and 2012 also received targeted funding from the Federal Government Commissioner for Culture and the Media.

The consideration of Low German elements in training for journalists is apparently evaluated differently in Bremen and Hamburg. While Bremen stresses the non-governmental nature of this field (and thus questions its obligations under the Charter), Hamburg describes means and structures that seem to have little practical relevance. The Federal Council calls on these states to agree on a common position and then come up with a sustainable catalogue of measures.

### **4.4. Cultural activities and facilities**

In 2012, the Federal Council summarized its positions in this field in nine "cultural theses". It regrets to note that the states give no references for their activities.

From the perspective of targeted federal or state funding, this area is especially difficult due to the significant private contributions to cultural activities. The Federal Council repeats its demand that the reports should only contain those measures that come about due to targeted government funding. For example, the Ohnsorg-Theater in Hamburg and the Amateurtheaterverband receive government funding in the form of Hamburg's usual

cultural funding. This is a welcome case of equivalent and language-independent funding. However, the point is that this funding is precisely not for regional linguistic culture.

The individual findings of the states clearly demonstrate that there is no targeted or coordinated promotion of Low German culture. When Bremen counts news reports translated from High German as "works in Low German", it blocks the view of Low German literature, which does indeed exist. The Federal Council is surprised to find that the decision to establish a consultative council for Low German, which is certainly desirable, is mentioned only under Article 12 (Culture) and not with reference to the Charter undertakings in education nor to the issue of monitoring (Recommendation 6). If this council is to be a body as referred to in Article 7 (4) of the Language Charter, then the Bremen council must be able to influence the implementation of the Language Charter in all relevant areas.

#### **4.5. Economic and social life**

The role of Low German as a language in social care facilities changed in 2012 in particular, as this issue has received media attention and been the subject of public discussion. Here, the focus should not be only on persons with dementia, but on providing humane care for persons in at-risk situations. Hamburg and Schleswig-Holstein at least recognize this; these states along with Bremen and Mecklenburg-Western Pomerania are urgently called on to support the activities in their states.

#### **5. Outlook**

The Federal Council continues to see significant possibilities for proactively implementing the Language Charter. It urgently calls on the states to agree on a coordinated plan of action. The framework conditions for effective language policy are good, even though some adjustment is needed in certain areas. For example, Lower Saxony should examine whether undertakings in the school core area could be accepted after the fact. In view of the threat to the existence of Low German in the southern language region, the Part II states (Brandenburg, North Rhine-Westphalia and Saxony-Anhalt) are called on to intensify their language protection measures by signing Part III after the fact.

### **V. Comments by the Frisian Council (Friesenrat, Sektion Nord)**

#### **Working basis of the Frisian ethnic group:**

As mentioned in the Reports submitted under the Council of Europe's Framework Convention for the Protection of National Minorities from 2005 to 2010 and in 2011-2012 under the heading FORUM F3, the 2006 guidelines published in the second edition of the brochure *Modell Nordfriesland* (the model of North Frisia) continue to be the principles of the Frisian ethnic group ([http://www.friesenrat.de/inside/pdf/2006\\_modell\\_NF.pdf](http://www.friesenrat.de/inside/pdf/2006_modell_NF.pdf)).

In this brochure, the Frisian Council lists the key areas which the Frisian ethnic group considers essential for preserving and promoting the Frisian language. The model addresses various topics, including

- associations,
- education,
- research / teacher training,

- public policies / administration,
- literature / music / theatre / film, and
- media,

describing the general situation, challenges and possible solutions as perceived by the Frisian Council, and continues to be the most important conceptual groundwork of the Frisian ethnic group.

On the positive side, the Frisians' long-cherished wish for a joint centre came true in late summer 2010 thanks to special federal funding. Since October 2010 the Frische Rädj/Friesenrat Sektion Nord e.V. (Frisian Council), the Nordfriesischer Verein e.V (North Frisian Association) and the Friisk Foriining (Frisian Association) have their offices in the Friisk Hüs at Süderstraße 6 in Bräist/Bredstedt.

The Frisian Council holds the view that public service media should ensure that a minority language such as Frisian is given sufficient coverage in public service broadcasting, regardless of audience ratings. 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 (both MDR and RBB).

In this respect, the Consultative Committee on Issues concerning the Frisian Ethnic Group recommended during its meeting in December 2012 that the Frisian ethnic group should apply for a seat in the NDR State Broadcasting Board. Even though the government cannot issue instructions to the NDR and media representatives, having a Frisian representative in the Board could be helpful. The Sorbian ethnic group may be considered a best-practice example in this context.

In September 2010, the FRIISFUNK broadcasting station was officially inaugurated in Alkersum on the island of Föhr. Although Friisfunk, funded in cooperation with the Offener Kanal (OK) Schleswig-Holstein and with federal funds, does not yet meet all requirements, it is a step in the right direction.

We were also pleased that in summer 2010, the Nordfriesland district gave the Frisian ethnic group the opportunity to comment on the first draft of a report on the protection of minorities and propose amendments. We consider political participation of the Frisian ethnic group at all levels a prerequisite for our daily lives.

While there has been some progress in certain areas, in particular the Friisk Hüs, unfortunately some problems remain to be solved.

### ***Unsolved problems / Outlook***

In particular the Nordfriisk Instituut is still struggling with the same basic problems as before: While the number of tasks is growing, the number of available posts has decreased. Germany refers to the work of the Nordfriisk Instituut when describing the implementation of the European Charter for Regional or Minority Languages. However, the institute cannot fulfil the undertakings entered into for the Frisian ethnic group with the limited resources available.

Based on the recommendations of the Council of Europe's Committee of Experts, we are listing the following problems the solution of which is essential for preserving the Frisian language and culture:

- teaching Frisian as an integral part of the curriculum,

- ensuring coverage in public service broadcasting,
- creating financial frameworks to ensure nursery school education,
- changing project funding into institutional funding,
- ensuring long-term funding of the Nordfriisk Instituut.

In this context, we would like to reiterate that the Council of Europe's Committee of Experts adopted the following conclusions regarding the German authorities' response to the recommendations of the Committee of Ministers of 25 May 2011:

*"Chapter 2.*

*Conclusions of the Committee of Experts on how the German authorities reacted to the recommendations of the Committee of Ministers*

*Recommendation 1:*

"adopt specific legal provisions, where their absence hinders practical implementation of the undertakings which Germany has entered into under the Charter"

12. No legal provisions to implement the Charter have been adopted. The German authorities maintain that the Charter is directly applicable and that emphasis should be put on practical application of the undertakings.

*Recommendation 2:*

"adopt and implement a structured policy for the promotion and preservation of North Frisian, Sater Frisian and Lower Sorbian, including in particular measures which ensure as a matter of urgency that primary and secondary education is available in these languages"

13. Schleswig-Holstein issued a decree concerning North Frisian language education, which requires schools to inform parents that they may request that their children take part in North Frisian language education and offers the possibility to include Frisian as an optional subject in the regular curriculum from the seventh grade onwards. In practice, North Frisian education still meets with difficulties, due to the fact that teaching generally takes place outside regular hours, due to a lack of teachers and since there are no binding curricula. In addition there is a lack of continuity between school levels and programmes.

.....

266. The Committee of Experts recalls that the undertaking requires the German authorities at least to make available North Frisian teaching as an integral part of the curriculum. As this minimum condition does not seem to be met, the Committee of Experts maintains its previous conclusion that the undertaking is not fulfilled.

270. The Committee of Experts notes that in practice a total of 902 pupils in 20 schools of all levels studied North Frisian in the 2009/2010 school year and that compared to the information in the previous monitoring cycles their number has significantly decreased. Although the decree seems to slightly improve the position of North Frisian in secondary education, further measures including the systematic and continued provision of North Frisian as an integral part of the curriculum at all levels of secondary education are necessary.

*Recommendation 6:*

“take measures so that adequate radio and television broadcasting are available in Sater Frisian, North Frisian, Lower Sorbian and Danish.”

22. As regards the more general issue of providing financial incentives to private broadcasters with a view to obtaining programmes in minority languages, the German authorities continue to consider such intervention as incompatible with the independence of the media.

23. Regarding North Frisian, the Hamburg/Schleswig Holstein media authority (MAHSH) organized a call for bids especially aimed at providers that could contribute to the promotion of Frisian. A frequency on the Island of Föhr was awarded to the Open Channel Schleswig-Holstein for ten years. The Open Channel will broadcast one hour per day in North Frisian. (cf. Strasbourg, 25 May 2011 ECRML (2011) 2, EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES: APPLICATION OF THE CHARTER IN GERMANY, Fourth monitoring cycle, pp. 6)

Since 2012 the Frisian Council has chaired the Inter-Frisian Council (Interfriesischer Rat). During its three-year term, the Council will focus on Frisian in Schleswig-Holstein. It plans to organize a series of events in Schleswig-Holstein, culminating in a final conference in 2015. The Frisian Council hopes that Schleswig-Holstein will create the legal and financial framework for using the Frisian Council's term also for self-promotion.

## **VI. Comments by the Danish minority**

On behalf of the Danish minority, the South Schleswig Voters' Association (SSW) and the Danish Schools Association for South Schleswig (Dansk Skoleforening for Sydslesvig) would like to thank the authorities for submitting the Fifth Report of the Federal Republic of Germany in accordance with Article 15 (1) of the European Charter for Regional or Minority Languages.

First of all, we would like to note that minority policy in Schleswig-Holstein has improved since the change of government in June 2012. The coalition of SPD, Bündnis 90/Die Grünen and SSW has remedied the discriminating minority policy of the previous CDU-FDP government and emphasized that an active minority policy is an important cornerstone of the government's agenda. For the time being, this means that German Sinti and Roma enjoy the same rights of protection and promotion as the Danish minority and the Frisian minority since 1990. In addition, from 1 January 2013 the same cost-per-pupil rates will once again apply to Danish schools. The discriminating reduction to 85 % was revoked.

Moreover, in the 2013 budget the reduction of cultural funding adopted in 2010 will also be revoked. The Danish minority is delighted about these amendments and would like to enhance Schleswig-Holstein's pioneering role in minority policy together with the state government.

We would like to take this opportunity to thank the Federal Government and the Bundestag for the funding provided in 2011 and 2012 to compensate for cuts in funding of Schleswig-Holstein for the schools of the Danish minority.

We would like to comment on the report as follows:

### ***Schools***

The Danish Schools Association for South Schleswig expressly welcomes the re-establishment of full equality of its pupils on the basis of the 2007 Schools Act, announced for 1 January 2013, and the announced examination of an equal funding of the transport of pupils. However, we are observing with great interest the new approaches to calculate cost-per-pupil rates. For example, both the calculation of material costs of all private schools and the rates for pupils of the Danish Schools Association from the Danish minority in South Schleswig have been changed. Though understandable, the reasons for these changes are not transparent as regards the calculation and results so that further developments need to be awaited. No significant progress has been made also in adopting legislation that creates equality in the area of the transport of pupils. The Minister-President's Commissioner for Minorities and the Danish Schools Association participate in a working group of the Ministry for Education Science discussing a new approach to funding private schools.

Concerning the statements of Schleswig-Holstein, Dansk Skoleforening for Sydslesvig e.V. would like to note that

- the cost-per-pupil rates are linked to the cost trends of public schools and thus reflect the costs of public schools;
- Danish schools are reimbursed for increased costs of public schools only with a delay of two years;
- funding of Danish schools was about 4.5% below the amount specified in the 2007 Schools Act despite the federal compensation payments in 2011 and 2012;
- due to the state's policy, a large city school, the Christian Paulsen-Skolen, in Flensburg had to be closed (2011) and further drastic budget cuts were imposed.

Savings as achieved by closing the Christian Paulsen-Skolen and other drastic measures could have been achieved only by closing several small schools in rural areas. This would have seriously endangered the minority in some regions. Without the federal compensation payments, the very existence of Danish language education in Schleswig-Holstein would have been at stake.

### ***Language and the media***

#### ***b. Article 10 (1) (a) (v)***

Many obstacles still have to be overcome when it comes to the right to submit documents in Danish to administrative authorities. In practice, Danish citizens and Danish organizations continue to be asked to translate protocols and business reports into German. At the moment, financial authorities, for example, do not implement the Charter in practice. For example, Dansk Sundhedstjeneste (Danish health service) has experienced that public authorities in the districts and municipalities of Schleswig-Holstein, health insurance funds and medical services do not give appropriate priority to the Language Charter in practice. Unfortunately, we repeatedly observe that staff has no Danish language skills and is not aware of the Language Charter.

**G. Concluding remarks**

The responsible federal and state authorities will scrutinize the language groups' critical comments and report on further progress in the next State Report.