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**ADVISORY COMMITTEE ON THE
FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**



COUNCIL OF EUROPE

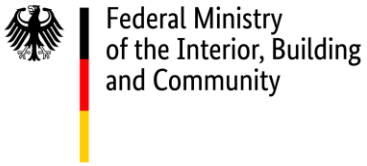


CONSEIL DE L'EUROPE

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Fifth Report submitted by Germany

**Pursuant to Article 25, paragraph 2 of the Framework
Convention for the Protection of National Minorities –
received on 31 January 2019**



Fifth Report of the Federal Republic of Germany

in accordance with Article 25 (2)

of the Council of Europe Framework Convention for the Protection of National Minorities

2019

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A. Preliminary remarks

The Fifth Report of the Federal Republic of Germany in accordance with Article 25 (2) of the Council of Europe Framework Convention for the Protection of National Minorities was prepared by the Federal Ministry of the Interior, Building and Community in cooperation with other federal ministries and the responsible state authorities, and in consultation with the umbrella organizations of the national minorities in Germany protected by the Framework Convention.

The umbrella organizations of the national minorities were invited to express their views on the implementation status of the Framework Convention in the Federal Republic of Germany, which are not necessarily in line with those of the authorities. Their written comments are included in Chapter F of the present report.

An implementation conference to finalize the Fifth Report was held in Berlin in November 2018.

This report covers the period from January 2014 to October 2018.

The German original and an English translation of the four preceding reports of the Federal Republic of Germany, the subsequent comments of the Advisory Committee and the Committee of Ministers as well as the responses of the Federal Government are available on the Council of Europe website.

Four national minorities are officially recognized in Germany: the Danish minority, the Frisian ethnic group, the German Sinti and Roma,¹ and the Sorbian people.

Additional background information on the officially recognized national minorities in Germany can be found on pages 3–12 of the First Report of the Federal Republic of Germany in accordance with Article 25 (2) of the Framework Convention. This report can be accessed on the Federal Ministry of the Interior, Building and Community website

<https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/themen/hemat-integration/minderheiten/1-erster-staatenbereich-rahmenuebereinkommen.html>).

¹ It should be noted that some German Sinti and Roma consider the two to be distinct ethnic groups. At European level, the Council of Europe and others use the term “Roma” collectively to refer to Sinti and Roma as well as other groups. The Federal Ministry of the Interior, Building and Community has consciously decided against this practice. As a result, the term “Roma” used in some of the recommendations of the Advisory Committee and the Committee of Ministers has been translated into German as “Sinti and Roma”.

The following text comments in particular on the recommendations of the Committee of Ministers and the Advisory Committee. These comments are intended to describe the developments during the reporting period concerning the protection and promotion of the four officially recognized national minorities in Germany. The exclusive focus on these four national minorities in Germany corresponds to the scope of the Framework Convention based on its title and history as well as the wording of its individual provisions. The Framework Convention does not define the term “national minority”. It is instead the responsibility of the individual member states to define the various national minorities using objective criteria; the Federal Republic of Germany did this with its declaration at the signing of the Framework Convention for the Protection of National Minorities on 11 May 1995.

Only Article 6 of the Framework Convention states in very general terms that the Parties should “encourage a spirit of tolerance and intercultural dialogue” (paragraph 1) and “undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity” (paragraph 2). These provisions, however, must not result in the implementation of all other provisions (and hence the essence of the Framework Convention) being displaced by an excessive focus on anti-Muslim or anti-migrant tendencies, as was the case in the last monitoring cycle. For this reason, Germany finds unacceptable the Council of Europe’s press release accompanying the Fourth Opinion of the Advisory Committee entitled “Anti-immigrant sentiment was rising in Germany before refugee influx: Council of Europe committee on national minorities”, which makes no reference to national minorities not only in the title, but also in the first two paragraphs and therefore almost completely misses the actual aim of the Framework Convention.

The Advisory Committee’s assumption that the Framework Convention is a flexible instrument which is supposed to apply in highly diverse social, cultural and economic contexts and in evolving situations is incorrect. This is true not only of the overly broad interpretation of Article 6 of the Framework Convention, but also of the Advisory Committee’s request that individual articles of the agreement be applied to specific groups of migrants, which, given the clear definition of national minorities in Germany, is legally unfounded.

The Framework Convention does not constitute a general human rights instrument for all population groups that differ from the majority population in one or more ways.

Furthermore, the Council of Europe does not leave these groups unprotected: The European Commission against Racism and Intolerance (ECRI) founded by the Council of Europe's member states in 1993 is an institution exclusively dedicated to the fight against racism, xenophobia, antisemitism and intolerance in all of Europe on the basis of the European Convention on Human Rights (ECHR). ECRI also fulfils this responsibility by producing country reports, publishing policy recommendations and cooperating with NGOs. It therefore constitutes the undoubtedly essential counterpart to the Framework Convention with regard to combating discrimination and racism.

In its comments on the Fourth Opinion of the Advisory Committee, the Minority Council also criticized the remarks by the Advisory Committee concerning the Framework Convention's scope of application (see Section III of the Federal Republic of Germany's brief comments of May 2017).

Germany asks the Committee of Ministers and the Advisory Committee to abide in future by the Framework Convention's scope of application in line with existing legal limits.

B. Updated geographic and demographic information

Following the amendment of legislation on the rights of Sorbs/Wends in the federal state of *Brandenburg* (*Sorben/Wenden-Gesetz, SWG*) in 2014, the boundaries of the traditional settlement area of the Sorbs/Wends were redrawn. When the amended Act entered into force on 1 June 2014, the traditional settlement area was made up of 28 municipalities or parts of municipalities. From 1 June 2014 to 31 May 2016, the Brandenburg state parliament accepted applications from municipalities and the Council for Sorbian/Wendish Affairs to determine which municipalities belonged to the traditional settlement area. Municipalities and parts of municipalities which belonged to the traditional settlement area already before the Act was amended were automatically included in the traditional settlement area and did not have to submit an application. A total of 37 applications related to 33 municipalities were submitted. After conducting extensive research, the Ministry for Science, Research and Culture and the main committee of the state parliament found that 18 municipalities belonged to the traditional settlement area in full, while two other municipalities belonged to this area only in part. The ministry found that 13 of the municipalities for which applications had been submitted did not belong to the traditional settlement area. No Sorbian or Wendish parties appealed the decisions. Ten municipalities did appeal the decisions in full or in part; as a result, these decisions are not yet final.

The traditional settlement area of the Sorbs/Wends can be seen on the Brandenburgviewer website of the Brandenburg state office for land surveying and spatial base data (LGB) at <https://bb-viewer.geobasis-bb.de/> by clicking on “Sorbisches/Wendisches Siedlungsgebiet” under the heading “Geobasisdaten” and subheading “Grenzen”. The zoom function can be used to show the names of towns and cities in the Sorbian/Wendish language.

C. General developments

The first part of this report will address general developments concerning the protection and promotion of national minorities in the Federal Republic of Germany since the previous report, which was submitted to the Council of Europe Secretary General on 27 February 2014.

I. Changed framework conditions

1. Framework agreements and state treaties between federal states and associations

State treaties, framework agreements and joint declarations were concluded between several federal states and the federal state associations of German Sinti and Roma during the reporting period.

In the federal state of *Baden-Württemberg*, the treaty between the federal state of Baden-Württemberg and the Baden-Württemberg Association of German Sinti and Roma (VDSR-BW) entered into force on 1 January 2014. The treaty created a sound legal and financial basis for the relationship between the federal state and the national minority of German Sinti and Roma in Baden-Württemberg.

The preamble to the treaty states that Sinti and Roma have been a part of the culture and society of what is today Baden-Württemberg for more than 600 years. The treaty explicitly acknowledges the duties set out in the Framework Convention for the Protection of National Minorities.

Article 1 of the treaty sets out the shared tasks and goals:

- To anchor the situation of Sinti and Roma in the past and in the present day in the curriculum taught in the federal state. In this context, the federal state government is to ensure that the history of the Sinti and Roma is taught in the federal state's schools in such a way that any potential prejudice against them is removed.
- To continue and consolidate the cooperation between the VDSR-BW and the educational establishments in the federal state for educating the public about

prejudices against minorities and to foster an awareness of history and a tolerant society.

- To extend the established cooperation with the state agency for civic education and the association of memorial sites in Baden-Württemberg.
- To ensure that the grave sites of Sinti and Roma who suffered Nazi persecution are preserved and cared for.
- To establish and expand additional cultural, school and other educational opportunities for young Sinti and Roma to learn their language and culture.
- To promote VDSR-BW counselling bureaus for social, employment and education topics.
- To provide the VDSR-BW with institutional funding.
- To establish a research centre focusing on the history and culture of the Sinti and Roma, as well as on anti-Gypsyism. The critical study of the history of “Gypsy studies”, which has been characterized by racist prejudices, is to play a key role in this.
- To enable the appropriate perception and representation of German Sinti and Roma in culture, research and the media.
- To work together to identify key tasks for the future.

In addition, the treaty set up a council to address matters concerning the German Sinti and Roma in Baden-Württemberg. The council’s task is to discuss all matters affecting the German Sinti and Roma in the federal state of Baden-Württemberg. The State Ministry is responsible for coordinating the council, which is made up of members of the regional parliament of Baden-Württemberg, representatives of the ministries, of local government associations and of the national minorities.

The state treaty was initially signed for five years. Based on their very positive collaboration to date, Baden-Württemberg and the VDSR-BW launched negotiations in 2018 with the aim of concluding a follow-on regulation.

The Free State of *Bavaria* reports that the state treaty signed on 20 February 2018 by the then Minister-President Horst Seehofer and Erich Schneeberger, chair of the Bavarian Association of German Sinti and Roma, further establishes close collaboration in a spirit of

historical awareness, public information and promotion of tolerance towards minorities, building on the foundations laid by the joint declaration of 2007.

The treaty, which entered into force on 1 July 2018 following its formal approval by the Bavarian regional parliament, provides a solid framework for this collaboration, with its range of focal points. The agreement under public law shapes the current and future collaboration between the Free State and the association. There is a strong focus on respectful remembrance of the suffering that resulted from the genocide committed by Nazi Germany against the Sinti and Roma. The existing standards governing protection of minorities and of the Romani language are explicitly confirmed. For its part, the association undertakes to support government bodies in education and awareness-raising measures in regard to matters concerning German Sinti and Roma, and in the integration of non-German Sinti and Roma. The financial commitment on the part of the Free State of Bavaria set out in the treaty represents a significant improvement for the association; previously, grants were a voluntary benefit according to budget law. The treaty sets out the annual amount of €474,700 per year to be provided to the association by the federal state. The treaty is to be assessed five years after its entry into force and adapted if necessary. The earliest possible date for regular termination of the treaty is 31 December 2022.

On 28 September 2017 the *Brandenburg* regional parliament passed the unanimous decision (printed document 6/7353-B) on the preparation of an agreement between the federal state government and the Berlin-Brandenburg Association of German Sinti and Roma. The agreement setting out the basis of collaboration between the federal state of Brandenburg and the Berlin-Brandenburg Association of German Sinti and Roma was signed on 1 October 2018. Alongside provisions on communication and collaboration, the agreement also includes information on the action areas of anti-discrimination, memorial sites and the culture of remembrance, school education and advanced training, and cemetery maintenance. Annual project funding of €5,000 for extracurricular memorial and commemoration work is also part of the agreement.

The federal state of *Hesse* reports that on 6 September 2017, a state treaty was signed between the state of Hesse and the Hesse Association of German Sinti and Roma. The relevant law was enacted on 25 November 2017.

The transfer of the framework agreement signed in March 2014 into a state treaty took place on request of the Hesse Association of German Sinti and Roma.

It is intended to provide security for the work of the association that is independent of the government of the time and that extends beyond the legislative period. The support is intended to provide assistance for school education, jobs and the social life of Sinti and Roma on the one hand, and to provide information on the history and culture of Sinti and Roma on the other. The state treaty is based mainly on the content of the 2014 framework agreement, which was expanded and made more precise to accommodate experience gained over the last three years. The important new passages include one in which the cooperation between the federal state government and the association by establishing a joint committee is specified more precisely. In addition, the institutional funding for the association was increased by €100,000 to €300,000.

The state treaties, framework agreements and joint declarations signed in the reporting period complement the state treaties, framework agreements and joint declarations that were signed in prior reporting periods.

On 16 May 2007, the joint declaration between the *Bavarian* federal state government and the Bavarian Association of German Sinti and Roma was signed by Minister-President Edmund Stoiber and Erich Schneeberger, head of the Bavarian Association of German Sinti and Roma, in the Prinz Carl Palais in Munich. In the declaration, the state government emphasizes its particular historical responsibility towards the estimated 12,000 members of this national minority living in Bavaria. It also undertakes to promote remembrance of the more than six-hundred-year history of German Sinti and Roma, especially of their persecution and the systematic genocide committed by the National Socialists. The parties to the joint declaration also set out in the declaration that the existing close cooperation between the Bavarian Association of German Sinti and Roma and the state government of Bavaria will continue in a spirit of historical awareness, public information and promotion of tolerance towards minorities.

In 2012, the Senate of the *Free Hanseatic City of Bremen* signed a framework agreement with the Bremen Association of German Sinti and Roma (the Bremer Sinti Association and the Bremerhavener Sinti Association). The aim is to promote participation of Sinti and Roma living in Bremen in cultural, social and economic life and in public affairs, and to create suitable conditions for protecting the Sinti and Roma identity.

The federal state of *Hesse* notes that before signing the state treaty mentioned above on 12 March 2014, a framework agreement was first signed between the federal state of Hesse and the Hesse Association of German Sinti and Roma. This anticipated annual institutional funding of €200,000 for operating the association office, including staff costs.

The state government of *Rhineland-Palatinate* signed a framework agreement with the Rhineland-Palatinate Association of German Sinti and Roma on 25 July 2005. The Rhineland-Palatinate state government states that it was the first federal state to enter into such a comprehensive administrative agreement with an association representing the Sinti and Roma people. In view of the persecution of Sinti and Roma during the period of National Socialism, Rhineland-Palatinate acknowledges its particular historical responsibility to the members of these minorities in the framework agreement. The federal state government emphasizes in the agreement its particular duty towards the survivors of persecution and the descendants of victims to respect the ethnic, cultural, linguistic and religious identity of the minorities. The provisions in the framework agreement aim to help promote the active participation of Sinti and Roma in all areas of cultural, social, economic and political life in Rhineland-Palatinate.

2. Funding agreements

On 15 February 2016, the *Federal Government, the Free State of Saxony and the federal state of Brandenburg* signed a new agreement on joint funding for the Foundation for the Sorbian People. This third funding agreement covers the period from 2016 to 2020.

Depending on the individual budgets, the foundation will receive €18.6 million in annual

funding. Compared to the previous funding agreement, annual funding has been increased by about €1.8 million. Contributions are set out as follows: 3/6 federal funding (€9.3 million per year), 2/6 from Saxony (€6.2 million per year) and 1/6 from Brandenburg (€3.1 million per year). The agreement is automatically extended for one year unless terminated by one of the participants twelve months before it is due to expire.

3. Financial support for national minorities

The *Federal Ministry of the Interior, Building and Community* reports that organizations representing the four autochthonous national minorities and ethnic groups in Germany work together on the Minority Council. In 2005, the Secretariat for Minorities, which is funded by the Federal Ministry of the Interior, Building and Community, was founded in Berlin to support the Minority Council and the associations represented on it with both content and organization matters. Funding was increased during the reporting period from €60,000 (2014) to €92,000 (2018). The mission of the Secretariat for Minorities is to facilitate the information exchange with the German Bundestag, the Federal Government, the Bundesrat, the federal states and the European Union. At the same time, the Secretariat for Minorities informs the minority associations about any developments that are of relevance to them and does information and public relations work. The Secretariat also serves as the point of coordination between the national minorities, coordinating joint opinions and representing the national minorities on national and international bodies (incl. deputy member of the board of the Federal Anti-Discrimination Agency (ADS)).

With regard to the funding of the Foundation for the Sorbian People, cf. the comments by the Federal Ministry of the Interior, Building and Community in C.I.2.

In addition to the funds mentioned there, in 2016 the Foundation for the Sorbian People also received federal funding from the Federal Ministry of the Interior's discretionary budget for a project on the Sorbian language in new electronic media. This funding was to be used from 2016–2018 to preserve the Sorbian language as an expression of the Sorbian people's identity.

At national level, the Federal Ministry of the Interior, Building and Community promotes the Federal Union of European Nationalities (FUEN; known as FUEV until May 2015), the largest umbrella organization of autochthonous national minorities/ethnic groups in Europe. The FUEN sees itself as the key civil society representative of these autochthonous national minorities in Europe, and it represents the interests of this group, mainly at European level, but also at national and regional level. The FUEN has participatory status at the Council of Europe and consultative status at the United Nations as a recognized non-governmental organization (NGO). It finances its activities through contributions from its member organizations and state institutions. It receives institutional support from Schleswig-Holstein, Brandenburg and the Free State of Saxony, as well as from South Tyrol and the Danish state. At the end of 2016, the Danish government phased out its institutional funding for the FUEN. The Federal Ministry of the Interior, Building and Community, the European Commission and other governmental and private funding agencies contribute project funding.

The minimum federal contribution of project funding for the FUEN is laid down by the German Bundestag in a binding budget note in the budget. It was increased several times during the reporting period: In 2014, the minimum funding amount was €60,000. In the 2015 budget year the FUEN received €100,000 in project funding from the federal budget. The minimum funding amount for the FUEN in the years 2016 to 2018 was €500,000. The coordinating office of the non-independent Working Group of German Minorities (AGDM) has also been funded from this money since 2015.

The Federal Republic of Germany, in conjunction with the Kingdom of Denmark, continues to fund the European Centre for Minority Issues – ECMI) through funds from the Federal Ministry of the Interior, Building and Community and from the federal state of Schleswig-Holstein. This funding is based on specified percentages and was increased by all three authorities in 2017 from the previous level of €892,000 to €926,000. Half of this amount is contributed by the Federal Republic of Germany and half by the Kingdom of Denmark.

ECMI does practical research on potential ethnic conflicts and provides advice on minority issues in Europe. The foundation was established in 1996 by the governments of Denmark, Germany and Schleswig-Holstein and aims to help resolve ethnic tensions in Europe. This bipartisan and interdisciplinary institution has its headquarters in Flensburg and field

offices in Kosovo and Georgia. The Centre cooperates with various governments, international organizations and other groups in Europe and supports the research community, the media and the public by providing information and analyses. Other focal activities of ECMI include the evaluation and development of legal standards, the representation of minorities in public and social offices, and cultural problems of minorities. While the three governments cover the operating costs, the Centre seeks additional project funding. ECMI is managed by an Executive Board which consists of nine members from Denmark, Germany, the OSCE, the Council of Europe and the European Union.

As part of the Federal Government's institutional support for culture, the *Federal Government Commissioner for Culture and the Media (BKM)*

- provides €579,000 annually in funding (2014: €532,000) for the Central Council of German Sinti and Roma and
- €1,438,000 (2014: €1,332,000) for the Documentation and Cultural Centre of German Sinti and Roma.

The funds in the estimated federal budget for the cultural promotion of both facilities have been increased since the last reporting period in 2014.

Alongside the financing of the two facilities by the BKM, the German Federal Cultural Foundation, also funded by the BKM, has supported Sinti and Roma projects for a number of years, for example the RomArchiv project, the digital archive of the Sinti and Roma, which between 2015 and 2019 is providing the framework for a digital collection of international art to be archived and expanded with contemporary documents as an expression of the culture and history of the Sinti and Roma.

The cultural promotion of the Frisian ethnic group was also increased significantly (2014: €320,000; 2017: €730,000, of which €310,000 was for a project organized by the Nordfriisk Instituut), while promotion of cultural activities of the Danish minority was anchored at a high level (€150,000 annually).

Within the state treaty concluded between the federal state of *Baden-Württemberg* and the Baden-Württemberg Association of German Sinti and Roma (VDSR-BW) on 1 January

2014, the federal state provides the VDSR-BW with €500,000 annually to enable the work and involvement of the VDSR-BW in carrying out the tasks listed in I.1. This includes federal state funding for the VDSR-BW for the operation of the VDSR-BW office and the costs for VDSR-BW counselling bureaus.

The federal state of Baden-Württemberg continues to provide financial support for the Documentation and Cultural Centre of German Sinti and Roma in Heidelberg, contributing 10 percent of total annual operating costs.

The VDSR-BW can still apply for funding of up to €8,000 per year for the preservation of grave sites of Sinti and Roma who suffered Nazi persecution but that do not fall under the provisions of the Law on the Preservation of the Graves of the Victims of War and Tyranny (Graves Law).

Lastly, the federal state provides financial support for the first research centre on anti-Gypsyism, which was officially opened at Heidelberg university on 28 July 2017. The establishment of the research centre was based on and represented the implementation of the state treaty signed on 1 January 2014.

The state treaty between the Free State of *Bavaria* and the Bavarian Association of German Sinti and Roma stipulates that the annual contribution by the federal state to the association is €474,700 per year.

The federal state of *Brandenburg* reports that the financial support for the Sorbian/Wendish minority was increased significantly in the reporting period. Brandenburg significantly increased its budget for the support of national minorities in 2017 by around €426,000, taking it to €3,655,000.

In 2016/17, the amended Section 13a of the legislation on the rights of Sorbs/Wends (*Sorben-Wenden-Gesetz, SWG*) was implemented. The provision specifies that municipalities affected by minority rights are entitled to reimbursement by the federal state of additional costs related to using a minority language, a first in Germany. In order to ease the burden on local and state administrations, a two-tier procedure was used,

consisting of an annual general reimbursement of administrative costs and an additional reimbursement of individual costs. The initial payments were made in 2017 retroactively from the entry into force of the amended act of 2014 on the basis of the ordinance on the reimbursement of additional expenses of applying the SWG. Since such a procedure has not been tried before, the provisions may have to be adjusted. The procedure will therefore be evaluated after two years.

In September 2018, the state parliament also passed a further amendment to the SWG in which, as of 1 January 2019, the state parliament is to reimburse the rural districts and the urban districts in the traditional settlement area of the Sorbian and Wendish people for the costs of staff employed on a full-time basis to represent the interests of Sorbian/Wendish citizens.

The *Free Hanseatic City of Bremen* promotes the Bremen Association of German Sinti and Roma in the form of established institutional funding. The funding amount increased from around €76,300 in 2014 to €82,500 in 2018.

The municipal committee of the city of Bremerhaven also provides support for the Bremerhaven Association of German Sinti and Roma. This funding has been between €22,000 and €26,000 since 2014.

The *Free and Hanseatic City of Hamburg* reports that it supports numerous projects that aim to improve the participation of the national minority of German Sinti and Roma. This includes the project organized by the federal state association of Sinti in the district of Wilhelmsburg to promote education and the first steps in the world of work. This project supports Sinti and Roma to develop their employment prospects, particularly in relation to taking up an activity on a freelance basis. A further project is a multi-phase project launched by the Sinti association of Hamburg aimed at improving employment, social integration and (early) childhood education for Sinti and Roma. One of the focal areas of this project is the promotion of access to standard early childhood education opportunities for children. To achieve this, a training scheme was launched to train ten people for the role of day-care centre training support workers who were then taken on as regular employees at a day-care centre in Hamburg. Other training measures are provided with the aim first and foremost of facilitating integration in the labour market. In 2017,

Hamburg provided a total of €1.6 million in federal state funding for projects for Sinti and Roma. These projects also received €120,000 in funding from the European Social Fund.

The federal state of *Hesse* reports that the signing of the treaty means that the annual institutional funding for the Hesse Association of German Sinti and Roma of €200,000 that has been in place since 2014 was increased to €300,000 as of 1 January 2018.

The federal state of *Lower Saxony* increased its financial assistance to the national minority of Sinti and Roma in the reporting period.

The federal state has supported the social participation of this group of citizens since 1 January 2017 with a state guideline on grants to promote the social participation of Sinti and Roma that came into effect on that date, providing additional funding of up to €150,000 each year. The funding measure is limited in time to 31 December 2018.

Alongside this new funding programme, the federal state is also continuing its institutional support of €220,000 each year for the Lower Saxony Counselling Bureau for Sinti and Roma, as well as assistance to specific projects based on other funding guidelines. Cultural projects that strengthen the regional identity and encourage active use of the Sater Frisian minority language are also provided with funding from the budget for culture. In 2017, the federal state provided €10,000 in funding for a €33,000 project to digitize (technologically develop) the Sater Frisian dictionary and to put signs on public buildings in the Saterland municipality. The same amount of funding for Sater Frisian projects is earmarked for 2018.

The government of *North Rhine-Westphalia* has provided funding for an advisory and counselling bureau for Sinti and Roma at the North Rhine-Westphalia Association of German Sinti and Roma since 1985. The counselling bureau, which is located in Düsseldorf, serves as an interface between the national minority, the majority population and state institutions and facilities. In 2018, the government provided €227,800 as project funding for personnel and non-personnel resources to the advisory and counselling bureau.

The federal state of *Rhineland-Palatinate* provides institutional funding to the Rhineland-Palatinate Association of German Sinti and Roma. Article 5 of the framework agreement between the Rhineland-Palatinate federal state government and the Rhineland-Palatinate Association of German Sinti and Roma of 25 July 2005 provides a binding guarantee, subject to the necessary budget authorizations, to the association of institutional funding for its office and advisory and counselling bureaus. The aim is to provide long-term stability for the association's work.

In regard to financial support for the Frisian ethnic group, the federal state of *Schleswig-Holstein* reports that an initial target and performance agreement was signed with the financing association of the Nordfriisk Instituut (North Frisian Institute) on 13 November 2013 with a term of four years (2014-2017). The annually increasing funding set out in the agreement provides the work of the institute with a secure financial basis. The increasing funding amount reflects the wide range of benefits and services that the federal state is counting on to help preserve the Frisian language, as well as the ongoing increase in staff at the institute. Additional services provided by the institute include opportunities for continuing professional development for teachers, the development of teaching and classroom materials for Frisian language lessons in Schleswig-Holstein, the presentation of archival holdings, and the active role of the institute in the cooperation with the universities in Kiel and Flensburg.

On 3 April 2018, the head of the State Chancellery signed the second target and performance agreement with the chair of the financing association for the years 2018-2021.

The federal state of Schleswig-Holstein changed the regulations governing alternative school financing effective 1 January 2014. Danish minority schools are directly affected by this, given that they are private schools. The providing body for the schools is Dansk Skoleforening for Sydslesvig e.V. (the Danish Schools Association for South Schleswig).

The Danish schools have long had a special status among the private schools in Schleswig-Holstein, as Article 6 of the constitution of the federal state of Schleswig-Holstein provides the Danish minority with the right to protection and promotion by the federal state. These schools have a particular significance for the Danish minority, who consider these schools to be their regular schools, the "state schools" for the minority. The federal state of Schleswig-Holstein recognizes this and has established equality between Danish schools

and state schools. This means, among other things, that the schools enjoy official recognition, which means that all of the same school-leaving qualifications can be obtained as in state schools. In addition, since 2014, Article 12 (5) of the federal state constitution has expressly contained the provision that the schools of the Danish minority are to be funded at the same level as state schools. This constitutional requirement was implemented with the following provisions in the 2014 reform of the regulations governing alternative school financing:

- Section 124 (1) of the Schleswig-Holstein Schools Act refers to the particular importance of the schools of the Danish minority for the cultural autonomy of these citizens.
- Section 124 (2) of the Schleswig-Holstein Schools Act sets out the provision of a 100% cost-per-pupil rate, which means that the Danish schools receive 100% of the costs for one pupil at a state school for each pupil at their schools (staff costs, material costs and investment costs). Other grant-aided independent schools currently receive 82%.
- The costs for transport to school that are taken into account in the calculation of costs per pupil are twice as high as those for other grant-aided independent schools, to compensate for the fact that the costs for transport to school in the part of Schleswig where the Danish schools are located are twice as high as the federal state average.
- Finally, a transitional provision (Section 150 (1) of the schools act) guarantees that the overall subsidy must remain higher than the amount set out in the law that was valid until 2013. The regulations include a moderate increase in the overall subsidy, independent of pupil numbers. The regulation is valid until the end of 2019, after which it is expected to no longer be necessary.

Funding from the federal state for the Schleswig-Holstein Association of German Sinti and Roma also changed in the reporting period. The federal state government increased the funding for the Schleswig-Holstein Association of German Sinti and Roma by €36,000 in its 2015 budget, bringing it up to €216,500 per year. The reason for this increase was the considerably higher demands from the association since the inclusion of the Sinti and Roma national minority in the federal state constitution in 2012. These needs have led to a significant increase in workload in the association administration and the representation of the minority in Schleswig-Holstein and at the federal level, which could not be covered with the existing staff and financial resources. The additional financial resources will be used to take on more staff to ensure the reliable staffing of the office and a more

professional approach to administrative tasks. Additional funding will also be used for a press spokesperson and a temporary member of staff for the press and PR section of the association.

Additional project funding for the Schleswig-Holstein Association of German Sinti and Roma was also anchored in the same budget. The basis for this additional funding is a decision by the Schleswig-Holstein state parliament from 2014 based on which the regional association receives funding from lottery revenues each year. The amount of funding available varies from year to year.

In addition to public relations work, this funding from lottery revenues for the Association of Sinti and Roma is intended to ensure effective, varied and low-threshold social counselling for Sinti and Roma throughout the federal state. The Schleswig-Holstein regional association has provided social counselling services of this type for Sinti and Roma in cooperation with an external service provider (Deutsche Angestellten Akademie) since mid-2015. The range of counselling offered encompasses help with problems related to family, living expenses, accommodation, physical and mental health, criminality, schooling, training and work. Since mid-2015, the Schleswig-Holstein regional association has also provided social welfare counselling services at its federal state office, through a Kiel-based law firm. This counselling service has been received very positively.

The regional association was also successfully engaged as provider for the educational counselling project following a call for tenders. It receives €235,000 annually for the implementation of the project.

4. Amended legal provisions in the federal state of Brandenburg

The amended Act on the Act on the Specification of the Rights of the Sorbs/Wends in the State of Brandenburg (*Gesetz zur Ausgestaltung der Rechte der Sorben/Wenden*) came into force in **Brandenburg** on 1 June 2014. As a consequence, various legal provisions were revised or newly drafted and adopted.

On 23 September 2014, the election regulations on the Act on the Rights of the Sorbs/Wends (*Wahlordnung zum Sorben/Wenden-Gesetz, WO-SWG*) came into force. The revised administrative regulations of the Ministry for Science, Research and Culture for the Act on the Specification of the Rights of the Sorbs/Wends in the State of Brandenburg

(*Verwaltungsvorschriften zum Gesetz zur Ausgestaltung der Rechte der Sorben/Wenden im Land Brandenburg*, VV SWG) have been effective since 9 June 2016. The Ordinance on the Reimbursement of Additional Expenses of Applying the Act on the Sorbs' Rights (*Verordnung über die Erstattung des Zusatzaufwandes aus der Anwendung des Sorben/Wenden-Gesetzes*, SWGKostenv) entered into force on 29 October 2016. Group sizes in Sorbian/Wendish language classes were regulated for the first time in 2017 in the administrative regulations governing the organization of teaching.

The entry into force of the amended SWG represented the first time that a Commissioner of the State Government for Sorbian/Wendish Affairs had been appointed at state secretary level.

The amended law also set out a regular reporting duty on the part of the federal state government to the parliament half way through each legislative period. This report was submitted to the federal state government for the first time in 2017. It is also to detail international obligations for the protection of the Sorbian/Wendish language and culture (see Section 5b of the SWG).

For more details on the changed traditional Sorbian/Wendish settlement areas in the federal state of Brandenburg, see the information in Section B.

The Mina Witkojc prize honouring outstanding commitment to the Sorbian/Wendish language was launched on 10 May 2018. The award, which comes with prize money of €2,500, is announced and awarded by the federal state government every two years. It was launched for the first time in June 2018. The prize is to be awarded in November 2018.

On 19 September 2018, the federal state parliament of Brandenburg approved a further amendment to the Act on the Sorbs' Rights. The main changes will be the binding provisions based on which the rural districts and the urban districts in the traditional settlement areas of the Sorbs/Wends are obliged to appoint a full-time State Commissioner for Sorbian/Wendish affairs. The federal state will pay for this. The act enters into force on 1 January 2019.

On 18 September 2018, the federal state parliament of Brandenburg also passed an amendment to the Law on University Admission in the Federal State of Brandenburg (*Gesetz über die Hochschulzulassung im Land Brandenburg*). According to this amendment, in-

depth knowledge of the Sorbian/Wendish language are to be appropriately taken into account in the selection procedure for applications to teaching training courses.

II. Language conference, November 2014

The *Federal Ministry of the Interior, Building and Community* reports that, in November 2012, for the 20th anniversary of the signing of the European Charter for Regional or Minority Languages by the Federal Republic of Germany, the German Bundestag held a debate on language protection in Germany and called on the Federal Government to organize a national language conference to ensure that language protection and promotion did not remain the exclusive concern of the national minorities and ethnic groups. As a result, a language conference was held in Berlin on 26 November 2014 under the heading “Charter Languages in Germany – An Issue for All!” and hosted by the Minority Council and the Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities, and with the patronage of the president of the German Bundestag.

At the conference, a policy paper drafted by representatives of the federal and state governments and associations of the national minorities with the title “Charter Languages in Germany: A Shared Responsibility” was presented. The conference was met with a great deal of interest at the regional level and beyond. A member of the Council of Europe Committee of Experts responsible for monitoring implementation of the European Charter for Regional or Minority Languages was also an active participant in the conference.

III. Debate on the Charter languages in the German Bundestag, June 2017

The *Federal Ministry of the Interior, Building and Community* reports that the German Bundestag held a debate on the European Charter for Regional or Minority Languages on 2 June 2017, the 25th anniversary of the Charter. A motion by the parliamentary groups of the governing coalition entitled “The European Charter for Regional or Minority Languages 25 years on: A shared responsibility” was adopted unanimously. The motion commends what has been achieved so far for the languages of the national minorities in Germany and the regional language Low German. It also calls on the Federal Government to review several individual issues related to the Charter languages (see also D.VIII).

IV. Annual implementation conference

The implementation of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages is accompanied by annual implementation conferences held at the *Federal Ministry of the Interior, Building and Community*. Participants are the federal ministries dealing with the protection of minorities as well as minority and regional languages; the responsible state authorities; representatives of the umbrella organizations of the national minorities and language groups protected by the Convention and Charter; and representatives of their research institutions. Over the past years, the Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities attended the implementation conferences in person.

The conferences regularly focus on issues related to the implementation of the Council of Europe Convention and Charter (e.g. “The Danish language in the public administration” in 2014). Since 2015, a separate event has been held following the implementation conferences to ensure that the wide variety of issues is dealt with in sufficient depth. So far, the issues “Regional and minority languages in the media” (2015), “Language learning and participation in education” (2016) and “Minority languages in public administration” (2017) have been discussed in this format. The planned focus for 2018 is youth work.

V. Brochure published by the Federal Ministry of the Interior, Building and Community

To increase public awareness of the national minorities in Germany and their languages, in August 2015 the *Federal Ministry of the Interior, Building and Community* updated and published on its website the brochure “Nationale Minderheiten - Minderheiten- und Regionalsprachen in Deutschland” (National Minorities, Minority and Regional Languages in Germany), which was first published in 2012.

This brochure was also published in English in March 2016.

The third version of the brochure is now being updated and will be published in 2019. An English translation will also be published in 2019.

D. Recommendations of the Committee of Ministers

In response to the Fourth Report of the Federal Republic of Germany in accordance with Article 25 (2) of the Framework Convention and based on the 2015 Report of the Advisory Committee for the Framework Convention, the Council of Europe Committee of Ministers adopted Resolution CM/ResCMN(2016)4 on 3 February 2016.

As in previous monitoring cycles, Germany appreciates the constructive cooperation with the Council of Europe bodies on implementing the Framework Convention for the Protection of National Minorities. In order to continue the successful dialogue on the best ways to protect national minorities, it is useful and necessary to analyse critically what has been achieved and to examine real or supposed shortcomings regarding the protection and promotion of national minorities.

Alongside positive developments, the Committee of Ministers found some areas where action is needed. Germany comments as follows on the recommendations set out therein:

I. Recommendation 1: General Equal Treatment Act

The Committee of Ministers recommended that the German authorities review and strengthen the General Equal Treatment Act in order to ensure that it provides effective protection against discrimination. The Committee also recommended continued support for efforts to raise awareness of the content of this Act and the avenues of redress available against discrimination, including when committed by public actors. The Committee also recommended considering broadening the powers of the Federal Anti-Discrimination Agency and ensuring that it has sufficient resources to allow it to carry out its duties effectively.

The *Federal Ministry of Justice and Consumer Protection* reports that the Federal Anti-Discrimination Agency (ADS) presented an evaluation report of the General Equal Treatment Act (AGG) in 2016. The report, which was commissioned by the ADS, contains recommendations for reforming the Act. The Federal Government is now carefully

examining the recommendations made in the report. It is necessary to examine in particular the possible impacts of implementing the individual recommendations.

The report's recommendations included broadening the powers of the ADS and introducing a right of associations to take legal action. These are also being carefully examined.

After the ADS's initial start-up phase with a preliminary supply of resources, an evaluation of the agency in early 2011 determined that more resources, in particular personnel, were needed. In response, the Federal Government has steadily increased the ADS budget and staffing since 2011. For example, in 2011 the ADS budget was €2.64 million, whereas the planned budget for 2018 is €4.49 million. In 2011, the ADS had 17 staff positions; in the current budget year, this number is 31. These figures clearly show how the Federal Government is striving to provide the ADS with appropriate funding to carry out its tasks.

The *Federal Anti-Discrimination Agency (ADS)* welcomes the Committee of Ministers' recommendation that its powers should be broadened and that it should be provided with sufficient financial resources.

In *Baden-Württemberg*, the Ministry for Social Affairs and Integration serves as the central point of contact for people facing discrimination because of their ethnic origin. The Equal Treatment Act (AGG), which entered into force in 2006, protects those who face discrimination for certain reasons. The Act provides a conclusive list of these reasons: race, ethnic origin, sex, religion/beliefs, disability, age and sexual identity. No one may be put in a worse position than others in a comparable situation for one of the reasons listed and without objective grounds. The Act protects against discrimination in labour and civil law and thus in the context of daily activities and the rental of housing, for example.

Baden-Württemberg is currently creating a state-level anti-discrimination agency (LADS) to be based within its Ministry for Social Affairs and Integration. This agency is intended to serve as an initial point of contact and information, particularly through its website. The agency will also help ensure that local anti-discrimination networks in Baden-Württemberg work together as smoothly as possible. These anti-discrimination offices in Baden-

Württemberg are responsible for providing in-person advising and assistance for persons affected by discrimination. They also offer measures to increase awareness and empower. The local anti-discrimination offices are sometimes called AGG networks due to their advising on the General Equal Treatment Act (AGG). The following AGG networks currently exist:

- Antidiskriminierungsstelle Esslingen im Interkulturellen Forum Esslingen e.V. (Esslingen anti-discrimination office in the Esslingen intercultural forum (registered society))
- Beratungsangebot Antidiskriminierung Freiburg i. B. bei profamilia e.V. (Freiburg im Breisgau anti-discrimination advisory service as part of profamilia (registered society))
- Kommunale Antidiskriminierungsstelle der Stadt Heidelberg (community anti-discrimination office of the city of Heidelberg)
- Mosaik Deutschland e.V. – “hd.net-Respekt!” in Heidelberg
- Menschenrechtszentrum Karlsruhe e.V. – Antidiskriminierungsbüro (Human rights centre Karlsruhe (registered society) – anti-discrimination office)
- Büro für Antidiskriminierungsarbeit Stuttgart (Stuttgart office for anti-discrimination work)
- Adis e.V. in Reutlingen/ Tübingen
- ADB - Antidiskriminierungsbüro Mannheim e.V. (Mannheim anti-discrimination office (registered society))

The Baden-Württemberg Association of German Sinti and Roma, which receives institutional funding from the state government according to the terms of a state treaty, also serves as a contact point for Sinti and Roma facing discrimination because of their ethnic origin.

The Free State of *Bavaria* explains that the relevant aims are defined by state treaty in Bavaria.

The federal state of *Berlin* expressly welcomes the Committee of Ministers’ recommendations regarding the necessary further development of the Equal Treatment Act (AGG). In improving the AGG, in particular the rights concerning complaints, such as the

right of associations to take legal action, should be reinforced, and social status should be added to the list of reasons for discrimination. According to the policy guidelines of the Berlin state government (Senate) (2016–2021), a Bundesrat initiative to this effect will be initiated.

The federal state of Berlin is currently (2017/2018) drafting state anti-discrimination legislation (LADG) which is intended to close existing gaps regarding discrimination by state actors. This legislation will likely be adopted in 2019. The draft legislation covers protection against discrimination on the basis of attribution to a particular race, of ethnic origin, sex, religion and belief, disability, chronic illness, age, sexual identity, social status or nationality.

The Berlin Senate will also present a draft on replacing the term “race” in Article 10 of the Berlin constitution and will replace this term there and in other state law with wording which covers discrimination motivated by racism.

The federal state of Berlin agrees with the Committee of Ministers that educating the public and increasing public awareness are extremely important for anti-discrimination efforts, and is actively engaged in such education and awareness-raising. Berlin provides its long-running anti-discrimination campaign, “Diskriminierung hat viele Gesichter – Gleichbehandlung ist Ihr gutes Recht” (Discrimination has many faces – you have a right to equal treatment) and information materials about the AGG in multiple languages, including Romani.

Berlin’s Competence and Advice Centre (Fairmieten-Fairwohnen) was created in 2017 to mediate in case of discrimination in the housing market. The Centre draws on experience from institutional and independently organized advising, housing market praxis and research expertise.

Last but not least, the Berlin Senate is working to ensure non-discriminatory access to education and employment. In this context, it promotes the use of anonymized hiring procedures in Berlin’s public agencies and companies in which the state owns shares.

The *Free Hanseatic City of Bremen* supports the Committee of Ministers’ recommendation and during the reporting period has called at federal level for amending the General Equal Treatment Act. During the annual conferences of integration ministers, a number of

resolutions were drawn up in support of increasing the rights of persons affected by discrimination and increasing the powers and resources of the Federal Anti-Discrimination Agency.

The *Free and Hanseatic City of Hamburg* would like to maintain the 2017 recommendation to revise the General Equal Treatment Act (the Act was last amended in 2013).

The federal state of *Hesse* notes that it joined the coalition against discrimination in 2014. The anti-discrimination office of the federal state of Hesse went into operation in 2015. It is a support unit within the Hesse state Ministry for Social Affairs and Integration and reports directly to the state secretary and commissioner for integration and anti-discrimination, Kai Klose. The main tasks of the anti-discrimination office are public relations, prevention, awareness-raising, networking and advising. The legal basis for its work includes the General Equal Treatment Act. The anti-discrimination office offers advising for everyone in Hesse which includes an initial assessment of discrimination cases free of charge. The office also offers mediation and awareness-raising measures. To increase the range of advising services offered, since 2016 the statewide anti-discrimination advising network ADiBe has been tasked with offering psychosocial and legal anti-discrimination advice. Members of the ADiBe network include the Association to Promote the Roma (Förderverein Roma e.V.), which provides advice in cases of discrimination.

The federal state of *Rhineland-Palatinate* reports that the 12th conference of integration ministers (held in Friedrichshafen on 16–17 March 2017) adopted a majority decision (agenda item 6.1) welcoming the recommendations for reform presented with the evaluation of the General Equal Treatment Act and calling on the Federal Government to improve the Act on the basis of these recommendations. The federal state of *Rhineland-Palatinate* also reports that the 13th conference of integration ministers (held in Nuremberg on 15–16 March 2018) adopted a majority decision (agenda item 5.1) underscoring the previous year's decision.

Saarland reported that the Saar Anti-Discrimination Forum had been founded in December 2009. The Saar Counselling Network against Discrimination includes various institutions working to promote diversity without discrimination.

The network is coordinated by the Saar Office for Anti-Discrimination and Diversity within the research and transfer office for social integration and migration (GIM). The purpose of the network is to promote and establish dependable anti-discrimination structures in Saarland.

Saarland has had a counselling centre for victims of discrimination and right-wing violence since 2009. The counsellor has been based at the GIM research and transfer office for social integration and migration since 2017. There are many reasons people seek counselling: because they have experienced xenophobia, violence or exclusion due to their religion or belief, disability, age, sex, sexual identity or membership of a socially disadvantaged group. The range of reasons for seeking counselling extends from single discriminatory remarks or acts to more complex situations, repeated instances of discrimination and violent, right-wing-extremist harassment and the resulting problems.

Individual counselling is provided by a jurist with interdisciplinary and intercultural expertise.

The anti-discrimination office of the federal state of *Schleswig-Holstein* presented the Schleswig-Holstein state parliament with proposed amendments to the General Equal Treatment Act in its first activity report for 2013/2014. The parliamentary committee on internal and legal affairs conducted a hearing on the proposed amendments. In September 2016, the parliament decided to ask the state government to introduce a Bundesrat initiative to this effect. The six proposals for amendments included expanding claims for compensation; extending the deadlines for claims; limiting the special provision on discrimination in Section 9 of the Act to employment by churches which is directly related to spreading a religious message; expanding the ban on measures of reform and prevention for persons who claim rights pursuant to Section 16 of the Act to the entire Act; amending Section 17 (1) of the Act so that works councils and unions have the right to work to implement the aims of the Act; and adding to the Act the right of associations to take legal action.

In its second activity report, for 2015/2016, the anti-discrimination office also recommended introducing state anti-discrimination legislation in order to ensure comprehensive legal protection against discrimination by state actors.

II. Recommendation 2: The status of German Sinti and Roma in society

The Committee of Ministers recommended that the German authorities actively promote the effective equality of Sinti and Roma in socio-economic life through targeted, evidence-based measures, designed, implemented and evaluated in full consultation with representatives of Sinti and Roma and based on clear benchmarks; take resolute measures to put an end to discrimination against Sinti and Roma children in the education system, including ending the unjustified placement of Sinti and Roma children in special schools, and to create an inclusive education system.

In the area of inclusive education, the *Federal Ministry for Education and Research (BMBF)* sets clear accents using measures to promote inclusive education, such as promoting education research and innovations in education, and through the transfer of relevant research results and the dissemination of best practices.

The *Standing Conference of Ministers of Education and Cultural Affairs of the Länder (KMK)* notes that no official data on national minorities have been collected in Germany since World War II mainly as a result of German history and the persecution of minorities during the Third Reich. For this reason, the KMK has no idea on what basis data could have been collected concerning the placement of Sinti and Roma children in special schools that could indicate institutional discrimination in the education system. The ministries of education and cultural affairs are not aware of any representative results from published scientific studies of this matter. Even if one considers non-representative studies, the share of Sinti and Roma children attending schools for children with special needs is clearly shrinking. According to Strauß et al. (2011),² 13% of those surveyed between the ages of 26 and 50 said they had attended a school for children with special needs, while this figure was only 9% among those aged 14 to 25.

To prevent discrimination against Sinti and Roma children in the education system, building an inclusive education system, as the Federal Republic of Germany is in the process of doing, is to be advocated. Instead of concentrating on particular target groups, Germany intends to

² Strauß, Daniel (ed.), *Studie zur aktuellen Bildungssituation deutscher Sinti und Roma: Dokumentation und Forschungsbericht* (A study of the current education situation of German Sinti and Roma: Documentation and research report), Marburg: Internet-Verlag Engbring-Romang Bücher, 2011, p. 32.

create an inclusive system which benefits all school pupils. In this process, individualization and differentiation are seen as the keys to managing heterogeneity. Because the federal states are responsible for schools, the implementation of inclusion, in terms of both organization and funding, depends on the laws of the individual states. The action plans adopted by all the federal states to implement the UN Convention on the Rights of Persons with Disabilities (CRPD; ratified in 2009) lead to further expansion of an inclusive education system. The KMK resolution on inclusive education for children and young people with disabilities in schools (2011) provides significant orientation. Since the CRPD was ratified, a positive trend can be seen: The number of children attending schools of general education and receiving assistance for special needs has increased from about 84,700 in the 2007/2008 school year to nearly 206,000 in the 2016/2017 school year. The dramatic drop in the number of children receiving assistance for special needs and attending schools for children with special needs leads to the conclusion that Sinti and Roma children have also benefited from this positive development.

It should also be noted that there are no “special schools” in the Federal Republic but rather various kinds of schools for children with special needs, where they receive assistance in selected areas which is specifically tailored to their needs if they have completed a complex procedure to determine special educational needs. For example, the recommendations on the funding priority for learning (KMK resolution of October 1999) sketch out principles for determining special educational needs:

Special educational needs are identified in an interdisciplinary process based on special needs and development criteria. The identification of special educational needs includes analysing the pupil in his or her environment and identifying the pupil’s individual level of development and learning, and then recommending the extent of assistance to be provided and the appropriate school. Schools and the system of school supervision are responsible for determining pupils’ special educational needs. Either the schools and their supervision have the necessary expertise to do so, or they consult appropriate specialists (p. 6).

It should also be emphasized that the federal states place great importance on actively involving parents in this process.

In accordance with the state treaty which entered into force on 1 January 2014, the federal state of *Baden-Württemberg* has established a council to address matters concerning the German Sinti and Roma in Baden-Württemberg which consists of an equal number of representatives of the state and the national minority. Within the council, the state government and the national minority can discuss measures, projects and other matters concerning the minority as equals.

The Baden-Württemberg Association of German Sinti and Roma (VDSR-BW) uses a large share of the institutional funding it receives under the terms of the state treaty to promote the equal participation of members of the national minority of Sinti and Roma in Baden-Württemberg. This includes advising on social and legal issues and on education; empowerment; continuing education; and cultural events. The association is responsible for selecting and carrying out these measures appropriately.

In Baden-Württemberg, Sinti and Roma have access to all preschool and school language teaching programmes; individual assistance in the various kinds of schools; and assistance with the transition from school to vocational training or higher education as needed. Participation in preschool or school language teaching programmes is decided solely on the basis of actual need; other criteria, such as ethnic origin or social background, do not play a role. The decision as to which school a pupil will attend always follows an assessment of the individual case. The results of this assessment are recorded in a report which serves the state education department as the basis for determining whether the pupil has special educational needs. After the state education department has determined a need for special educational measures, the pupil's parents can choose whether these measures will be provided at a general-education school or in a special educational and advising centre.

Further, before such an assessment is conducted, general-education schools have the option of consulting the special educational service.

Further, Baden-Württemberg offers high-quality curriculum at its all-day schools which enables children and young people to learn successfully as it takes into account various lifestyles. All-day schools significantly help to overcome disadvantages children may experience in the school system due to their background.

Additional measures in the educational sector in Baden-Württemberg (incorporating this issue into the curriculum; continuing professional development for teachers) are taken in close consultation with the VDSR-BW.

The Free State of *Bavaria* notes that the chair of the Bavarian Association of German Sinti and Roma provided the following statement on the occasion of signing the state treaty in and with Bavaria: “The agreement now concluded between the state government of Bavaria and our state association at the level of a state treaty is of central importance for us and will have major influence in the coming years on efforts to achieve equality and to preserve our culture and tradition. We are very pleased that the treaty puts on a legally binding footing the benefits so far provided by the Free State voluntarily, and that these benefits have now been adjusted to meet actual needs. I thank the Bavarian state government and the Bavarian state parliament for their support in this important matter.”

In the context of support for the socio-educational counselling bureau of the Berlin/Brandenburg Association of German Sinti and Roma, the federal state of *Berlin* has taken measures to avoid discrimination. The association is active in discussion and informational events around Berlin in order to help reduce stereotypes and prejudices against the national minority by speaking to a variety of target audiences. The association also works closely with schools and other institutions if discrimination based on ethnic background is suspected. In order to ensure that the interests of the national minority of German Sinti and Roma are always taken into account, the association’s chair is a permanent member of the board for the ADAS model project which provides a point of contact for protection against discrimination at schools.

The federal state of Berlin is increasing its efforts to implement an inclusive education system. As part of the development of inclusive schools in Berlin in which the diversity of pupils is viewed as an opportunity, and not only as a challenge, and which promote the potential and talents of all pupils, the number of pupils attending schools focusing on children with special educational needs has gradually fallen: In the 2017/2018 school year, more than 68% of children with special educational needs attended general-education schools. Parents and custodial adults may choose between a general-education school and

one for children with special needs. Before making this choice, they may consult the staff of the school psychological and inclusive educational advising and support centres (SIBUZ). A diversity officer for schools in the federal state of Berlin was appointed in 2016. The diversity officer serves as point of contact for complaints concerning discrimination and racism and for issues related to inclusion, anti-discrimination and anti-authoritarian education and professionalization.

With regard to the status of German Sinti and Roma in society, the federal state of Berlin refers to its statements in D.IX and E.VIII.2.

With its development agenda for migration and education (2014–2018), the *Free Hanseatic City of Bremen* follows the principle of designing promotional and integration measures for specific needs and problems. The aim is an “intercultural school” which goes well beyond concentrating on promoting children and young people with an immigrant background and addresses all those in educational institutions without reference to certain social, ethnic or religious groups. The measures in Bremen are intended to reach out to parents and families and convince them that their children will have career prospects and a chance to participate in society and improve their lives only if they regularly attend school and acquire their school-leaving qualifications. Since the 1990s, the city of Bremen has had specific assistance programmes for Sinti and Roma children which include remedial education and outreach to their families.

Please see E.XII for more information about these programmes.

The *Free and Hanseatic City of Hamburg* reports that it has taken decisive measures to reform its education system and ensure inclusive education for all children and young people everywhere within the system. Parents have the unconditional right to choose between general-education schools and schools for children with special educational needs. This solution has resolved a conflict between persons with custody of Sinti and Roma children and the education administration. Further, representatives of Sinti and Roma and representatives of outreach to parents work closely together.

In the Free and Hanseatic City of Hamburg, equal treatment of Sinti and Roma in economic life and society is promoted first of all through the following measures:

- the assignment of educational advisers from Roma or Sinti families permanently hired to serve in a number of schools as language and cultural mediators to build bridges between schools, parents and pupils. These advisers received comprehensive training for this task at the state institute for teacher training and school development (LI);
- the use of volunteers to provide individual assistance to children and young people from Roma and Sinti families. Schools can apply to Hamburg's Department for School and Vocational Education for such volunteers once a year;
- inclusion of the topic "Sinti and Roma" in the curriculum: The education plans of the Free and Hanseatic City of Hamburg are largely oriented on the skills pupils are to acquire and only to a limited extent to the specific content of lessons. Aspects of the history and culture of German Sinti and Roma can be addressed in the social sciences or in history and political sciences/social studies/business studies at grade 9/10 level in the *Stadtteilschulen* (a new type of combined secondary school introduced in Hamburg as an alternative to grammar school) in the context of the unit on minorities and immigration. In political sciences/social studies/business studies (grammar school, grades 8 to 10) pupils learn about German Sinti and Roma as part of the unit on immigration and minorities; in history further information is provided in grades 9 and 10 in the context of the Nazi extermination policy. Sinti and Roma are mentioned as examples in a unit on minorities and immigration/Germany as a country of immigration, taught at the level leading to the upper secondary level at *Stadtteilschulen*. In addition, curriculum for religion and intercultural learning offer connections to the topic of Sinti and Roma. Crimes committed against the Sinti and Roma are discussed as possible content of a 2012 history lesson plan for the lower secondary level entitled "How were the National-Socialist dictatorship, the Second World War and the Holocaust possible?"
- Some schools offer classes in Romani for native speakers of that language.

Article 2 (2) of the state treaty between the federal state of **Hesse** and the German Sinti and Roma Association of Hesse states that a body, to consist of two representatives of each side, will be established for matters of the national minority. The body's main tasks include regularly evaluating the implementation of the objectives of the state treaty and discussing current issues concerning the minority and the majority population. This body convenes once a year.

The German Sinti and Roma Association of Hesse receives annual project funding of €54,000 from the state of Hesse to educate the public about the persecution of Sinti and Roma in history and about discrimination against them.

With regard to the Committee of Ministers' comments on discrimination against Sinti and Roma children in the education system, the state of Hesse points out that it does not have any "special schools". In Hesse, general-education and schools for pupils with special educational needs share the task of contributing to the rehabilitation and social integration of children and young people eligible for special education and of cooperating with the institutions of child and youth services and the social welfare agencies. If pupils belonging to the minority of Sinti and Roma need special educational support, the same procedure for identifying individual needs applies as for all other pupils. A decision is taken together with the parents after discussing the possibilities of transferring the pupil to school for pupils with special educational needs or providing special assistance at a general-education school in the framework of inclusive instruction.

During the reporting period, in order to improve the social status of Sinti and Roma the federal state of *Lower Saxony* funded a project from 2015 to 2017 on recognizing the value of education and improving the status of women and from 1 January initially until 31 December 2018 a project on Sinti empowerment between identity and societal demands. Each project was/is led by the Lower Saxony German Sinti Association and accompanied by scientific analyses and evaluations conducted by the University of Hildesheim. Annual funding for the Lower Saxony German Sinti Association is about €90,000 and for the University of Hildesheim about €35,000.

As already noted in C.I.3, a state guideline on grants to promote the social participation of Sinti and Roma entered into force on 1 January 2017. According to this guideline, only legal persons under private law of the self-organization of the national minority of German Sinti and Roma may receive grants.

Further, the federal state has provided institutional funding for the Lower Saxony Counselling Bureau for Sinti and Roma for many years, thereby strengthening the status of the national minority. The bureau aims among other things to help with the social

integration of Sinti and Roma and assist with compensation for injustice experienced under the Nazi regime. The counselling bureau also supports the implementation of the Framework Convention of the Council of Europe for the Protection of National Minorities. One of the bureau's tasks is to counter discrimination and prejudice, especially in the news media, in schools and the housing market.

The federal state of *North Rhine-Westphalia* reports that pupils are not assigned to schools on the basis of their ethnic background. All children and young people are taught together at all types of schools. More information is provided in E.VIII.1.

The federal state of *Rhineland-Palatinate* reports that the three-year project of the Koblenz university of applied sciences was completed as of 31 December 2014. The KODEX project used empowerment strategies promoting resilience to help pupils at the Diesterweg school in Koblenz become better integrated in society and the labour market. The project involved providing support for pupils as they grew up in order to improve their training and career opportunities. The project addressed intercultural aspects and prejudice against Sinti and Roma as a special form of discrimination and gave priority to promoting young Sinti and Roma. The project therefore worked closely with the Koblenz culture and counselling office for Sinti and Roma and the Django Reinhardt Music Friends (registered society). The project was underwritten by the European Social Fund, the Federal Ministry of Labour and Social Affairs (through the programme XENOS – Integration and Diversity), the Diesterweg school in Koblenz, the state ministries responsible for integration and the Koblenz university of applied sciences.

Please see E.IX.9 for more information concerning the education system in Rhineland-Palatinate.

The federal state of *Saarland* reports that its network to fight racism and advocate democracy has existed since 2007. Its basic structure led to the federal programme "kompetent. für Demokratie" (competent for democracy).

The existing networks and collaborations are ongoing within the programme of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, "Demokratie leben! Aktiv

gegen Rechtsextremismus, Gewalt und Menschenfeindlichkeit" (Living democracy: Taking action against right-wing extremism, violence and hate). In this way, efforts to ensure an open and tolerant society are becoming more firmly established. All participants in the federal programme are represented in the Saarland network "Demokratie leben": model projects, partnerships for democracy, the network to fight right-wing extremism (NgR) and related umbrella organizations.

In light of the murders committed by the right-wing extremist National Socialist Underground (NSU), since 2012 the Saarland state parliament has provided additional funding in the amount of €80,000 to fight right-wing extremism, xenophobia and antisemitism. The Saarland state centre for democracy (LDZ) is involved in evaluating the projects, so the measures to counter right-wing extremism, violence, hate, anti-Gypsyism and violent Salafism are coordinated statewide.

Gender- and diversity-mainstreaming and inclusion are the guiding principles of "Demokratie leben!". The diversity of lifestyles and experience are included in the process, and every individual should have the possibility to participate actively in all relevant social processes regardless of their individual talents; cultural, ethnic or social background; religion; sex; or age.

To live up to these principles, the various projects keep an eye on right-wing extremism, radical Islamism/Salafism, antisemitism, anti-Gypsyism, discrimination in general and hate.

The federal state of *Schleswig-Holstein* reports regarding the schooling of Sinti and Roma children and young people that this group continues to experience discrimination. For this reason, at the start of the 2014/15 school year Schleswig-Holstein launched a project to provide education advising for Sinti and Roma children. Since then, 12 members of the minority, who completed 18 months of relevant training, have assisted Sinti and Roma children in schools to improve their educational opportunities. These advisers have found that their activity mainly concentrates on helping pupils when their parents and schools have trouble understanding each other and on advising teachers, school social workers, vocational counsellors and other aides on cultural differences and areas of tension at school. The presence of such advisers in itself builds confidence and helps create and strengthen ties between school and home. Understanding, communication and "bridge-building" directly counters anti-Gypsyism.

In addition, since 2014 one teacher has been responsible not only for coordinating education advising at schools, but also for general statewide assistance for Sinti and Roma pupils with regard to school issues and problems, for mediating between school and home, helping families with school issues of all kinds and with all types of school-related institutions, and for cooperation with the German Sinti and Roma Association of Schleswig-Holstein.

The Free State of *Thuringia* reports that educating children with special needs in general-education schools takes priority over educating them in schools for pupils with special needs. This is governed by law.

Whether pupils who are members of the national minority of German Sinti and Roma have special educational needs is determined using the same procedure as for all other pupils. A lack of German language skills is not a criterion for assessing special educational needs. Pupils with special educational needs who cannot be accommodated in a general-education classroom because it lacks the necessary spatial, material or personnel resources and these cannot be supplied attend a school for pupils with special needs.

All preschool and school language teaching programmes, individual assistance in the various kinds of schools, and vocational orientation are also available to the group of Sinti and Roma. Participation in preschool or school language teaching programmes is decided solely on the basis of actual need; other criteria, such as ethnic origin or social background, do not play a role.

III. Recommendation 3: Combating racism and intolerance

Furthermore the Committee of Ministers recommended that the German authorities pursue efforts to combat racism and intolerance and prevent right-wing extremism. It encouraged the German authorities to take a proactive stance embracing the diversity of German society, to review the legal provisions prohibiting incitement to hatred, in particular in the context of election campaigns, and the policy and procedures in place concerning the investigation and prosecution of the dissemination of ideas based on racial superiority, with a view to strengthening their effectiveness.

The *Federal Ministry of the Interior, Building and Community (BMI)* reports that ideologies and attitudes which run counter to human rights, as well as prejudice and racism are a threat to individuals' expressing their individuality, to members of minorities living independent lives, and to social cohesion as a whole. Therefore, the Federal Government seeks to bring together all political and civil-society stakeholders to counter these phenomena in an effective manner. The fight against such phenomena includes preventive and punitive measures by law enforcement and security authorities, as well as action to promote democracy and to prevent extremism.

For example, the expert commission to address anti-gypsyism, on which the CDU, CSU and SPD agreed in the Coalition Agreement, will be set up by the end of the first quarter of 2019 at the latest. The independent experts will draw up a report on the phenomena and dimensions of anti-gypsyism in Germany as one type of group-related enmity. Furthermore, they will compile concrete proposals for further measures to fight anti-gypsyism, above all measures which can be implemented at the federal level.

Apart from systematic punitive measures the federal security authorities are pursuing numerous other measures to counter anti-Gypsy attitudes. For instance, the authorities assess threats and take incident-related measures to protect persons and facilities, and the domestic intelligence agencies monitor extremist activities. Also, the authorities provide an exit programme for those wishing to leave right-wing extremist circles, and provide the general public with background information and talking points for discussions.

The Federal Government has strengthened its efforts to combat the dissemination of hate speech and incitement to hatred and violence on the Internet. In 2016, the so-called "action day against hate posting" was introduced. For three years now, coordinated searches and

questioning of persons posting hate speech on the Internet have been conducted nationwide on that day.

Furthermore, the BMI has systematically enforced bans of right-wing extremist organizations. In total, 12 right-wing extremist organizations have been banned.

In 2001, the police introduced separate categories to register xenophobic and racist crimes. They update the catalogue of terms underlying the registration of such crimes regularly in order to provide a detailed overview of hate-motivated crime and be able to respond accordingly. In the summer of 2016, for instance, the Conference of Interior Ministers adopted several changes to make sure that “anti-Gypsy”, “anti-Christian”, and “Islamophobic” crimes and crimes “against other ethnic groups” are registered separately.

Cooperation between the police and civil society is especially important to reduce the number of unreported offences directed against a minority. Therefore, the Federal Ministry of the Interior is currently providing €750,000 to fund a multi-year research project on cooperation between the police and civil-society organizations.

The Federal Government opposes every form of discrimination. The goal of protecting all people against racism and racist discrimination is of utmost importance to German law and policy.

Therefore, on 14 June 2017 the Federal Government adopted the National Action Plan to Fight Racism: Positions and measures to deal with ideologies of inequality and related forms of discrimination (NAP).

The government as a whole and all sectors of society are called upon to counter these phenomena continuously, above all against the background of polarizing and radicalizing trends in some sectors of society, as displayed for instance in the asylum debate or in hostilities against Jews, Sinti and Roma, Muslims, Blacks or members of the LGBT community, among others. The federal states and municipalities are also making an essential contribution towards responding to needs and challenges on the ground. Furthermore, the Federal Government attaches great importance to the involvement of civil-society initiatives and organizations, which it will continue in various forms, aiming to bring about a transparent and constructive exchange.

Positions and measures in the following areas of action constitute the core of the above-mentioned National Action Plan to Fight Racism (NAP): human rights policy; protection

against discrimination and prosecution of criminal offences; education and civic education; social and political commitment to democracy and equality; diversity at work, basic and advanced training and strengthening intercultural and social skills at work; racism and hatred on the Internet; and research. The NAP explicitly and clearly refers to forms of anti-Gypsyism as hostile phenomena.

The NAP should not be seen as a static programme, but instead as creating a framework set by the Federal Government which is open to further discourse with civil society in the sense of an ongoing policy project.

The *Federal Ministry of Justice and Consumer Protection* reported that the authorities fight all forms of racist propaganda by systematically applying criminal law. Furthermore, the authorities take great care to monitor organizations and associations for racist tendencies. If they show racist attitudes, measures are taken against them.

Criminal provisions

There are comprehensive criminal provisions in place to combat racist offences, which are applied in investigative and court proceedings.

The act on the implementation of the recommendations of the Committee of Inquiry into the National Socialist Underground (NSU) of the 17th legislative term of the German Bundestag of 12 June 2015, effective 1 August 2015, explicitly added racist, xenophobic and other inhuman motives and aims to the list of circumstances to be taken into account in sentencing given in Section 46 (2), second sentence, of the Criminal Code (*Strafgesetzbuch, StGB*). The characteristic of “other inhuman” motives and aims also includes additional recognized prohibitions of discrimination. Cf. further information in Chapter E Section IV (3).

According to Section 86 of the Criminal Code, disseminating propaganda of anti-constitutional organizations is a punishable offence. Section 86a makes the use of symbols of parties or associations, in particular former National Socialist organizations, which the Federal Constitutional Court (*Bundesverfassungsgericht, BVerfG*) or other responsible authorities have declared unconstitutional a punishable offence.

Section 130 of the Criminal Code renders incitement to hatred, also racial hatred, a criminal offence, making it one of the most important penal provisions in the German Criminal Code to combat right-wing extremist and xenophobic propaganda.

Section 130 (1) no. 1 of the Criminal Code provides that “whosoever, in a manner capable of disturbing the public peace, incites hatred, or calls for violent or arbitrary measures against a national, racial or religious group, or a group characterised by their ethnic origin, or against parts of the population or against an individual on account of his belonging to a group denoted above, or to part of the population, shall be punished”. Section 130 (1) no. 2 of the Criminal Code criminalizes assaults on the human dignity of the above-mentioned groups or persons in the form of insult, malicious malignment, or defamation, if such assault is capable of disturbing the public peace. Under sections 130 and 26 of the Criminal Code, incitement to hatred or violence also incurs criminal liability.

The typical cases covered by the provision, i.e. incitement against “a national, racial, religious group or groups defined by their ethnic origin” were worded in a particularly prominent manner in paragraph 1, no. 1, in a legal amendment effective 22 March 2011. It was also made clear that incitement against individuals because of their race comes under incitement to hatred and violence and presents a criminal offence. By adopting these legal amendments, the Federal Government transposed into national law the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law and the Additional Protocol to the Council of Europe Convention of 23 November 2001 on cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer system (Additional Protocol on Cybercrime), which it ratified on 10 June 2011.

Section 130 of the Criminal Code serves to protect both the individual legal interests of persons affected by inflammatory statements violating human dignity, and public security in the form of a society free from violence and self-administered justice. If a statement does not reach the threshold of being capable of disturbing the public peace, punishment for insult under section 185 of the Criminal Code can be considered if the victim's personal honour is attacked by a demonstration of contempt or disregard.

For the interpretation and application of general provisions such as sections 130 and 185 of the Criminal Code, which place a limit on the freedom of expression (Article 5 (2) of the Basic Law), the requirements resulting from this fundamental right must be borne in mind. In accordance with the past decisions of the Federal Constitutional Court, an interplay exists

between statutory limits and the basic freedoms they are designed to curtail: while imposing boundaries on a fundamental right, statutory limits on the freedom of expression must be interpreted in light of the fact that this fundamental right is of essential significance in a free democratic state, which, in turn, requires that these boundaries themselves be limited. This also applies to Section 130 of the Criminal Code. As a result, courts have to take into account the context and other circumstances of a given statement. If statements are ambiguous, their contextual meaning has to be carefully determined. In doing so, courts may interpret the statement in question as resulting in criminal liability only if other possible interpretations which would exclude criminal liability have been ruled out beforehand on coherent grounds. However, when the law is applied it must also be borne in mind that the freedom of expression always takes second place if the conduct in question violates the human dignity of another. This is because human dignity, as the root of all fundamental rights, cannot be weighed up against the individual fundamental rights which stem from it. Moreover, allegations of facts which are evidentially or knowingly untrue, such as denying the historical fact of the persecution of Jews or Sinti and Roma in the Third Reich, are a priori not protected by the constitutional freedom of expression. The Federal Constitutional Court conceives the element of public peace in section 130 of the Criminal Code as an assessment criterion for rejecting cases which do not seem criminally relevant, i.e. as “a corrective element which makes it possible to enforce fundamental rights assessments in the individual case”.

Racism and hatred on the Internet

Hate speech and racist content on the Internet pose a particular problem. The particularities of online communication may lower the threshold for disrespectful and less reflected communication. In addition, the attention mechanisms on the Internet can make users more prone to posting emotionalizing or provocative contributions. Hate speech and racist content on the Internet often cross the boundaries of legality. Prosecuting those who post such content is very important, as is taking down illegal content. This is where the operators of communication platforms, above all social networks, come in. They are also responsible for taking down illegal content when they become aware of it (so-called notice and take-down principle).

In the past, this sometimes happened too slowly, rarely and incompletely. In addition, there was a lack of competent contact partners in Germany, which made it difficult to enforce the legal provisions.

The Act to Improve Enforcement of the Law in Social Networks (*Netzwerkdurchsetzungsgesetz, NetzDG*), which took effect on 1 October 2017, has improved the situation with regard to social networks taking down hate speech and racist content on the Internet.

The Act to Improve Enforcement of the Law in Social Networks only applies to specific content which is illegal within the meaning of the German Criminal Code. However this includes content whose dissemination is punishable because it constitutes i.a. one of the following criminal offences:

- Section 86 (dissemination of means of propaganda of unconstitutional organizations)
- Section 86a (Using symbols of unconstitutional organizations)
- Section 130 (Incitement to hatred)
- Section 131 (Dissemination of depictions of violence)
- Section 140 (Rewarding and approving of offences)
- Section 241 (Threatening others)

The Network Enforcement Act requires major social networks (those with at least 2 million registered users in Germany) to make their content removal systems more transparent and provide effective complaints systems. These compliance obligations are subject to fines and took full effect on 1 January 2018.

The complaints procedures must make sure that manifestly illegal content is removed within 24 hours. Other illegal content must as a rule be taken down within seven days. Exceptions to this rule are difficult cases where the illegality of the content depends on the falsity of a statement or where the social networks delegate decisions on complaints to recognized bodies of regulated self-regulation.

Major social networks must draw up six-monthly compliance reports.

Furthermore, the social networks are required to appoint a person authorized to receive service in Germany and a person in Germany authorized to receive information requests (for

information requests by the law enforcement authorities). The entitlement to information under civil law vis-à-vis social networks has also been strengthened.

New judicial statistics regarding hate crime

In 2017, the 88th Conference of Justice Ministers decided to introduce the statistical registration of hate crime. As a result, some federal states began to collect judicial data concerning hate crime on 1 January 2018. As of 1 January 2019, all federal states will collect the data

and send them to the Federal Office of Justice (*Bundesamt für Justiz, BfJ*), which will sum up the data to form a federal result. The new collection covers hate crime. For the purposes of these statistics, offences present hate crime if the circumstances and/or the perpetrator's attitude suggest that they were directed against a person because of their alleged or actual political beliefs, nationality, ethnicity, race, skin colour, religion, world view, origin, or because of their external appearance, disability, sexual orientation or social status, and the criminal activity is causally related to this or is directed against an institution/property or thing for the same reasons.

Investigative proceedings are broken down along the categories of Sections 130 and 131 of the Criminal Code (incitement to hatred and depiction of violence) and Sections 185 to 187 of the Criminal Code (insult, malicious gossip, defamation). The statistics also say whether or not the offence was committed "by means of the Internet". They also state the final decisions by the public prosecutor's offices and courts (termination of proceedings, adjudication, convictions).

The new collection of judicial data concerning hate crime provides an invaluable basis for future criminal policy decisions to help promote efforts to fight racism, intolerance and right-wing extremism.

With its programme "Living democracy!" (*Demokratie leben*) the **Federal Ministry for Family Affairs, Senior Citizens, Women and Youth** supports civic engagement and democratic behaviour at local, state and federal level. Associations, organizations, projects and initiatives working to promote democracy and diversity and to combat right-wing extremism, racism, antisemitism, Islamist extremism and other forms of anti-democratic attitudes and enmity, such as homophobia and transphobia, violence, hatred and radicalization, are supported by

the federal programme. The federal programme is currently supporting 26 model projects in the field of “racism and racist discrimination” strengthening the capacity of institutions and educational establishments, but also of individuals to deal with racist discrimination and raising awareness of racism as a social problem and its effects on those concerned. The programme is aimed at the forms of direct, indirect and intersectional discrimination.

The *Federal Ministry of Justice and Consumer Protection (BMJV)* reports that there have been repeated cases of election campaign advertising with xenophobic, antisemitic and anti-Gypsy tendencies in recent years. Election campaign material used puns and said, for instance: “Money for grandma not for Sinti and Roma”, “Maria instead of Sharia” or “Stop the influx of gypsies! Fight crime!”

Against this background the BMJV commissioned an expert opinion in 2015 on whether the UN’s International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) can be used to counter racist campaign advertising.

The opinion was drawn up by Prof. Stefanie Schmahl, Chair for German and foreign public law, international law and European law at Würzburg Julius-Maximilians University and can be accessed via the Chair’s homepage (<https://www.jura.uni-wuerzburg.de/lehrstuehle/schmahl/aktuelles/meldungen/single/news/gutachten-wahlkampfplakate/>).

It contains comprehensive legal explanations which can be used to assess xenophobic or racist or discriminatory election campaign posters.

The Justice Ministers discussed the opinion on their 87th spring conference on 1 and 2 June 2016. They adopted a decision on this matter, condemning the fact that time and again resentment against minorities is stirred up in a cynical and irresponsible manner and that this sentiment is abused for election purposes. They agreed that all legal possibilities must be used to stop hate campaigns against minorities, and called upon the general public and the judicial authorities to discuss how to treat minorities sensitively in election campaigns.

Within the treaty concluded between the federal state of *Baden-Württemberg* and Baden-Württemberg Association of German Sinti and Roma on 1 January 2014, the parties stipulated that it was their common aim to counter all forms of discrimination against members the minority and to fight anti-Gypsy attitudes within society.

The first research centre on anti-Gypsyism in Germany was opened at Heidelberg university on 28 July 2017 in a move implementing the treaty. It addresses fundamental questions on the root causes, forms and consequences of anti-Gypsyism in European societies from medieval times until now, focusing on the identification of prejudice forming mechanisms, discriminatory practices, and counter-strategies.

On 19 March 2018, Baden-Württemberg's parliament and council of ministers designated an Antisemitism Commissioner, who will also look at other forms of group-focused enmity, including anti-Gypsyism.

The 2016 curricula for elementary and secondary schools include guiding perspectives to support schools in fulfilling their education mandate.

They identify overarching issues to be addressed during various subjects.

The perspectives, and primarily the perspective on "education to promote tolerance and accept diversity", seek to promote mutual respect and the appreciation of diversity. They are based on human dignity, Christian humanity and the constitution, which particularly protects marriage and the family. Schools should be places of tolerance and international understanding, enabling young people to form their own identity and express their views without fearing discrimination. When looking at other and empathizing with other identities, pupils become more aware of their own identity. They learn that diversity is a social reality and that the identity of others does not threaten their own. The guiding perspective also aims to enable the sectors of society to have an intercultural and interreligious dialogue and to deal with diverging views and conflicts in the international context in a dialogue-oriented and peaceful manner. This means that education enabling persons to deal with diversity and be tolerant also helps further human rights, peace education and an inclusive society.

The Demokratiezentrum Baden-Württemberg (DZBW) is the core element and contact partner when it comes to the promotion of democracy, human rights education and the prevention of extremism within the area of responsibility of the Ministry for Social Affairs and Integration in the federal state of Baden-Württemberg. It receives funding from the Federal Minister for Family Affairs, Senior Citizens Women and Youth under the "*Demokratie leben! Aktiv gegen Rechtsextremismus, Gewalt und Menschenfeindlichkeit*" programme (Living

democracy: Taking action against right-wing extremism, violence and hate), and from the Ministry for Social Affairs and Integration. It is based within the foundation Jugendstiftung Baden-Württemberg.

Furthermore, Baden-Württemberg's Ministry for Social Affairs and Integration supports the Democracy and Courage Network (NDC). Schools and youth welfare institutions provide measures for young people to prevent them from acquiring views which are right-wing extremist or contemptuous of human dignity. The project is implemented by Landesarbeitsgemeinschaft Offene Jugendbildung Baden-Württemberg e. V., or LAGO, (State Working Group for Open Youth Education).

Since 2012, the project, which aims at "Schools Without Racism - Schools With Courage" has received funds from the federal state's government. It seeks to make pupils assume more responsibility at school and support basic democratic and civic values.

The ministry has supported the dissemination of the international theatre project "Instant Acts to Counter Violence and Racism" throughout Baden-Württemberg for the same period. Pupils aged 13–19 take part in project days to address different cultures and to strengthen their acceptance of such cultures and mutual respect.

Since 2014, the ministry has promoted the "Schritte gegen Tritte" project provided by the Youth Welfare Office of the Protestant Church in Württemberg, a project seeking to prevent violence and racism. As part of the project, 7-grade pupils take part in exercises where they undergo simulated marginalization. The aim is to make them reflect on their own behaviour, and to raise their awareness, interest and empathy.

Since June 2013, a "networking and contact point to fight racism, right-wing extremism and group-related enmity", which is coordinated by the above-mentioned "Landesarbeitsgemeinschaft Offene Jugendbildung Baden-Württemberg e. V., or LAGO, has received funding. It is designed to connect and support the project work carried out by associations, federations and organization throughout Baden-Württemberg.

The federal state adopted a dedicated integration assistance programme when it passed the administrative provision governing the allocation of funds to promote social participation and integration ("VwV Integration"), which enables local authorities and non-governmental organizations to apply for financial assistance in annual rounds of funding. Anti-discrimination projects are also eligible for funding. Other eligible measures include those to raise awareness with regard to racism, xenophobia and discrimination, further training measures for full-time and honorary workers, and measures to build anti-discrimination networks.

Baden-Württemberg is currently creating a state-level anti-discrimination agency (LADS) to be based within its Ministry for Social Affairs and Integration. For further information please see the comments under Chapter D.I.1.

Antisemitism is also high on the agenda of the Competence Centre Against Extremism in Baden-Württemberg (or “*konex*”), formerly known as the competence centre for coordinating the network to prevent extremism in Baden-Württemberg (KPEBW)—a security partnership providing information and advice against religiously and politically motivated extremism. It provides expert knowledge and contact persons for all relevant stakeholders and interested citizens. The *konex* board of directors has been designated the ministry’s contact for all matters concerning antisemitism. Furthermore, a separate training concept has been developed for multipliers based in *konex*’s deradicalization training centre (or “*LBZ Derad*”), closely involving other ministries and the Antisemitism Commissioner. The training centre has included in its training measures security-relevant aspects of antisemitism and all its forms across all extremism phenomena.

The federal state of *Berlin* welcomes the suggestions by the Committee of Ministers concerning the fight against racism and intolerance with regard to national minorities. In its governmental guidelines, Berlin’s Senate stipulated that, especially against the backdrop of Germany’s history, the German capital is committed to actively fighting all phenomena of anti-Gypsyism.

The Senate Department for Justice, Consumer Protection and Anti-Discrimination adopted the state programme “Democracy. Diversity. Respect. Against Right-Wing Extremism, Racism and Antisemitism”, and has given financial assistance to the project “to document incidents motivated by anti-Gypsyism—and to empower victims of discrimination” since 2014 (approx. €50,000 euros in funding in 2017, and approximately €60,000 in 2018). The project is implemented by Amaro Foro e.V., an intercultural association of young Roma and non-Roma people. It provides initial counselling for persons affected by the phenomena they fight, informing them about their options for action and empowering them. Furthermore, the association systematically records racist acts committed in Berlin and directed against persons who have or are thought to have a Sinti or Roma background. It also monitors media reports and checks them for anti-Gypsy attitudes.

It seeks to use the documentation of incidents to raise awareness among members of Berlin's authorities and relevant civil society stakeholders, and to recommend specific steps to prevent and fight anti-Gypsyism. The documentation centre may serve as an example of its kind across Europe, because there are hardly any similar recordings within the EU.

Furthermore, Berlin's government is providing financial assistance to approximately 50 other preventive projects under its state-wide programme "Democracy. Diversity. Respect. Against Right-Wing Extremism, Racism and Antisemitism". Most of them are primary prevention projects, aiming at children and young people during school or out-of-school activities. They seek to reduce prejudice, recognize and accept diversity, and convey democracy skills.

Berlin's programme "Democracy. Diversity. Respect. Against Right-Wing Extremism, Racism and Antisemitism" has steadily been extended over recent years, increasing overall funding to approximately €4.3 million.

In June 2017, the Senate Department for Justice, Consumer Protection and Anti-Discrimination launched the Internet portal "Democracy.Diversity.Respect" (*Demokratie.Vielfalt.Respekt*) to give teaching staff in Berlin an overview of the measures provided by the Senate or the Federal Government to promote preventive work. The portal provides information and contact data concerning numerous measures against right-wing extremism, racism, antisemitism, and homo- and transphobia. The category "preventive measures - racism against Sinti and Roma/anti-Gypsyism" lists specific projects designed to prevent such phenomena and make those concerned aware of the issues in hand.

The federal state of **Brandenburg** reports that the state's intelligence agency has made diverse presentations and drawn up situation and background reports to inform about efforts directed against the free democratic basic order, counter-intelligence and economic security. Recent years have seen a steady increase in the number of citizens attending events to present such information.

Teachers in the federal state of Brandenburg are required to convey tolerance and democratic commitment as part of democracy education (cf. School Act and framework curricula). As part of history and civic education lessons, they address historic cases of intolerance and racism, marginalization and persecution to raise awareness among pupils. The main aim of

school education is to empower and encourage all pupils to take an active part in social and cultural life.

Furthermore, schools are required to record all incidents of discrimination, racism, antisemitism and violence and to respond appropriately from a teaching point of view but also from a criminal prosecution point of view, if appropriate.

The *Free Hanseatic City of Bremen* referred to the information in Chapter E.VI.4 with regard to the measures its judicial authorities have taken to fight racism and intolerance.

The *Free and Hanseatic City of Hamburg* reports that it has taken numerous measures to combat racism and right-wing extremism. These measures are contained in the state programme to promote democratic culture and prevent and fight right-wing extremism (“Hamburg – Stadt mit Courage”), which targets racism and intolerance with preventive but also with intervention means. In this context, the authorities strengthen tried and tested approaches. They also focus on new areas in line with demand, for instance counselling for those affected by right-wing extremist, racist or antisemitic incidents or by online hate speech.

They draw on the programme launched by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, “Demokratie leben! Aktiv gegen Rechtsextremismus, Gewalt und Menschenfeindlichkeit” (Living democracy: Taking action against right-wing extremism, violence and hate) and earlier programmes to implement the state’s programme and take it further. The organizations receiving funding for their counselling and education work include a Mobile Counselling Team, which offers support to victims of right-wing extremism, and an advice organization for those affected by right-wing extremist, racist or antisemitic violence. These advisory services are also open to and used by Roma and Sinti. The protection and support of members of national minorities is a major aspect here, which Hamburg’s advisory network against right-wing extremism looks at regularly. Non-governmental organizations as well as public bodies are members of the advisory network, e.g. the association of Sinti in Hamburg.

The federal state of *Lower Saxony* reported that the model project “Competent against Past and Present Anti-Gypsyism/ Antiromatism (KogA)”, which was initiated by Lower Saxony’s

memorial sites, covers the period from 2016–2019 and receives financial assistance from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth under its federal programme “Living democracy!” (Demokratie leben). The model project combines recent research work and results with methods and approaches of memorial education and democracy and human rights education, anti-racism education, and work to counter group-focused enmity, antisemitism and antiromaism. It seeks to promote inclusion and inclusive development. Dealing with present topics and including the historical perspective enables those concerned to reflect in an informed manner on the continuities and discontinuities in the discrimination against and disenfranchisement of Sinti and Roma. This helps individuals, organizations and society as a whole to raise their sensitivity and awareness and to change their behaviour and make it more inclusive and human-rights-oriented.

During the project period, work will focus on education to counter anti-Gypsyism in Lower Saxony, in particular on strengthening the education measures for multipliers of various occupational fields in school and out-of-school education work.

Lower Saxony pointed out that the fight against any type of extremism and the prevention of extremism has been the strategic aim of its security authorities for many years.

In their coalition agreement for the 18th legislative period of Lower Saxony’s parliament (2017–2022), the governing parties underlined the importance of preventing and fighting politically motivated extremism, and agreed to focus on strengthening and expanding existing prevention programmes.

This aim is also included in the 2020 strategy of Lower Saxony’s police forces, where it says, among other things: “We will prevent extremist and terrorist crimes and will fight crimes committed for these motives systematically and rigorously.”

In this context, the Framework Concept for Lower Saxony’s Police Forces in the Fight Against Crimes Committed for Right-Wing Extremist Motives took effect, replacing a concept in place since 2001. It takes into account the capabilities of the right-wing extremist scene and the lessons the police learnt from the NSU (National-Socialist Underground) murders.

The Framework Concept seeks to systematically counteract efforts directed against the free democratic basic order. The aim is for the police, by acting at an early stage and in a decisive and integrated manner and in cooperation with other authorities, to counter threats

effectively and prevent the emergence, establishment and consolidation of criminal structures.

The focus is on creating synergies through the interaction of the various fields of police work – primarily prevention, youth work, operations, state security and general criminal prosecution – and coordinating the information management with other authorities and institutions, above all Lower Saxony's intelligence agency.

Lower Saxony, together with two other federal states, is taking part in the two-year project carried out by the German Institute for Human Rights to develop and test various advanced training modules on racism for criminal court judges and public prosecutors, taking the human rights framework into account. At the end of May 2018, the German Institute for Human Rights held the further training module on "Racism and Human Rights - Strengthening the Criminal Justice System" in the course of two further training measures organized by Lower Saxony. These were the conference on "Right-wing radicalism and neo-Nazism - from past to present", held at the German Judicial Academy (Deutsche Richterakademie) and the conference in Lower Saxony on "the public prosecution offices' department for those doing their second state examination in law".

Strengthening democratic attitudes and countering all forms of group-focused enmity is a major concern of history and civic education lessons in Lower Saxony. Section 2 of Lower Saxony's Schools Act requires schools to contribute to the democratic fabric of society within the meaning of the Basic Law and the values to be taught in line with it. Furthermore, it requires schools to empower pupils so that they are in a position to counteract any form of discrimination and to support the recognition and participation of all others. This includes measures to counter discrimination against and marginalization of national minorities. Schools address anti-racism not only during lessons, but also as part of school culture and through projects, for instance projects including witnesses to certain events.

The work carried out by UNESCO project schools as well as by Lower Saxony's schools organized in the network "School without Racism – School with Courage" (Schule ohne Rassismus – Schule mit Courage, SOR-SMC) deserve special mention here. Since 1995, the SOR-SMC project has managed to convey the values of democracy, freedom, human rights, openness, diversity and tolerance to young people. It has also made them aware of the dangers entailed by discrimination, group-focused enmity, open racism and the use of violence to solve problems.

Group-related enmity is a topic also addressed in various further training measures for teachers. Teaching staff can also attend conferences tailored to their needs.

The state government of *North Rhine-Westphalia* is tackling all types of extremism, racism, discrimination, homo- and transphobia, anti-Gypsyism and antisemitism directly, indirectly or in conjunction with other activities with a wide range of measures, projects, programmes and initiatives. Anti-discrimination work is treated as an integral part of integration policy.

Since 2009, for example, the North Rhine-Westphalian Ministry of Integration has provided funding for anti-discrimination efforts as a priority task of integration agencies under the umbrella of charitable associations. The aim is to prevent discrimination and help victims exercise their rights. The number of integration agencies serving as contact points for people who were or are being discriminated against on grounds of their ethnicity, religion, political beliefs or skin colour or who witnessed the discrimination of others has risen to thirteen. These integration agencies are at the service of the people. They offer advice and help victims get protection. They also have an educational role and seek to raise awareness among the broader public for the subject. The integration agencies are also taking numerous activities to prevent extremism in North Rhine-Westphalia, including advanced training seminars and workshops at schools.

In addition, funding is provided for the media library in Siegen, which is specialized on anti-racism and anti-discrimination media and provides schools and out-of-school educational institutions with information material.

For many years, the North Rhine-Westphalian government has supported the work of the NRW Anti-Racism Information and Documentation Centre, the main target group of which are juvenile social workers working either in or out of schools.

Furthermore, with the network Democracy and Courage (NDC), North Rhine-Westphalia is supporting the implementation of the federal initiative at regional level with regard to children and youths. It is coordinated by the Landesjugendring. The NDC's main area of activity is carrying out project days such as "Stand up for democracy" ("Für Demokratie Courage zeigen") at schools and other education facilities.

In 2008, the state government set up the state coordinating unit to fight right-wing extremism (LKS). It has been based in North Rhine-Westphalia's agency for civic education

since 2016. The coordinating unit is responsible for the implementation of the integrated plan of action to counter right-wing extremism and racism, which was adopted in 2016.

Furthermore, it is responsible for the five Mobile Counselling Teams to Fight Right-Wing Extremism, which act under the programme of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, "Demokratie leben! Aktiv gegen Rechtsextremismus, Gewalt und Menschenfeindlichkeit" (Living democracy: Taking action against right-wing extremism, violence and hate). It acts as an interface between the partners in the regional network to counter right-wing extremism. The state coordinating body coordinates and steers the joint work. It takes the quality-oriented procedure for advisory services directed against right-wing extremism further, and informs about the work done by the Mobile Counselling Teams, the victim advice organizations and the civil-society organization which provides counselling for those wishing to leave the right-wing scene (NinA NRW). The state's intelligence agency also operates an exit programme for right-wing extremists ("Spurwechsel").

Furthermore, the state government has developed an integrated plan of action against right-wing extremism and racism to improve the coordination of existing measures to prevent right-wing extremism and racism within a long-term strategy and in particular to increase prevention efforts. It involved civil-society stakeholders as part of regional conferences, workshops and within the regional network to counter right-wing extremism. The integrated plan of action will be implemented up to 2019. Checks are made regularly to see whether the measures contained in the plan of action are being implemented. The state government submits an annual status report. The regional network to counter right-wing extremism discusses the implementation status regularly. Those responsible will take stock of the status of implementation after the implementing stage. The integrated plan of action will be further developed based on these findings. Individual measures include: Under its financial assistance programme "NRWeltoffen", North Rhine-Westphalia is providing an additional €2 million to help local authorities develop and implement local plans of action to combat right-wing extremism and racism. The regional network to counter right-wing extremism provides a platform for an ongoing dialogue process, extending and furthering this systematic cooperation. Socially or politically engaged persons and local initiatives also need targeted counselling and support. To this end, the federal state has given financial assistance to the five mobile counselling teams since 2013. They also receive federal funding. This structure has proved useful. Victims and witnesses of right-wing extremist violence need support, as do the family members of victims. Therefore the government of North Rhine-Westphalia has been giving financial support to two victim advice organizations. An

increased need for victim counselling emerged during the consultations surrounding the development of the action plan. For this reason, the annual funds set aside for this purpose were increased in 2016. The accessibility and sharing of information and practical experience is of the essence for the success of preventive measures. The state government took the first step in this direction when it established a dedicated platform (www.nrweltoffen.de). The implementation of the integrated action plan helps improve the sharing of information and provide offers for regional networks and for supra-regional experience-sharing.

North Rhine-Westphalia's agency for civic education informs about anti-democratic attitudes and makes the interested public aware of various forms of discrimination. It uses a wide range of publications and online media to inform about issues including racism, anti-Semitism, anti-Gypsyism and sexism. It also offers education and information events, such as the further training measure on "divisions, marginalization, depreciation: forms of discrimination, stakeholders, and preventive measures", which is organized in cooperation with Bochum's Ruhr University and the regional district of the Confederation of German Trade Unions (DGB-Bezirk NRW) and tailored to teaching staff wishing to become more knowledgeable with regard to right-wing extremism. Furthermore, 9th grade pupils and older can attend project days focusing on "current day antisemitism in Germany".

The Ministry of Justice in North Rhine-Westphalia is currently drawing up a comprehensive strategy to systematically improve the intercultural skills of all staff in the justice system. The ministry plans to make intercultural competence a subject of all key training for the justice system. The strategy also calls for increasing intercultural competence in a structured way targeted at specific occupational groups in the context of ongoing professional development (further training). The newly established centre for intercultural competence of the North Rhine-Westphalia justice system (ZIK) will implement the new further training strategy, recommendations for action and other guides in practice. Strengthening the intercultural competence of employees is very important also for a working and efficient justice system, as recent changes in society have shown. This approach also seeks to bring about an integrative justice system which is able to protect the concerns of minorities as its staff is familiar with the socio-cultural backgrounds of national minorities. At the same time, judicial practitioners may attend training measures enabling them to reflect on their own stance and role when dealing with individuals from various migrant backgrounds and to identify and reduce own patterns of prejudice and intolerance. It goes without saying that the fight against racism has already been included in the existing further training programme.

North Rhine-Westphalia's police forces are working systematically to clear up online crimes which are of a right-wing extremist nature or contemptuous of human dignity. It has developed investigative approaches and makes suggestions, which it provides across ministries in a leaflet on "online hate speech". In autumn 2015, the state's Criminal Police Office set up a Task Force to Combat Right-Wing Online Hate Speech. It carries out specific and non-incident related searches to identify and prosecute offenders who use the Internet to disseminate politically motivated hate speech, an act which constitutes a criminal offence. This helps gather intelligence on politically motivated hate crime and makes website operators more aware of the dangers entailed by abusing the Internet to spread incitement to violence and hatred. In 2016, the successful project was included in the everyday organization of the Land Criminal Police Office, and has been continued since. Representatives from the intelligence agencies, the Land Criminal Police Office, the state security units of the local criminal police forces and the Mobile Counselling Teams to Counter Right-Wing Extremism meet regularly to discuss the current situation in what is known as the institutionalized cooperation between North Rhine-Westphalia's police forces and the Mobile Counselling Teams to Counter Right-wing extremism.

The federal state of *Rhineland-Palatinate* reported that the state agency for civic education has coordinated the federal prevention project, which aims at "Schools Without Racism - Schools With Courage" in Rhineland-Palatinate for ten years now, promoting the fight against racism and intolerance and the prevention of extremism, especially at schools. It gives financial assistance to concrete initiatives taken by pupils who support the fight against any form of discrimination, xenophobia and racism and for a tolerant, non-violent and democratic culture in and outside schools. The core learning objective is that all human beings are equal. The federal project is organized by the association Aktion Courage.

In April 2008, Rhineland-Palatinate's agency for civic education took over the coordination for the Europe-wide prevention project within the federal state. The number of participating project schools has since risen from 11 to 136. This means that the project reaches more than 100,000 pupils and over 8,500 teachers. The coordinating body supports the project schools and helps them design and carry out relevant activities. It also helps schools promote education and connect. For instance, it establishes contact between schools and providers of concrete activities such as workshops, tabletop exercises and training dealing with anti-discrimination, preventing violence and extremism and promoting democracy. The same

applies to contact between schools and contemporary witnesses, which is established via the state's Institute for Pædagogics. It provides interested schools with information and advice and conducts state-wide network meetings to promote education. It grants schools joining the network a title (this applied to 22 schools in 2017), and extends cooperation to generate additional project activities for these schools.

As the number of project schools in Rhineland-Palatinate is increasing noticeably, regional coordinating bodies are being established. They serve as local contact points for project schools, which support and advise schools, establish contact to out-of-school and local cooperation partners, and familiarize pupils with issues surrounding group-focused enmity. The federal coordinating body is planning to establish regional coordinating bodies throughout Germany. On 15 November 2017, Rhineland-Palatinate was the sixth federal state (in the network of fifteen federal states) to introduce its first regional coordinating body, which is based in the equality body of Koblenz University. The second regional coordination body, which is based in Neustadt an der Weinstraße, took up work in July 2018.

Rhineland-Palatinate reported that the specialist unit responsible for fighting discrimination and promoting cultural diversity, which is based in the state's agency for civic education, has been focusing on extending the diverse training formats it offers. These formats include training on how to respond to various lines of arguments, training to promote civil courage, respect skills training, and intercultural training. Furthermore it looks at right-wing populism—a phenomenon which is gaining more and more support throughout Europe and which promotes anti-democratic and discriminatory attitudes and prejudice and counteracts the peaceful and diverse co-existence in a democratic society. The special unit primarily serves to define and discuss joint values and the overall concept of a society based on the constitution, the rule of law, and human rights.

Its target groups are young people, multipliers, teaching staff, specific target groups such as refugee initiatives or victims of discrimination, and the general public.

The training on how to respond to various lines of arguments teaches participants how to counteract discriminatory statements, slogans and populism in an effective manner.

The civil courage training familiarizes participants with options for action which are available to anyone and can be used to de-escalate conflict or violent situations. The aim is to try and exercise strategies, find out one's own strengths and limitations and learn to assess

situations in an appropriate manner in order to be able to (re)act appropriately and self-confidently.

As regards the respect skills training, the training on how to respond to various lines of arguments has been adapted to fit refugees. It includes several interactive exercises to illustrate and discuss different perceptions and perspective. The aim is to reduce all types of prejudice, and to appreciate and tolerate differences. Visual material is used to overcome any language barriers that may exist.

Trainees at Rhineland-Palatinate's police academy do a bachelor course and attend training modules, several of which address right-wing extremism. Students look at the basic rights and their importance for everyday police work at an early stage of their studies, which pay special attention to the history of the German police forces under the National-Socialist regime. The curriculum also includes other phenomena, such as right-wing extremism. Interculturality and social developments in the field of internal security are other topics ranking high in the advanced training of police officers, which focuses, among other things, on the situation report regarding extremism and the relevant trends as well as other threats to the free democratic basic order.

Further training comprises a wide range of seminars. Trainers teach police officers what they need to know about right-wing extremism, helping them identify and assess such manifestations in their day-to-day work. The courses also address preventive offers and victim support. They target administrative and senior officers.

The federal state of Rhineland-Palatinate reported that the campaign "Football for diversity–Against Racism and Discrimination" ("Fußball für ein buntes Miteinander - Gegen Rassismus und Diskriminierung") initiated by the the crime prevention command and control centre in 2012 has been copied by other fields of sport. There are various cooperation agreements with associations and clubs under the slogan "Sport for diversity–Against Racism and Discrimination in Sport" ("Sport für ein buntes Miteinander - Gegen Rassismus und Diskriminierung"). The campaign is expressly directed against any form of racism, discrimination, antisemitism and group-focused enmity. It also looks at right-wing extremists infiltrating fan groups. The associations and clubs pledge to present and promote the campaign during events in order to make attendees aware of the issues in hand and provide further training for their trainers. Experts are invited to present the problems and challenges. They explain the symbols or songs used by the right-wing extremist scene and

make recommendation for action by clubs or those concerned. The campaign was continued in 2018.

In the period under review, the crime prevention command and control centre organized other general preventive measures, projects and events directed against group-focused enmity, right-wing extremism and discrimination. These include the training of civil courage trainers as part of the "Get involved campaign" ("Wer nichts tut, macht mit"), initiatives to counter online hate speech, and the conference addressing right-wing populism in the everyday life of young people ("Geht das hier mit rechten Dingen zu? - Rechtspopulismus im Alltag Jugendlicher"), which was held in 2017. Those responsible are making sure that there is close cooperation with other ministries involved, such as the education and integration ministries, and with NGOs.

In Rhineland-Palatinate, the crime prevention command and control centre gives numerous municipalities, associations and initiatives financial assistance to help them carry out preventive measures, for instance measures addressing group-focused enmity.

Rhineland-Palatinate's integration ministry attaches great importance to work preventing prejudice, xenophobia, racism and right-wing extremism. It promotes i.a. those who provide projects, cultural and reach-out work to counteract prejudice, xenophobia and racism, make the public aware of the issues in hand and strengthen civil-society activities by supporting integration work in associations and initiatives. In the period under review, the assistance activities of the state's integration ministry were based on the state government's two integration concepts: "integration, appreciation and participation—shaping life together" ("Integration, Anerkennung und Teilhabe – Leben gemeinsam gestalten") and "working together for equal opportunities, international understanding and acceptance" ("Gemeinsam für Chancengleichheit, Weltoffenheit und Akzeptanz"). They were also based on the promotion criteria listed on the ministry's web page, which is continuously updated. On this basis the ministry supported numerous projects which promoted acceptance and mutual understanding. The Democracy and Courage Network (NDC) deserves mention here. It carries out project days at schools where pupils are made aware of marginalization and discrimination. A team of young people, primarily students, who constantly undergo further training, carry out roughly 100 workshops per year.

The authorities began to draw up a state-wide action plan to fight racism and group-focused enmity, as agreed in the coalition agreement of 2016.

The federal state of Schleswig-Holstein attaches great importance to fighting racism and other ideologies of inequality. Global developments and the increase in attacks throughout Germany and Europe on persons with a foreign appearance show that such preventive work is very important.

The state's centre for democracy is located in the state prevention council at the Ministry for the Interior, Rural Areas and Integration. It combines the forces available in the fields of preventing extremism and promoting democracy, and connects the relevant stakeholders. The special focus is on preventing and fighting right-wing and politically motivated extremism and other phenomena directed against the the rule of law such as racism, Islamophobia and homophobia. The state's centre for democracy receives funding from the federal programme "Demokratie leben!" (Living democracy) run by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. It also receives funds from the programme to promote democracy and fight right-wing extremism and the programme to prevent and fight religiously motivated extremism-programmes operated at state level.

The funds are used to promote regional advisory teams seeking to fight right-wing extremism (RBTs) in Kiel, Lübeck, Itzehoe and Flensburg. The teams advise persons who need information about right-wing extremism and racism or support in dealing with racism, antisemitism and homophobia etc. In 2017, they provided advice in 166 cases or incidents with a racist background (source: Monitoring RBTs SH 2017). Furthermore, they provide advanced training measures and workshops for children/young people and adults.

A specialist unit for democracy education was also created to develop curriculum for training multipliers such as teachers and to ensure that knowledge and methods for teaching democracy are disseminated throughout the state. It adopts tailored projects, coordinates the network of schools without racism and disseminates ideas for eParticipation. This concept seeks to develop opportunities for co-determination in school life in an effort to increase young persons' self-efficacy and enable them to experience democracy. "Schools Without Racism - Schools With Courage" is a nationwide project organized by and for pupils seeking to bring about schools where all persons are welcome, irrespective of their origin, religion, gender, appearance or sexual orientation, and where respect and fairness determine the interaction with each other. They seek to stop any form of discrimination, violence and

marginalization, and all totalitarian and anti-democratic ideologies. At present, there are 72 schools taking part in the “Schools Without Racism - Schools With Courage” project, among them seven vocational schools, five primary schools and two schools for pupils with special needs. The specialist unit and the advising centres are run by civil-society organizations and form the core of the state programme to promote democracy and fight right-wing extremism,

The advising centre Zebra e.V. (Advising Centre for Victims of Right-Wing and Racist Violence, and for Victims of other Crimes or Acts of Violence Committed for Motives of Group-Focused Enmity) also receives funds from the “Living Democracy” programme run by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and from the state programme to promote democracy and fight right-wing extremism. The centre advises victims and witnesses of racist, antisemitic, anti-Gypsy and other right-wing motivated attacks, and the family members of victims. Attacks include the targeted damage to property, (online) threats, coercion and physical assault. In 2017, the centre recorded 39 cases (in the course of which it advised 64 persons). At the beginning of 2017, it started to record right-wing and racist attacks in Schleswig-Holstein in a systematic and independent manner. Last year, it recorded 62 incidents. Racist motives were most prominent (50 per cent of all cases).

The KAST e.V. centre provides advice for persons wishing to leave or distance themselves from the right-wing extremist scene. It targets those who wish to lead lives where violence and contemptuous ideologies do not play a role.

Six local “partnerships for democracy” in Schleswig-Holstein receive financial support from the “Living Democracy” programme run by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. These partnerships for democracy bring together local politicians or representatives from local authorities and representatives of associations and federations, churches and other civil society stakeholders. They develop strategies in line with the situation and challenges on the ground. These partnerships for democracy help activate and local stakeholders, increasing the capabilities to respond to and mobilize against right-wing extremist, racist and other anti-democratic incidents.

Schleswig-Holstein’s centre to promote democracy also benefits from the federal programme of the Federal Ministry of the Interior, Building and Community to encourage social cohesion through participation (“Zusammenhalt durch Teilhabe”), which supports projects to promote democratic participation and prevent extremism. The main beneficiaries are

regional associations, clubs and multipliers, whose skills are supported and improved. The programme to promote cohesion through participation seeks to strengthen and train respected contact persons who pay attention to the developments on the ground. The projects help prevent extremist threats and create basic conditions for peaceful and non-violent coexistence based on the principle of equality.

Every year in March, international campaign weeks against racism are held, seeking to strengthen solidarity with victims of racism and those fighting racism. In 2018, participants included Schleswig-Holstein's centre for democracy, the migration division of the state's capital Kiel, the regional branch of the Workers' Welfare Association, the regional association of the Turkish Community, and various other stakeholders in Schleswig-Holstein. They took part in a two-week series of events in the federal state, with the multifaceted programme sending a signal against racism.

Funds from the "Living Democracy" programme run by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and from the state programme to promote democracy and fight right-wing extremism have also been set aside for several other individual projects (e.g. the platform for anti-racist educational work "PLATTE") and civil society institutions which work to stop racism, discrimination and inequalities.

The state prevention council, too, supports and funds smaller projects run by those active on the ground, volunteers, initiatives and local prevention bodies which seek to stop racist trends and developments and carry out activities which promote the common good (e.g. cultural festival or meetings, presentations by Holocaust survivors) and which seek to stop the above-mentioned trends.

As early as in 1993, the Sport Federation of Schleswig-Holstein launched the "social campaign of sport", and adopted the project "sport against violence, intolerance and xenophobia" with the support of the state government. Children and young people are offered sport courses and training, and they spend their leisure time in a useful and meaningful manner. They are confronted with the idea of fair play in sport and learn to keep winning and losing in perspective. The authorities, together with numerous partners in juvenile social work, managed to set up approximately 70 sustainable programmes and projects throughout Schleswig-Holstein, which are primarily attended by children and young persons who are not yet members of sport clubs. The work of the volunteers in the

network of sport clubs in Schleswig-Holstein provide additional and meaningful leisure time offers for children, young people and adolescents, where they can learn about democratic values and have fun at the same time.

Please cf. Chapter E.IV.1 (promoting tolerance and intercultural dialogue) for other programmes in Schleswig-Holstein with a similar background.

IV. Recommendation 4 - Equality data collection and evaluation

The Committee of Ministers has recommended to the German authorities that they make use of available equality data to promote full and effective equal treatment of members of national minorities. Furthermore, the Committee of Ministers requests that additional ways of gathering reliable qualitative and quantitative data regarding the equality of access to rights of persons belonging to national minorities be investigated. The Committee of Ministers states that this should, however, be done while fully respecting international standards on the protection of personal data.

As already clearly stated in the Second Report of the Federal Republic of Germany on the Framework Convention of 2004 (margin number 128), the Third Report of the Federal Republic of Germany on the Framework Convention of 2009 (margin number 04042) and the Fourth Report of the Federal Republic of Germany on the Framework Convention of 2014 (page 32), no ethnicity-based demographic and socio-economic data has been collected in the Federal Republic of Germany for historical reasons since the end of the Second World War. The legal concerns in respect of the collection of ethnic data have also repeatedly been stated. In this context, particular reference should be made to the General Data Protection Regulation applicable throughout Europe from 25 May 2018, which generally prohibits the processing of personal data revealing, inter alia, ethnic origin. All considerations regarding the use of available data and regarding additional means of gathering reliable data therefore need to take historical-political and legal concerns into account. It should be noted that the current policy can only be changed in consultation with, and with the express consent of, the national minorities.

No equality data broken down by affiliation to national minorities is available in Germany.

V. Recommendation 5 - Preservation of cultural heritage

In addition, the Committee of Ministers has asked the German authorities to ensure continued support for the preservation and promotion of national minority cultures, in close co-operation with the representatives of these minorities and paying particular attention to their long-term needs, the necessity of sustainable action and the diversity existing within minority cultures.

The **Federal Ministry of the Interior, Building and Community (BMI)** is supporting the Sorbian people to the tune of € 9.3 million via the Foundation for the Sorbian People (*Stiftung für das sorbische Volk*) on the basis of the third funding agreement of 15 February 2016. The Foundation for the Sorbian People was established by the Free State of Saxony and by the *Land* of Brandenburg as a foundation under public law. It receives funding from the two federal states and the Federal Government and passes it on to various Sorbian organisations and institutions. Representatives of the Sorbian people are also involved in the foundation's funding decisions.

In addition, in 2016, the Foundation for the Sorbian People received self-management funding from the Federal Ministry of the Interior for the project "Sorbian Language in the new electronic media" (*Sorbische Sprache in den neuen elektronischen Medien*). In order to preserve the Sorbian language and be able to pass it on to future generations, it must be attractive, communicative and usable. That is the aim of this project.

With regard to the other financial support provided for national minorities in Germany, reference is made to the submissions of the Federal Ministry of the Interior in Chapter C.I.3. This financial support indirectly serves to preserve the cultural heritage and the cultural identity of the respective national minority in Germany.

In addition, the preservation and promotion of the culture of national minorities in Germany is supported at federal level by a regular, institutionalised exchange of information between the national minorities and politicians and administrators.

The Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities constitutes a central point of contact at federal level, who represents the Federal Government vis-à-vis the national minorities, champions the interests and concerns of the national minorities and the Low German language group at federal political level and promotes their acceptance and recognition in the public arena.

As well as this, with the Consultative Committees established at the Federal Ministry of the Interior, Building and Community for each of the four national minorities recognised in Germany and for the group of Low German speakers, the national minorities in Germany each have their own forum at federal level, where they can raise issues of concern to them with politicians and administrators and where solutions to their concerns can be jointly discussed and initiated. The Consultative Committees comprise representatives of associations of national minorities, of the Federal Government and of the government of the federal *Länder* in which the respective population group is traditionally resident. Members of the Bundestag from all parliamentary groups also participate in the meetings. The Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities chairs all five Committees. The Committees generally meet once a year. Meetings are held, on an annually rotating basis, in the traditional settlement area of the national minorities and in Berlin.

In addition, several times during a legislative period, the Committee on Internal Affairs of the German Bundestag issues invitations to a so-called discussion group meeting with representatives of the national minorities in Germany, in which both the members of the Committee on Internal Affairs and other interested Members of the Bundestag and representatives of the federal ministries responsible for the individual specialist topics also take part. These meetings serve to give the national minorities the opportunity to discuss issues of concern to them with the Members of the German Bundestag with the participation of the departments of the Federal Government whose remit is affected.

As explained in Chapter C.I.3 (Funding for national minorities), the *Federal Government Commissioner for Culture and the Media* promotes the national minority of German Sinti and Roma, the Frisian ethnic group and the Danish minority within the framework of federal cultural funding, thereby contributing to the preservation of minority cultural heritage.

In the *Land of Baden-Württemberg*, the Baden-Württemberg section of the Association of German Sinti and Roma (*Verband Deutscher Sinti und Roma, Landesverband Baden-Württemberg e.V.*) and the Documentation and Cultural Centre of German Sinti und Roma (*Dokumentations- und Kulturzentrum Deutscher Sinti und Roma*) in Heidelberg are actively involved in preserving and promoting the distinct culture and cultural heritage of that

national minority, for instance via exhibitions, cultural events and language courses. The *Land* provides funding to both institutions.

The Free State of *Bavaria* indicates that the state treaty stipulates that the Free State of Bavaria and the regional association support initiatives in the areas of education, culture and science which serve to protect and preserve the cultural identity of the Sinti and Roma living as a national minority in Bavaria and counter anti-Gypsyism.

As part of a grant paid to the *Verein zum Erhalt der Kultur Deutscher Sinti und Roma e.V.* (Association for Preserving the Culture of German Sinti and Roma), the federal state of *Berlin* funds the management and operation of a mobile home park for German Sinti and Roma who are occupational travellers, thereby helping to ensure that a legal and reliable option for temporary stays in Berlin is provided to this national minority.

The Association supports members of the national minority in their efforts to preserve their traditional way of life, their language and cultural exchange and helps parents to improve educational and participation opportunities for their children. Advisory and care services are available for members of the national minority. Public relations activities and information events draw the attention of the general public to grievances and discrimination affecting adults, children and adolescents of the minority. This contributes towards reducing resentment.

The federal state of *Brandenburg* reports that an application involving a number of *Länder* submitted under the lead responsibility of the Free State of Saxony in cooperation with Domowina was approved and that in 2014, in the course of the year, Sorbian/Wendish customs were included in the Nationwide Inventory of Intangible Cultural Heritage. Since May 2018, the *Land* has been presenting the municipalities in the traditional settlement area of the Sorbs/Wends with plaques informing the public about the preservation of intangible cultural heritage and the inclusion of Sorbian/Wendish customs in the Nationwide Inventory of Intangible Cultural Heritage.

With regard to the promotion of the cultures of national minorities in Bremen, the *Free Hanseatic City of Bremen* makes reference to the submissions in Chapter C.I.3.

In this regard, the federal state of *Hesse* reports that in 2014 a framework agreement was initially signed between the *Land* of Hesse and the Hesse section of the Association of German Sinti and Roma (*Verband Deutscher Sinti und Roma, Landesverband Hessen*), which was converted into a state treaty in September 2017. This ensures permanent support for the work of the regional association, which focuses on preserving and promoting the cultural heritage of the Sinti and Roma. In addition to increasing institutional funding, the regional association is to receive up to € 50,000 a year for a planned permanent exhibition on the history and life of German Sinti and Roma.

The federal state of *Lower Saxony* reports that regional associations (*Landschaften* and *Landschaftsverbände*) may obtain regional cultural funding (total volume € 2 million) for important regional cultural projects of less than € 10,000, including the Low German language and the Sater Frisian minority language.

In 2017, the "Mark di dat!" memory game for early childhood language acquisition was also funded with an additional € 16,000 as a joint project of the East Frisian Regional Association, the Oldenburg Regional Association, the Emsland Regional Association, the Stade Regional Association, the Lüneburg Regional Association and the Harz Regional Association.

The *Land* of Lower Saxony also supports the regional language Low German through the institutional funding of the *Länderzentrum für Niederdeutsch* (Regional Centre for Low German) and the *Niederdeutscher Bühnenbund* (Low German Theatre Association), as well as the East Frisian Regional Association's *Plattdütskbüro* (Low German Office).

The federal state of **Rhineland-Palatinate** reports that cultural funding is also provided to the office of the Rhineland-Palatinate section of the Association of German Sinti and Roma (*Verband Deutscher Sinti und Roma, Landesverband Rheinland-Pfalz e. V.*) as part of institutional funding. Moreover, it reports that the Sinti and Roma music and cultural festival AVEN is a traditional part of the Rhineland-Palatinate cultural summer.

The federal state government of *Schleswig-Holstein* attaches great importance to an active policy on minorities. The focus in this regard is on fostering a partnership between national minorities and the majority population as well as cross-border cooperation. The Danish minority, the Frisian ethnic group and the German Sinti and Roma contribute actively and self-confidently to the cultural diversity of the *Land*. An outstanding and integral part of Schleswig-Holstein's policy on minorities is therefore the active inclusion and participation of minorities in the political dialogue. Schleswig-Holstein's policy on minorities creates social cohesion precisely because it recognizes cultural differences.

The *Land's* minority policy model is based on common coexistence and cooperation. To this end, Schleswig-Holstein has created a reliable legal, institutional and financial framework that protects and promotes the rights of national minorities. In 1988, the office of Minister-President's Commissioner for Matters Related to National Minorities and Ethnic Groups, Border Area Work and Low German was created, and is currently held by Johannes Callsen. The Commissioner for Minorities constitutes a direct link between the Minister-President of Schleswig-Holstein and minority organisations, contributing significantly to peaceful and diverse coexistence.

In connection with the Nationwide Inventory of Intangible Cultural Heritage (IKE), the federal state of Schleswig-Holstein reports that groups, communities and individuals who practise traditional forms of expression, actively cultivate them, preserve them and pass them on to future generations were able to apply for admission for the third time in 2017 under the motto "Wissen. Können. Weitergeben." (Knowledge. Ability. Passing it on.) On 7 March 2017, the Schleswig-Holstein Ministry of Justice, Culture and European Affairs, in cooperation with the Schleswig-Holstein Association for Local and Regional Traditions (*Schleswig-Holsteinischer Heimatbund (SHHB)*) and the German Commission for UNESCO, invited potential carriers of living cultural heritage, particularly also minorities and language groups, to an event in Kiel in order to inform them about the registration procedure. This event met with lively interest, resulting in three applications being submitted for the 2017-2019 application round, including "The Coexistence of Minorities and Majorities in the German-Danish Border Region", which after many years of conflict has become a good example of open and productive coexistence. This cross-border application submitted jointly by the Association of Germans in North Schleswig (*Bund Deutscher Nordschleswiger (BDN)*) and the South Schleswig Association (*Sydslesvigsk Forening e.V. (SSF)*) for the Register of Good Practices is also groundbreaking for other cross-border traditions in Europe.

On the recommendation of the Regional Intangible Cultural Heritage Jury appointed by the Ministry of Culture and following a decision by the *Land* Government, the applications were sent to the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* in the Federal Republic of Germany (KMK) in April 2018 to be forwarded to the independent Expert Committee on Intangible Cultural Heritage of the German Commission for UNESCO. At the end of September 2018, the Expert Committee issued a recommendation for nominations, which must be confirmed by the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* in the Federal Republic of Germany and by the Federal Government Commissioner for Culture and the Media.

In the Nationwide Inventory of Intangible Cultural Heritage, there are currently 68 forms of culture and four programmes in the Register of Good Practices. In 2015, both the application submitted by the Frisian Council for recognition of *Biikebrennen* (a bonfire to expel winter) and the jointly submitted North German application for recognition of the Low German theatre tradition were included in the Nationwide Inventory from Schleswig-Holstein.

In addition, in Schleswig-Holstein, two further sites were added to the UNESCO World Heritage List in 2018: the Danevirke border landscape and the Hedeby (Haithabu) maritime trading centre. The important Viking-Age maritime trading centre of Hedeby and the border fortification of Danevirke are situated at a narrow point between the Schlei, an arm of the Baltic Sea, and the lowlands of the North Sea near Schleswig in the north of Schleswig-Holstein. Between the 8th and 11th centuries, the sites were at the centre of the trade networks between northern and western Europe and formed the core of the border between the Danish Kingdom and the Frankish Empire.

The diversity and quality of the archaeological evidence found at Hedeby and Danevirke highlight the unique role of this landscape as the centre of a border area between Christian continental Europe and Scandinavian societies. A large number of imports, including the rich finds in Hedeby, illustrate the historical links of the border landscape. The finds provide an outstanding insight into the significant political power exercised by the Danish kings, the expansion of trading networks and cross-cultural exchange between societies over several centuries in the Viking Age.

Following a decision by the *Landtag* (Regional Parliament) of Schleswig-Holstein in 2004, the Schleswig-Holstein Regional Archaeological Department prepared the World Heritage

application for Hedeby and Danevirke. An international application filed together with Iceland, Denmark, Latvia and Norway, under the theme “Viking-Age Sites in Northern Europe” was referred back to the applicants for further revision by the World Heritage Committee in 2015 and was then no longer pursued. Instead, the Schleswig-Holstein Regional Archaeological Department formulated a new proposal at short notice, focusing only on Hedeby as a unique Viking-Age trading hub and on the border fortification of Danevirke. The *Sydslesvigske Forening (SSF)*, operator of the Danevirke Museum, was one of the partner organisations for this application.

The application was submitted to the UNESCO World Heritage Centre in January 2017 and reviewed by ICOMOS (International Council on Monuments and Sites) in autumn 2017 and spring 2018. The Council’s experts now propose that the monument complex, which extends over 33 km, be included in the UNESCO World Heritage List as “The Archaeological Border complex of Hedeby and the Danevirke”. On 30 June 2018, the UNESCO committee in Bahrain declared the Danevirke and the Viking site of Hedeby to be the third World Heritage Site in Schleswig-Holstein.

The federal state of Schleswig-Holstein has funded the preservation of the archaeological site in recent years by providing € 645,000 from the “Cultural Heritage” programme (for the redesign of the outdoor facilities). In addition, further measures are planned by the *Land* government for the coming years to enhance the value of the World Heritage Site (e.g. the development of a signage system and audio guides for various target groups).

The Schleswig-Holstein section of the Association of German Sinti and Roma (*Verband Deutscher Sinti und Roma e. V., Landesverband Schleswig-Holstein*) has designed an exhibition on the history of the Sinti and Roma with financial support from the *Land*. In 2019, with further funding from the federal state of Schleswig-Holstein, the exhibits and display boards for a travelling exhibition will be created on the basis of this work. From 2020, it is planned to show the exhibition in schools, in particular. There are also plans to present the exhibition to the general public at suitable locations.

VI. Recommendation 6 - Targeted improvement of police structures

The Committee of Ministers urges the German authorities to ensure that racist elements of criminal offences are systematically taken into account. In addition, the Committee of Ministers has called for the elimination of the practice of ethnic profiling. The Committee of Ministers also calls for active measures to be taken to build trust between persons belonging to national minorities and the police.

The *Federal Ministry of the Interior, Building and Community (BMI)* states that education and training on the subject of discrimination and racism in federal police forces is an important ongoing task. For example, the Federal Criminal Police Office (BKA) has included the recommendations of the NSU (National Socialist Underground) Committee of Inquiry on “strengthening intercultural competence”, on “dealing with victims and surviving dependants” and on raising awareness of right-wing extremism and right-wing terrorism in its training and education programme. The topics of human rights and bans on discrimination are also included as part of in-service training at the Federal Police with a view to strengthening and expanding the relevant police and social (e.g. intercultural) skills of police officers. The Federal Police Academy offers in-service training courses on topics such as “Police and foreigners”, “Changing values” and “Implementation of standard police measures”.

Further measures taken at federal level in the area of education and training in the context of the review of the NSU complex:

At several points during the Federal Criminal Police Office’s six-semester Bachelor’s programme, the subjects of racism and discrimination are examined, for example as part of the seminars on “Reflection on Police Action” conducted jointly with the Fritz Bauer Institute in Frankfurt.

The topic of “Hate Crime” has been given its own course as part of the module “General and Special Forms of Violent Crime”. Besides causal research and prevention and control options, aspects such as “racial profiling” and “shortcomings in the investigation and recording of hate crime” are also covered.

In addition, in the course for the higher intermediate administrative service in the Federal Criminal Police, intercultural skills are one of the core competencies in the professional profile (taught, for instance, via training courses on intercultural communication in the

higher intermediate and higher service or during the intercultural week for students). As well as this, the courses “Intercultural Communication for Federal Criminal Police Office Employees” and “Intercultural Competence for Managers” have been included in the course catalogue of the Federal Criminal Police Office.

The topic is further reinforced in the course for the higher intermediate administrative service at the Federal Criminal Police in the context of crime phenomena relevant to the Federal Criminal Police Office (politically motivated crime, human trafficking) and higher-level, practice-oriented courses, for example on the topics of “Interrogations of special victim groups” and “Searches”.

In Germany, racial profiling is not a method that is used in police practice. Police measures which are based solely or predominantly on the external appearance of a person or their ethnic origin, without any further specific knowledge of the situation or suspicions, violate German law, in particular Article 3 of the Basic Law, and are therefore illegal. The prohibition and definition of racial discrimination under Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) have become part of the German legal system through an Act of Parliament.

Since 2014, the topic of “racial profiling” has been directly or indirectly included in all relevant study phases of federal police forces. Existing approaches, such as internal events relating to the ICERD definition of racism and racial profiling organised by the Federal Ministry of the Interior, Building and Community and the Federal Police, will be continued and refined.

The *Federal Ministry of Justice and Consumer Protection* reports that as part of the inclusion of “racist, xenophobic or other motives and objectives evidencing contempt for humanity” in the catalogue of sentencing circumstances listed in Section 46 (2) sentence 2 of the Criminal Code (*Strafgesetzbuch (StGB)*) (see further explanations in Chapter E.IV) on 24/25 February 2015, the following amendments to the Guidelines for Criminal Proceedings and Proceedings to Impose a Regulatory Fine (*Richtlinien für das Strafverfahren und das Bußgeldverfahren (RiStBV)*) were adopted by the Subcommittee of the Conference of Ministers of Justice responsible for this and also entered into force on 1 August 2015.

The wording “especially also racist, xenophobic or other motives evidencing contempt for humanity” was included in Nos. 15, 86 and 234 of the Guidelines for Criminal Proceedings and Proceedings to Impose a Regulatory Fine.

No. 15 of the Guidelines for Criminal Proceedings and Proceedings to Impose a Regulatory Fine expressly provides that when investigating a crime, particular consideration is to be given to racist, xenophobic or other motives evidencing contempt for humanity. The inclusion of the motives in No. 86 of the Guidelines for Criminal Proceedings and Proceedings to Impose a Regulatory Fine also stipulates that in these cases a special public interest is generally to be assumed in the case of private prosecution offences; the same applies to the addition to No. 234 of the Guidelines for Criminal Proceedings and Proceedings to Impose a Regulatory Fine for the prosecution of bodily injury crimes.

No. 205 and No. 207 of the Guidelines for Criminal Proceedings and Proceedings to Impose a Regulatory Fine were amended to improve the mutual exchange of information between the Offices for the Protection of the Constitution and Public Prosecutor’s Offices.

In No. 205 of the Guidelines for Criminal Proceedings and Proceedings to Impose a Regulatory Fine, the catalogue of offences in respect of which the Public Prosecutor’s Office is required to inform the Offices for the Protection of the Constitution is significantly expanded. The way in which information is mutually exchanged is also strengthened. In the summer of 2015, No. 207 of the Guidelines for Criminal Proceedings and Proceedings to Impose a Regulatory Fine was amended to include the provision that in the case of politically motivated arson and homicide offences, the files must be sent to the Federal Criminal Police Office after the proceedings have been concluded in order to enable the analysis of the outcomes of the proceedings. In the Committee on Guidelines for Criminal Proceedings and Proceedings to Impose a Regulatory Fine, the Federal Government is working to ensure that the obligation to send files is extended to all politically motivated violent crimes in order to promote the exchange of information between the police and the judiciary in this sensitive area.

On 17 March 2016, the then Federal Minister of Justice and Consumer Protection, Heiko Maas, invited all of his counterparts from the 16 federal *Länder* to attend a conference in Berlin to discuss how the prevention of xenophobic and racist crimes might be improved, how these offences can be investigated and solved more quickly, and how they can be

punished more effectively. The Ministers of Justice agreed to prosecute extremist offences more rigorously and to take a more coordinated approach in doing so. They announced a number of different measures focusing on a more thorough exchange of information between the *Länder* and the Federal Public Prosecutor General and better recording of hate crime in statistics. Further, those *Länder* that have created special divisions within their Public Prosecutor's Offices to fight politically motivated crime have had positive experiences in doing so. Moving forward, these specialised prosecutors, in particular, can play an even greater role in ensuring that such offences are investigated more effectively.

With regard to the abolition of ethnic profiling, the federal state of Baden-Württemberg states that the training of police officers in the *Land* is at all times based on the principles of a free and democratic basic order. The curricula are aligned with the legal requirements and include, inter alia, the topics of "minimum intervention", "proportionality" and "fundamental rights". When giving instruction on police intervention measures, such as establishment of a person's legitimate personal particulars, searches, detention or provisional arrest, particular importance is attached both to the legal conditions and to the proportionality of the measures.

As part of situational action trainings, theoretical knowledge is applied in a practice-oriented way. In particular, trainees are sensitised to the fact that police measures must not be made dependent on the nationality or ethnic origin of a person, but must be carried out according to objective criteria in each individual case.

After the completion of training, the topic is incorporated into the regular deployment training that has to be completed at local police stations or is also taken up on an as-needed basis.

The topic of "intercultural skills" is included as part of the training courses for the intermediate (*mPVD*), higher intermediate (*gPVD*) and higher (*hPVD*) police service of the Baden-Württemberg police.

In addition, after the completion of training, the topic of "intercultural skills" is offered in various further training courses in Baden-Württemberg:

- Intercultural skills for managers
- Intercultural skills - cooperation with mosque associations

- Multiculturalism (foreign cultures/world views) and potential for conflict in daily service
- Electronic learning application entitled “Basic knowledge of Islamism” (*Grundlagenwissen Islamismus*)
- Decentralised further training courses on intercultural skills

The Free State of *Bavaria* states that the Bavarian Regional Association has undertaken to support politicians, administrators and authorities in the Free State in measures to educate and raise awareness about the history and current status of the German Sinti and Roma and, as far as its resources permit, to assist non-German members of the national minority who are entitled to remain in Germany with their integration into society.

On 10 September 2014, the decree “Guaranteeing freedom from discrimination in the police of the *Land* of Brandenburg” (“*Gewährleistung der Diskriminierungsfreiheit in der Polizei des Landes Brandenburg*”) entered into force in *Brandenburg*. It also explicitly refers to the four national minorities recognised in Germany.

In order to make education and prevention campaigns as target group-oriented and effective as possible, the Office for the Protection of the Constitution in the *Land* of Brandenburg has continuously expanded its strategic communication and networked with important cooperation partners. Numerous full-day information events for police officers, municipal decision-makers and social workers have been jointly offered in recent years. A collaboration involving the Offices for the Protection of the Constitution of Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt and Thuringia also offers various specialist conferences on current topics. It is planned to continue this collaboration in 2018.

The *Free Hanseatic City of Bremen* ensures that racist elements of criminal offences are systematically taken into account through the technical competence of the State Security Division. If racist elements of criminal offences are present, they are declared as such during the investigation. This is done within the framework of the “Police Reporting Service for Politically Motivated Crime” (*Kriminalpolizeilicher Meldedienst in Fällen Politisch motivierter*

Kriminalität (KPMD-PMK)), which is a proven police tool for recording and evaluating politically motivated crimes in the Federal Republic of Germany.

The Senator for Interior Affairs in Bremen and the subordinate investigating authorities have been dealing with the issue of ethnic profiling for many years. In 2008, the Senator for Interior Affairs issued a decree, which refers directly to EU law and the Council of Europe Framework Convention for the Protection of National Minorities and sets a framework for preventing ethnic profiling in Bremen. The decree contains concrete rules and prohibitions to prevent ethnic profiling. It states, for example, that “the police not only see these legal requirements as a form of human dignity, but also feel a particular commitment to the protection of minorities in their actions and behaviour, based on the way they see themselves and with a view to historical responsibility”. Hence, the police should not make use of stigmatisations, categorisations or blanket descriptions of people.

In order to meet this requirement, the police, in cooperation with the *Hochschule für Öffentliche Verwaltung Bremen* (Bremen College of Public Administration) and the *Fortbildungsinstitut für die Polizeien im Lande Bremen* (Advanced Training Institute for the Police Forces in the *Land* of Bremen), have held the following symposia since 2012:

1. 4 December 2012 - “Stop! Police! Ethnic profiling in the “tension field” of the principle of equal treatment” (*Halt! Polizei! Ethnisches Profiling im Spannungsfeld des Gleichbehandlungsgrundsatzes*) (Bremen Police)
2. 29 September 2015 - “Ethnic profiling: a suitable tool for police work?” (*Ethnisches Profiling: Angemessenes Instrument der Polizeiarbeit?*) (Bremen Police)
3. 30 March 2017 - “Ethnic profiling – efficient police work in diverse societies” (*Ethnic Profiling – Effiziente Polizeiarbeit in diversen Gesellschaften*) (*Hochschule für Öffentliche Verwaltung Bremen/ Fortbildungsinstitut für die Polizei im Lande Bremen*)

Renowned experts from different countries, including Great Britain, France, the Netherlands and Switzerland, took part in the symposia, particularly in order to exchange current scientific information, practical experience relating to good practice and other relevant developments. The audience consisted of police officers from Bremen, members of non-governmental organisations, political parties and parliaments, and citizens.

By organising these symposia and other activities, the investigating authorities in Bremen are addressing the issue of ethnic profiling in depth and are highlighting their view of themselves as being engaged in community policing based on unprejudiced and democratic

principles, in which ethnic or religious attribution must not be a criterion for police measures. The information events and discussion opportunities provided are also likely to help further raise awareness of the problem of ethnic profiling and the associated legal and psychological considerations. Hence, the 3rd symposium on this topic presented an opportunity to further raise awareness of the problem and make a case for stepping up efforts to implement diversity measures.

If necessary, members of national minorities are supported in various official and administrative matters, such as the search for housing and employment, by first point of contact officers in the security authorities in Bremen, who provide advisory and mediation services.

In this context, the federal state of *Hesse* makes reference to the detailed comments in Chapter E.IV.4.

The federal state of *Lower Saxony* points out that ethnic profiling is prohibited and is not practised by its *Land* police.

The federal state of *North Rhine-Westphalia* reports that there is no practice of ethnic profiling at the North Rhine-Westphalia (NRW) *Land* police. The circular issued by the Ministry of the Interior on 15 December 2008 implemented guidelines for the police in the *Land* of North Rhine-Westphalia on the protection of national minorities against discrimination as early as 2008. These are checked for compliance as part of administrative and operational supervision. The North Rhine-Westphalia *Land* police also do not carry out any non-incident-related checks. Checks on persons by the North Rhine-Westphalia *Land* police are not based on a person's origin, appearance, gender or other comparable characteristics. They are based, inter alia, on the results of analyses and evaluations of solved crimes as well as from ongoing criminal investigations and the case management systems for vehicles that have been used, general evidence on offenders, means and resources used by offenders, modus operandi, behaviour in the planning phase and access and escape routes. Other criteria for conducting a check on a specific person are their whereabouts, the time and the person's behaviour.

The federal state of *Rhineland-Palatinate* reports that the Rhineland-Palatinate Ministry of the Interior and its subordinate authorities have been complying with the regulations for the prevention of discriminatory minority labelling for many years. For example, there is a nationally agreed guideline for the allocation of personal information or information to support investigations in connection with the storage of police-relevant data. The guideline explicitly does not provide for the recording and storage of ethnicities such as “Sinti and Roma”, thereby also safeguarding the protection of minorities against discrimination within the framework of police data collection.

With regard to the systematic consideration of racist elements of criminal offences, the federal state of *Saarland* reports that law enforcement officers are charged, inter alia, with detecting, investigating and prosecuting criminal offences. As part of this task, it must – on behalf of the Public Prosecutor’s Office responsible in each case – investigate all incriminating and exonerating circumstances in order both to solve the crime as fully as possible and to create the basis for subsequent punishment of the suspect or suspects. Racist elements may already fall within the scope of objective facts (e.g. Section 130 of the Criminal Code – Incitement to hatred, Section 211 of the Criminal Code – Murder under specific aggravating circumstances), but as a rule they play an essential role, particularly in subjective facts, as motivation for the offence when examining criminal intent (e.g. in the case of a bodily injury crime). In addition, racist motivation to commit crimes is also to be taken into account in the further course of criminal proceedings when sentencing (Section 46 of the Criminal Code).

The legal obligations of law enforcement officers outlined here, which result from their criminal prosecution mandate, are taken into account both in basic and further training and in the exercise of administrative and operational supervision.

In addition, racially motivated crimes are generally to be classified as politically motivated crimes. As a rule, offences of this type are handled centrally in Saarland by appropriately trained officers of the State Security Division at *Land* Police Headquarters. These types of offences are also registered or recorded within the framework of the Police Reporting Service for Politically Motivated Crime in the area of “hate crime” in order to obtain a reliable

database for evaluation, statistical statements, leadership decisions, decisions relating to criminal investigations and criminological research.

Therefore, in our view, racist elements of criminal offences are systematically taken into account by Saarland law enforcement officers.

With regard to the recommendation of the Committee of Ministers to abolish ethnic profiling, the *Land* states that the legal requirements and restrictions on police action during police checks and checks to establish a person's identity – including compliance with the principle of equality under Article 3 of the Basic Law – are both taught in basic and further training and taken into account in the exercise of administrative and operational supervision.

In our view, however, this does not constitute an abolition of ethnic profiling or racial profiling by Saarland law enforcement agencies. Nor is that necessary, since these methods have not been introduced nor are they tolerated.

In *Schleswig-Holstein*, criminal offences that give rise to indications of racist motivation on the part of the accused person or persons are processed as a subset of "Politically Motivated Crime (PMC)" by the specialised departments responsible for state security offences, are recorded as part of a reporting service at the Schleswig-Holstein *Land* Criminal Police Office as soon as they become known, and are then reported to the Federal Criminal Police Office (BKA). The data on PMC is published annually for Schleswig-Holstein by the *Land* Criminal Police Office, and at federal level by the Federal Criminal Police Office. Furthermore, in accordance with the recommendations of the Parliamentary Committee of Inquiry on the NSU murders, a Cold Case Unit was set up as an independent section at the *Land* Criminal Police Office on 1 October 2015.

Since the beginning of 2015, the Schleswig-Holstein *Land* Police have been deploying specially trained first point of contact officers for ethnic minorities, acting as direct points of contact in Muslim communities. In addition, the subject of intercultural skills is an integral part of training.

VII. Recommendation 7 - Minority languages in the media

The Committee of Ministers has recommended increasing support for the media in minority languages and developing locally produced radio and TV programmes in minority languages. The Committee of Ministers has also recommended that support be provided to achieve better representation of persons belonging to national minorities on media regulatory boards.

The *Federal Ministry of the Interior, Building and Community (BMI)* reports that funding has been provided for the minority languages Upper and Lower Sorbian within the digital media since 2016 via the project “The Sorbian language in the new digital media”.

As regards the amount of funding provided, reference is made to the information provided by the BMI in Chapter C.I.3.

In the age of digitisation, the attractiveness of language is measured by the extent to which it has adapted to the modern world of work and everyday life. The partial measures involved in the overall project “Sorbian language in digital media” are aimed at preserving the Sorbian language - also as part of Sorbian culture - as a means for the Sorbian people to express their identity and at developing measures to preserve and pass on the Sorbian language to future generations.

As such, the aim is to adapt the language to learning patterns and usage behaviour that are changing in society as a whole as a result of digitisation. User behaviour is changing and is being replaced and supplemented by new forms of language use. Given that most language data (German and English, for instance) which has adapted to new learning patterns and usage habits is now available digitally, the aim is for the overall project to create equal access to and foster use of the Sorbian language. In this regard, measures are to be implemented both for the Upper Sorbian and the Lower Sorbian language.

The *Federal Government Commissioner for Culture and the Media* has advised that the federal constitutional structure of the Federal Republic of Germany also applies to public broadcasting. This indicates that the Federal Government has not set up any media institutions specifically for the domestic market.

The federal states of *Baden-Württemberg* and *Rhineland-Palatinate* report that they regulated the participation of the national minority of German Sinti and Roma in the Broadcasting Council in Section 14 (3) no. 13 when the Inter-State Treaty on *Südwestrundfunk* Broadcasting was amended on 3 July 2013. The Broadcasting Council represents the interests of the public at large in the field of broadcasting, thereby taking the diversity of opinions into account. In accordance with the provisions set forth in the Inter-State Treaty, a member of the Rhineland Palatinate section of the Association of German Sinti and Roma (*Verband Deutscher Sinti und Roma, Landesverband Rheinland-Pfalz e.V.*) is represented on the Broadcasting Council of SWR and on the *Land* Broadcasting Council of Rhineland-Palatinate.

The Free State of *Bavaria* indicates that it shares the goal of the Bavarian section of the Association of German Sinti and Roma (*Verband Deutscher Sinti und Roma, Landesverband Bayern e.V.*) to ensure that the interests of German Sinti and Roma are represented adequately in culture and the media.

In the awareness that Romani used by German Sinti and Roma is a minority language within the meaning of Part II of the European Charter for Regional or Minority Languages, the Free State also reaffirms the commitments entered into in this Charter. On this basis, the Free State protects and promotes the preservation of Romani as part of our cultural assets.

The federal state of *Brandenburg* has no influence on the media sector owing to freedom of the press. As regards Sorbs/Wends, there is, however, indirect support available for print media, teaching resources and learning materials through institutional funds allocated by the Foundation for the Sorbian People (*Stiftung für das sorbische Volk*), for instance, for the Domowina publishing company and the WITAJ Language Centre (*WITAJ-Sprachzentrum*). Pursuant to Section 12 of the Sorbs/Wends Act (*Sorben-Wenden-Gesetz (SWG)*), the Sorbian/Wendish culture and language must be taken adequately into consideration in the public media. There is one representative of the Sorbian/Wendish people on the Broadcasting Council of the public broadcaster *Rundfunk Berlin-Brandenburg (RBB)*. The RBB produces radio and TV programmes in cooperation with persons belonging to the Sorbian/Wendish minority. Up to now, the Sorbian/Wendish minority has not participated in the frequency assignments for private broadcasting by the State Media Authority of Berlin-Brandenburg (*Medienanstalt Berlin-Brandenburg*). There is no UKW frequency available at present that covers the Sorbian/Wendish territory in Brandenburg.

The federal state of *Lower Saxony* points out that in 2000 the only Sinti radio programme to be broadcast in Germany, “*Latscho Dibes*” (Hello!), was set up by the Sinti association in Hildesheim (*Verein Hildesheimer Sinti e.V.*). It is the mouthpiece of the Sinti in Lower Saxony and in the whole of Germany. Since 2004, the programmes have been broadcast by *Radio Tonkuhle* (105.3 MHz) in Hildesheim. In the meantime, the programme is also being aired by *Radio Okerwelle* (104.6 MHz) in Braunschweig. Since 2008, it has also been aired by *Stadtradio Göttingen* (107.1 MHz). As a non-commercial, non-for-profit community broadcast in Lower Saxony, “*Latscho Dibes*” is produced by volunteers and is broadcast every third Sunday from 2:00 pm to 3:00 pm on the *Radio Tonkuhle* station.

Since 2004, the Sater Frisian radio programme “*Middeeges*” has been broadcast by the regional radio station *Ems-Vechte-Welle*, which broadcasts non-commercial community radio programmes for Emsland and the County of Bentheim. The State Media Authority of Lower Saxony (*Niedersächsische Landesmedienanstalt (NLM)*) issued a special project grant of €25,000 to support the launch of the programme. Today the programme is fully reliant on support from and in the region, in particular support of the Association of the Saterland “*Seelter Buund*”. The editors have their own studio in the town of Scharrel and broadcast a two-hour programme every other Sunday. The programme can be received via the transmitters using Molbergen 99.3 MHz, Nordhorn 95.2 MHz and Lingen 95.6 MHz.

In addition, programmes are also aired at regular intervals in Low German and the *plattdeutsch* dialect on a number of community channels.

The federal state of *Hesse* points out that a dialogue has already been proposed between the Hesse section of the Association of German Sinti and Roma (*Verband Deutscher Sinti und Roma, Landesverband Hessen*), and the state public service broadcasting corporation (*Landesrundfunkanstalt*). However, according to the information available, representatives of the Sinti and Roma have not yet asked representatives of the state public service broadcasting corporation to produce programmes in the Romani language. The Hesse Broadcasting Corporation remains open to engaging in a relevant dialogue.

Pursuant to Section 14 of the Act on the Sorbs' Rights in the Free State of Saxony (*Sächsisches Sorbengesetz (SächsSorbG)*), the Free State of *Saxony* strives to ensure that the Sorbian language and culture are adequately represented in the media in particular by broadcasting programmes and contributions in the Sorbian language.

Section 6 (3) of the Inter-State Treaty on *Mitteldeutscher Rundfunk (MDR-Staatsvertrag (MDR))* requires the broadcaster to take the concerns of all groups of society into account, including those of minorities. For this reason and also owing to constitutional requirements, MDR broadcasts programmes not just in German but in the Sorbian language too. The programmes are produced at the regional studio in Bautzen.

Section 7 (1) of Saxony's Act on Private Broadcasting (*Sächsisches Privatrundfunkgesetz (SächsPRG)*) stipulates that private broadcasters are obliged to represent the views of minorities. The Saxon training and trial channel (*Sächsischer Ausbildungs- und Erprobungskanal*), a Bautzen-based non-profit making limited-liability company launched by Saxony's State Authority for Private Broadcasting and New Media (*Sächsische Landesanstalt für privaten Rundfunk und neue Medien (SLM)*), continues to broadcast programmes in the Sorbian language. Since May 2018, the radio station Radio PSR has been broadcasting Church news in the Sorbian language on the last Sunday of every month in cooperation with the monthly publication *Katolski Posoł*. This news is also available in Sorbian and German on Radio PSR's website.

The associations of the Sorbs are not represented on the Broadcasting Council of the MDR broadcasting corporation. However, pursuant to Section 19 (1) no. 16 of the MDR Inter-State Treaty, these associations can seek to obtain one of four additional seats on Saxony's Broadcasting Council. The prerequisite pursuant to Section 19 (3) of the MDR Inter-State Treaty is that the associations must apply to Saxony's *Land* Parliament for a seat on the Broadcasting Council four months prior to the expiry of the Broadcasting Council's term of office. In accordance with the principles of proportional representation, it is determined, using the d'Hondt highest average method, which one of the four associations is to be appointed. There is one representative of the Sorbian associations in the members' assembly of Saxony's media authority (SLM) in accordance with Section 29 (1) no. 18 of Saxony's Act on Private Broadcasting.

The federal state of *Schleswig-Holstein* also points out in this State Report that the *Länder* have no way of influencing programming by virtue of the constitutional principle governing the autonomy of broadcasting and the programme autonomy of broadcasting corporations associated with it. Likewise, licensing requirements in private programmes can only be imposed to a very limited extent.

Section 28a (1) sentence 3 of the Inter-State Treaty on Media Services between Hamburg and Schleswig-Holstein (*Medienstaatsvertrag Hamburg/Schleswig-Holstein (MStV HSH)*) specifies for local radio broadcasters in Schleswig-Holstein that in the regions in which regional or minority languages are spoken, the respective regional or minority language must be adequately taken into account in programmes and contributions aired. According to Hamburg/Schleswig Media Authority (*Medienanstalt Hamburg/Schleswig-Holstein (MA HSH)*), this obligation was laid down in the respective approval/assignment notices for four different regions in accordance with the provision, including, for instance, the regions of Sylt, Flensburg, Lübeck and Neumünster. However, owing to existing coordination difficulties with the frequencies to be used, "*Sylt Radio*" is the only one of the local radio programmes approved to actually be on air. Hamburg/Schleswig Media Authority established after carrying out a random check in January 2018 that the time is announced in Frisian every hour on the hour and that the regional weather report is subsequently broadcast in Frisian. Likewise, at half past every hour, the entire weather report is broadcast in Frisian. The daily programmes also include a brief lesson in the Frisian language spoken on the island of Sylt (*Sölring*) in a bid to encourage people to learn the language. The broadcasters who are not yet live on air have pledged to produce reports in Danish and Low German.

Furthermore, the Open Channel Schleswig-Holstein Western Coast (*Offener Kanal Schleswig-Holstein Westküste*) broadcasts the daily two-hour programme "*Friisk Funk*" on the island of Föhr offering regular contributions in Frisian and German. The Open Channel Flensburg (*Offener Kanal Flensburg*) regularly broadcasts contributions in Danish.

Hamburg/Schleswig Media Authority also reports that there is no evidence in supervisory practice to back the impression that the diversity of German society is not reflected in a balanced and objective way in the programmes aired.

The regional broadcaster *Norddeutscher Rundfunk (NDR)* has indicated that it covers comprehensively the area in which Low German is spoken as the broadcaster that provides media services in four different *Länder*. NDR dedicates a lot of its air time to *plattdeutsch* and

Low German and to the Low German culture and literature in Schleswig-Holstein, Lower Saxony, Mecklenburg-Western Pomerania and Hamburg. This is reflected in the range of radio and TV programmes and online services NDR provides.

In addition, NDR broadcasts radio and TV programmes about the Frisian language, the Frisian people and the Frisian culture like no other electronic medium in Schleswig-Holstein. The state programmes encourage interlocutors who speak Frisian to use their native language also during interviews on the microphone.

Denmark and indeed the Danish language also play an important role at NDR. In particular, the regional studio in Flensburg covers cultural and political life across borders, namely in sub-regional slots throughout Schleswig-Holstein in regional programmes as well as in radio and TV programmes broadcast by NDR throughout northern Germany. The correspondents working at the studio in Flensburg speak fluent Danish and encourage persons belonging to the Danish minority to use Danish in interviews. In principle, NDR says that in regional programmes, everyone uses the language they feel closest to. For example, the daily programmes broadcast by *Schleswig-Holstein Magazin* and *NDR 1 Welle Nord* reflect the language diversity in Schleswig-Holstein.

In order to safeguard long-term coverage in and about regional and minority languages, the regional broadcaster *Landesfunkhaus Schleswig-Holstein* gives preference to applicants who speak a minority or regional language when selecting candidates for internships.

Although the federal state of Schleswig-Holstein cannot intervene in programme-related matters because of the principle of autonomy of state broadcasting, it regularly urges broadcasters, within the realms of their possibilities, to take the regional and minority languages of the *Land* protected by the European Charter for Regional or Minority Languages adequately into account in their programming.

VIII. Recommendation 8 - Minority languages in public life

The Committee of Ministers has recommended the full transposition of existing legislation to promote the use of minority languages in communication with local and regional authorities. To this end, suitable measures are to be implemented to promote the use of these languages.

The federal state of **Brandenburg** reports that in 2016, the state government adopted the first state plan to strengthen the Lower Sorbian language. It comprised 50 measures in the areas of developing language policy concepts, providing information about language and language rights, encouraging the use of the language, and public use of the language as well as language learning and science.

The State Commissioner for Sorbian/Wendish Affairs informs both the public and administrations in a flyer about language rights in Brandenburg and encourages people to use the Sorbian/Wendish language. Three editions of the flyer have been published since 2015.

The cost reimbursement regulation provided for in the Sorbs/Wends Act, according to which the *Land* reimburses local authorities for all additional expenditure incurred by the use of the minority language, is intended to encourage local authorities to step up their efforts to use the language. The competent Ministry of Science, Research and Cultural Affairs proactively informs the municipalities on a regular basis about the legal situation and possibilities of cost reimbursement and also provides them with a list of available translators. With the second amendment to the Sorbs/Wends Act of 19 September 2018, it was also decided that from 1 January 2019 onwards, district council resolutions would require a two-thirds majority instead of a three-quarters majority for bilingual district names in the traditional settlement area of the Sorbs/Wends, meaning these resolutions can be adopted more easily.

The Lower Sorbian language has also been taken into account in a range of translations within the framework of the “Line6Plus” project aimed at modernising the regional portal to transpose the Act to Improve Online Access to Administrative Services (*Gesetz zur Verbesserung des Onlinezugangs zu Verwaltungsleistungen*) (Online Access Act (*Onlinezugangsgesetz - OZG*)).

The federal state of *Lower Saxony* calls to mind that it would not be permissible for the state to impose direct rules on the use of Sater Frisian on local administrations as the right of municipalities to self-administration is enshrined in the Constitution. However, since the Framework Convention has the force of law, municipalities are bound by the provisions set forth in this Convention in fulfilling their tasks. Local authorities are aware that citizens should be given the possibility to use the Sater Frisian language in their dealings with the administration, that Sater Frisian should - wherever possible - be used in council meetings and that the desire expressed by Sater Frisian-speaking public officials to be assigned to a job in which these language skills are required should be complied with. The municipality of Saterland implements this to a large extent. Lower Saxony hence refers to the statements made by the Advisory Committee in margin number 91 of its Fourth Opinion.

In the Sorbian settlement area of the Free State of *Saxony*, citizens have the right to use the Sorbian language in their dealings with authorities of the Free State of Saxony and with the corporations, institutions and public law foundations under its jurisdiction (Section 9 of Saxony's Sorbs Act)

This right also includes electronic communication between Sorbian citizens and public authorities. This is regulated in the Act to promote electronic government in the Free State of Saxony (*Gesetz zur Förderung der elektronischen Verwaltung im Freistaat Sachsen (SächsEGovG)*) of 9 July 2014 which entered into force on 9 August 2014. Pursuant to Section 19 (3) of this Act, all authorities in the Sorbian settlement area and the state authorities and the corporations, institutions and public law foundations under its jurisdiction are obliged to create the necessary, most important technical prerequisites for use of the Sorbian language. This means that direct communication in Sorbian must be possible in both directions, namely in communication between citizens and authorities and vice versa. If authorities provide forms for completion, for instance, that are automatically further processed electronically, it must also be possible to complete and process these forms in Sorbian. The authorities' electronic response to the person concerned in relation to an application submitted electronically can, but does not have to be, in Sorbian. In this context, electronic communication also means that Sorbian citizens can contact state or local authorities via certain basic components. Basic components are e-government applications provided centrally by the Free State of Saxony with a view to providing independent and

interdisciplinary support for the administrative activities undertaken by the authorities. The basic components relevant in this context are the participation platform, the (*Amt24*) competency finder, form service, central content management system (*zCMS*) and applications management (information about the basic components can be accessed at: <https://www.egovernment.sachsen.de/basiskomponenten.html>). The UTF-8 character set and UNICODE conversion format required for the display and readability of Sorbian characters has been integrated into the basic components provided by the Free State of Saxony for data processing purposes. UNICODE, the correct designation of which is “Latin characters in UNICODE”, is a standard that was adopted by the IT Planning Council³ on 12 March 2014 to regulate the minimum repertoire of characters which is also relevant for Sorbian characters in Saxony.

In order to shape the regulations governing e-government applications, Saxony’s Ministry of the Interior developed a set of guidelines that include guidelines for use of the Sorbian language. The set of guidelines is intended to help regional and local authorities achieve a better understanding of the E-Government Act (*E-Government Gesetz*).

With the new decree issued by Saxony’s State Ministry of the Interior on the implementation of the Local Elections Act (*Kommunalwahlordnung (KomWO)*) of 16 May 2018 (Saxony’s Official Gazette, page 313), additional forms for the postal vote were made available in German/Sorbian in order to further support use of the Sorbian language in public affairs in the areas in which Sorbian is spoken.

The federal state of *Schleswig-Holstein* added Section 82b to the Schleswig-Holstein Land Administration Act (*schleswig-holsteinisches Landesverwaltungsgesetz (LVwG)*) in June 2016. According to this Act, applications may be filed in Frisian and petitions, certificates and other documents can be submitted in Frisian in the district of Nordfriesland and on the island of Helgoland. The same applies to the districts of Nordfriesland, Schleswig-Flensburg, the non-county municipality of Flensburg and the district of Rendsburg-Eckernförde for the Danish language. If the authorities in the district of Nordfriesland and on the island of Helgoland do not have the necessary knowledge of the Frisian language and if the authorities in the above-mentioned districts and in the non-county municipality of Flensburg

³ The IT Planning Council is a political steering committee of the Federal Government and the *Länder* in Germany that coordinates cooperation in the field of information technology. Article 91c Basic Law opened up the possibility of this type of cooperation. The IT State Treaty (*IT-Staatsvertrag*), which has been transposed into regional and federal law and entered into force on 1 April 2010, provides the statutory basis.

do not have the necessary command of Danish, the authorities arrange for the documents to be translated at no cost to the applicant. In terms of content, with regard to Frisian, this applies to all applications addressed to authorities based on the island of Helgoland or in the district of Nordfriesland and with regard to Danish to the authorities based in the above-mentioned districts and in the non-county municipality of Flensburg – regardless of whether they are local or regional authorities.

The law requires the *Land* government to evaluate the impacts especially with regard to efficiency and goal accomplishment no more than four years after the new provision enters into force.

With the Act Amending the *Land* Administrative Act (*Landesverwaltungsgesetz (LVwG)*) of 25 September 2018, the scope of application of Section 82b of the State Administrative Act has been extended to the territory of Kiel, the capital of Schleswig-Holstein, - a city administered as an independent county - for applications made in Danish or submissions, documents, deeds or other documents submitted in Danish.

An advertising campaign for the federal state of Schleswig-Holstein as an employer was launched throughout the entire region in May 2015 in a bid to attract junior staff. Over 30 training occupations, dual degree courses and administration traineeships at the *Land* administrative authorities are advertised in this campaign. In addition to implementing a large number of additional measures, various publications were produced in the form of brochures or flyers - most of which have been translated into several languages. One example is the brochure "*Looking forward to the future. Working for the Land Schleswig-Holstein*" (*Ich freue mich auf die Zukunft. Arbeiten beim Land SH*), which has not only been published in German but in six other languages as well (Arabic, Danish, English, Polish, Russian and Turkish).

Furthermore, the Committee of Ministers has called upon the German authorities to take the necessary steps to amend the German law governing the use of names in minority languages in a way that brings it fully into line with the principles set out in Article 11 of the Framework Convention and to ensure that names in minority languages are spelt correctly in electronic registers.

The *German Bundestag* adopted a motion on 2 June 2017 urging the Federal Government to examine whether the Minorities' Name Changes Act (*Minderheiten-Namensänderungsgesetz*) can be amended to allow Sorbian women to keep the suffixes identifying them as women and girls belonging to the Sorbian minority in their surnames in future (Bundestag printed paper no. 18/12542 (new)).

The *Federal Ministry of Justice and Consumer Protection* has advised that the Minorities' Name Changes Act of 22 July 1997 is intended to transpose Article 11 of the Council of Europe's Framework Convention for the Protection of National Minorities of 1 February 1995.

The Federal Government abides by the view expressed in the Fourth Opinion (page 48 ff.) that Article 11 of the Framework Convention does not require Germany to permit the transmission of a Sorbian name in the feminine form.

However, because the German law on names does not have strict rules for the use of a name, it is possible to use a common, pen or stage name, or for example the feminine form of a Sorbian name, for general purposes instead of one's legal name.

Irrespective of this, the Federal Government is currently considering amending the law governing the use of names with a view, *inter alia*, to liberalising the regulations governing the use of names. The Federal Ministry of Justice and Consumer Protection and the Federal Ministry of the Interior, Building and Community have set up a task force to explore the possibilities of reform. In this context, it will also be examined whether and under what conditions gender-specific name suffixes should be permitted in Germany in legislation on civil status in the future. Any such amendment could also take the interest of women belonging to the Sorbian minority into account not only in using the specifically female version of the surname provided for in the Sorbian language, but also to have it entered into the civil status records.

The federal state of *Brandenburg* has indicated that it intends to adapt its automated register and information procedures for keeping and providing information on the electronic commercial register, register of civil partnerships, register of cooperatives and associations by the end of 2018. This means it will be possible to enter and display Sorbian characters correctly. Amendments to legislation on names come under the remit of the Federal Government. Notwithstanding this, the federal state of Brandenburg supports this cause.

Furthermore, the Committee of Ministers has urged the German authorities to promote the installation of bilingual signposts indicating the names of localities in the minority language.

In the traditional settlement area of the Sorbs/Wends in the federal state of **Brandenburg**, bilingual signposts indicating the names of localities are still mandatory. As the Sorbian/Wendish name has been part of the official name of the municipality since the amendment to the Sorbs/Wends Act, the name must also be indicated in a uniform font-size in both languages. It has also been newly regulated that any additional costs incurred by the municipalities by use of the minority language are to be borne by the *Land*. The revised Decree on Bilingual German-Lower Sorbian Inscriptions on Road Signs (*Erlass zur zweisprachig deutsch-niedersorbischen Beschriftung von Verkehrszeichen*) of 25 June 2014 stipulates that locations outside the traditional settlement area within the territory can now also have bilingual inscriptions. The Ministry of Science, Research and Cultural Affairs responsible for Sorbs/Wends regularly assists local authorities with the correct spelling of Sorbian/Wendish signposts indicating the names of localities regarding the production of signposts indicating the names of localities and other signposts. The Sorbian/Wendish names in the municipal records will be fully revised in 2018 in cooperation with the Lower Sorbian Language Commission (*Niedersorbische Sprachkommission*) and the Land Registry and Geodata Office Brandenburg (*Landesvermessung und Geobasisinformation Brandenburg*)

The real estate registry data is kept in the Official Land Registry Information System (ALKIS) agreed between the land survey administrations of the *Länder* that is standardised in accordance with international standards. The *Land* of Brandenburg has almost completed the necessary software adjustments. Adjustments are currently being made in the area of analogue extracts. The details of property owners are kept in accordance with the land registry (Section 8 (2)) of Brandenburg's Land Survey Act (*Brandenburgisches Vermessungsgesetz*).

The federal state of **Lower Saxony** has indicated that a relevant decree was issued in 2004 to create the possibility, in general, of installing multilingual signposts indicating the names of localities in Lower Saxony. For the past fourteen years, Lower Saxony has routinely had

signposts indicating the names of localities inscribed in German, Low German and Sater Frisian. This has been documented comprehensively in previous State Reports.

In late 2017, bilingual information boards providing information about the history of buildings were installed in front of 23 public buildings in addition to the bilingual signposts indicating the names of localities which were installed back in 2000. In 2018, the signposts were linked to the “Sater Frisian dictionary” app developed in 2017, which enables smartphone and tablet users to access a map depicting all information boards and to have the text on the signposts read out in Sater Frisian.

These projects received funding from Lower Saxony’s Ministry of Science and Cultural Affairs and the Commissioner for Culture and Media.

The Free State of *Saxony* points out that pursuant to Section 10 (1) of Saxony’s Sorbs/Wends Act (*Sächsisches Sorbengesetz*) signage in the public area in the traditional settlement area of the Sorbs will be implemented in the Sorbian language by the authorities of the Free State of Saxony and the public corporations, institutions and foundations under its jurisdiction.

Section 5 (4) of Saxony’s Local Government Act (*Sächsische Gemeindeordnung*) was amended by the Second Act governing the further development of municipal law (*Zweites Gesetz zur Fortentwicklung des Kommunalrechtes*), which entered into force on 1 January 2018 to the effect that explicit reference is now made to the provision set forth in Section 10 (1) of Saxony’s Sorbs/Wends Act. This clearly emphasises that streets, paths, squares and bridges as well as the parts of municipalities located in the Sorbian settlement area should also be inscribed in Sorbian. Furthermore, Clause I of the administrative regulation governing the names of municipalities (*Verwaltungsvorschrift-Gemeindenamen*) stipulates that municipalities and localities in the Sorbian settlement area must be inscribed in German and Sorbian.

The federal state of *Schleswig-Holstein* reports that pursuant to Section 6 (1) of the Act to Promote Frisian in the Public Sphere (*Gesetz zur Förderung des Friesischen im öffentlichen Raum (FriesischG)*) adopted on 13 December 2004, most recently amended by Article 2 of the Act of 30 June 2016 (Official Gazette, page 534), as well as the decree issued by the Ministry of Transport of Schleswig Holstein on 31 March 2009, it is also permissible for name extensions on signposts indicating the names of localities (reference 310 in accordance with Annex 3 of the Road Traffic Regulations (*Straßenverkehrs-Ordnung*)) to be inscribed in Frisian, Danish and Low German. The municipalities can voluntarily install bilingual signposts indicating

the names of localities. In addition, Article 6 (1) of the Act to Promote Frisian in the Public Sphere says that bilingual signposts indicating the names of localities, signposts for special tourist destinations and routes, signposts for rivers and lakes and directional road signs on roads can be inscribed in German and Frisian. This is implemented in accordance with a decree issued by the Ministry of Transport of Schleswig Holstein on the basis of Section 46 (2) of the Road Traffic Regulations on 16 August 2016.

The next stop is also indicated in Frisian on local passenger trains travelling between Friedrichstadt and Westerland (Sylt).

IX. Recommendation 9 - Knowledge of national minorities in schools

The Committee of Ministers has recommended increasing endeavours to ensure that teachers and pupils throughout Germany learn more about the culture and history of national minorities, including German Sinti and Roma, as an integral part of German society.

The *Federal Ministry of the Interior, Building and Community* welcomes the endeavours undertaken to raise awareness of the national minorities' culture and history.

The Federal Agency for Civic Education (*Bundeszentrale für politische Bildung (BpB)*) endeavours to initiate civic educational processes on national minorities in Germany on an ongoing basis, using a wide range of formats, teaching resources, print and online services and by supporting civic education multipliers. Based on the wealth of experience they have gained, associations of national minorities need to take the initiative themselves to create scope for self-representation and to achieve empowerment.

The materials and courses offered by the Federal Agency for Civic Education are geared towards further training and towards raising awareness among teachers of how best to deal with diversity in their everyday professional lives. They are also intended for direct use in lessons especially at secondary levels I and II. This includes, for instance, the publication "Minorities and Tolerance" (*Minderheiten und Toleranz*) from the series "Fact sheets to be used in the classroom" (*Themenblätter im Unterricht*) offering comprehensive background information for teachers and providing ideas for lessons. The fact sheets address this problem and promote dialogue.

The Federal Agency for Civic Education has focused particularly on the national minority of German Sinti and Roma in a number of measures it is implementing. The online dossier “Sinti and Roma in Europe”, which offers points of reference for lessons in the classroom, also deserves special mention in this context. Authors and journalists shed light on economic, social and cultural backgrounds from different perspectives. They are keen to eliminate prejudice and clichés and to identify discriminatory attitudes towards Sinti and Roma. A map of Europe providing the individual analyses and interviews, reports and essays from the various countries forms the centrepiece of the dossier. The dossier was illustrated by a cartoonist, which means it will appeal to younger target groups in particular. This dossier includes an interview with Romani Rose, Chairperson of the Central Council of German Sinti and Roma (*Zentralrat Deutscher Sinti und Roma*). The media library on the Federal Agency for Civic Education’s website (www.bpb.de) includes the documentary “And Ek-Ghes... – One Fine Day...” by Philip Scheffner and Colorado Velcu. The documentary featuring a Roma family addresses the challenges and problems faced by persons caught up in a multicultural search for identity.

The Federal Agency for Civic Education also supports the development of the “RomArchive. Digital Archives of the Sinti and Roma”.

The edition “A stranger in a place we call home?” (*Fremd in unserer Heimat?*) that forms part of the series of magazines “Politics and Contemporary History” (*Aus Politik und Zeitgeschichte*) includes well-researched articles on the social and political situation of recognised national minorities in Germany. There is an article about German minorities abroad in the same edition.

The *Standing Conference of the Ministers of Education and Cultural Affairs of the Länder (KMK)* agreed in May 2018 together with the Central Council of German Sinti and Roma and other relevant associations and institutions to draw up a recommendation for dealing with the history and the current situation of Sinti and Roma in Germany. The recommendation is likely to be adopted next year.

The federal state of *Baden-Württemberg* reports that the 2016 educational plan reform in Baden-Württemberg focused on incorporating the history and current status of the Sinti and Roma more effectively into the educational plans of Baden-Württemberg.

The issue is addressed in a general way in the guidelines on education for tolerance and acceptance of diversity (*Bildung für Toleranz und Akzeptanz von Vielfalt (BTV)*), which are incorporated into the curricula on the basis of a spiral approach. The aim of the guideline perspective is to foster tolerance and acceptance of diversity and to deal with diversity in a non-discriminatory way in personal, religious, gender, cultural, ethnic and social terms.

It is also covered specifically in the joint syllabus for the secondary levels I and II and in the curriculum for civics classes at secondary schools (in the area of fundamental rights), defining the following standard: "Pupils are supposed to be able to describe how minorities are protected using Sinti and Roma as an example".

The issue of the Sinti and Roma is an integral part of the above-mentioned curricula also when it comes to history classes. It is addressed within the context of the subject area "National Socialism and the Second World War – destruction of democracy and crimes against humanity".

According to the curriculum, Portuguese lessons at secondary schools address the situation of minorities when dealing with socio-cultural knowledge/issues, focusing on individuals and society.

The Baden-Württemberg section of the Association of German Sinti and Roma, (*Verband Deutscher Sinti und Roma, Landesverband Baden-Württemberg e.V.*) has also developed a comprehensive list of support materials for teachers, which can be downloaded from its website. The Ministry of Culture of Baden-Württemberg used two electronic information services for school principals, vice-principals and teachers in the autumn of 2017 to highlight these support materials.

In order to teach this topic in the classroom, the Ministry of Culture of Baden-Württemberg is planning to organise a further training event, which is currently at the planning stage.

The Free State of *Bavaria* has indicated that it supports curricular and extra-curricular initiatives and projects to commemorate the persecution of the Sinti and Roma. It ensures that the history of Sinti and Roma is taught, also to eliminate any potential prejudice. The Free State welcomes initiatives by the regional association to provide its own educational materials.

Within the framework of the grant allocated to the Berlin-Brandenburg section of the Association of German Sinti and Roma (*Landesverband der Deutschen Sinti und Roma Berlin-Brandenburg e.V.*) by the federal state of **Berlin**, endeavours are being stepped up to educate children and young people about the culture and history of the national minority of the German Sinti and Roma and to raise awareness of discrimination. The chairperson of the Berlin-Brandenburg section of the Association of German Sinti and Roma does readings and engages in talks at schools in Berlin on a regular basis and strengthens both the knowledge of history and empathy for the culture of the national minority through encounters with pupils.

In Berlin, all schools were presented with the calendar for all age groups “Many Languages - One World” (“*Viele Sprachen – eine Welt*”). Each page of the calendar is dedicated to the twelve currently most frequently spoken languages of origin. This also includes Rromani/Rromanes. The calendar provides information about the background of the language and how widely it is spoken, a selection of idioms, poems and rhythms. The calendar also includes brief profiles of well-known personalities and literary figures and provides book recommendations. Additional information is provided in accompanying material. The experience gained from work with the calendar has been discussed, inter alia, at conferences.

The federal state of **Brandenburg** indicates that Berlin-Brandenburg’s educational server, which is hosted by the *Land* Institute for Schools and Media Berlin Brandenburg (*Landesinstitut für Schule und Medien Berlin-Brandenburg*) and which is also available on the Internet primarily for teachers but also for the public at large, has a page dedicated to Sinti and Roma and a page dedicated to Sorbs/Wends, providing information and links to lesson suggestions as well as a page that describes the legal bases.

In 2017, the Institute for German Studies at the University of Potsdam (*Institut für Germanistik der Universität Potsdam*) published a handbook for teachers, which also contains suggestions for lessons aimed at incorporating Sorbian/Wendish into German lessons.

In 2018, the *Land* Institute for Schools and Media Berlin-Brandenburg published a similar handbook for lessons on civics for secondary school pupils in grades 5 and 6.

In the federal state of Brandenburg, the framework curriculum requirements stipulate that the subject of minorities can be covered in Civics classes, for instance, for pupils attending grades 5 and 6 and in History classes covering the Second World War, the holocaust and genocide for all secondary school pupils attending grades 7 and 8. In grades 9 and 10 of secondary school, pupils taking Civics can focus on anti-Gypsyism. The subject Lifestyles, Ethics and Religion covers minorities when other cultures are discussed.

In its current educational plans for Bremen's secondary schools, the *Free Hanseatic City of Bremen* highlights three dimensions in the areas of society and politics. Pupils learn about the culture and history of national minorities from all three perspectives. The social dimension deals explicitly with the "rules of coexistence" involving "coexistence in communities and groups" as well as "one's own and others' values and traditions", encouraging pupils to deal with national minorities.

The *Land* Institute for Schools is unable to gauge whether and to what extent schools impart specific knowledge about national minorities as it is up to schools themselves to decide how to organise the content of their skills-based educational plans within their own curricula.

The history of Sinti and Roma in Germany has been defined as part of the curriculum for Business Studies/Work/Technology at secondary schools. Pupils finishing 10th grade at secondary school are required to be able to prove they have a certain amount of (facts-based) knowledge about the fate of Sinti and Roma under the National Socialist regime.

In the training curriculum for History, questions relating to national minorities should be dealt with taking at least two aspects into account. On the one hand, trainee teachers learn how to teach history "in the context of historical anthropology as an interpretation construct and learn how the action, suffering and events of the past are relevant for the present", and, on the other hand, it is a matter of "learning about history in the context of diversity and inclusion". However, the actual content-related reference to questions relating to national minorities is part of the school curriculum. This means that schools are advised to address questions relating to national minorities in training situations, even though it is not compulsory for them to do so.

Further training made explicit reference to the national minority of German Sinti and Roma in the period under review:

- “How to deal with prejudice against Roma” – further training course (2016), conveying basic knowledge about the topic of anti-Gypsyism and the history of persecution of the Sinti and Roma. Training focused on the correlation between prejudicial structures vis-à-vis Roma and the educational success achieved by pupils belonging to the national minority. Trainee teachers were also encouraged to consider their own attitudes and stance as teachers. The courses are aimed at teachers working in all types of schools and school grades.
- The importance of art and music in the encounter and cooperation between persons was explored within the framework of the conference “Learning and growing together” (*Gemeinsam lernen - zusammen wachsen*, LIS 2018) under the heading “Bahtalo - cooperation through music and art as a contribution towards inclusion and communication” (*Bahtalo - Kooperation durch Kunst und Musik als Beitrag zur Inklusion und Kommunikation*). This conference explicitly addressed cultural traditions of the Roma.
- In cooperation with Bremen’s restorative justice, the *Land* Institute organised an event in 2018 under the heading “Intercultural mediation and preventative conflict resolution with Sinti and Roma” (*Interkulturelle Mediation und präventive Konfliktbearbeitung mit Sinti und Roma*).

In all other respects, the need for further training in schools is harnessed in the “School Development Agency” (*Agentur Schulentwicklung*) at the *Land* Institute. Only a few queries were received about further training that referred explicitly to national minorities in the period under review. These queries were dealt with as part of in-school measures or as a thematic aspect in more comprehensive measures, for instance, on group-related hostility.

The *Free and Hanseatic City of Hamburg* refers to the information provided in Chapter D.II.

The federal state of *Hesse* points out that the main focus of work performed by Hesse’s Ministry of Culture in this area is currently to provide teachers with teaching resources aimed at raising pupils’ awareness about the history of Sinti and Roma. A handbook was developed to complement the standard of education with a view to raising awareness of the genocide of Sinti and Roma. The handbook was published in 2016.

Irrespective of this, the history of German Sinti and Roma is explicitly covered in secondary level II.

Furthermore, Hesse's Teachers Academy (*Hessische Lehrkräfteakademie*) developed a one-day further training course in cooperation with the Hesse section of the Association of German Sinti and Roma. This course is intended for History and Civics teachers planning to offer a lesson unit or to implement a project for pupils attending secondary level I. The further training is based on the handbook for teachers supplied by the *Land* of Hesse, instructing them how to teach the history of Sinti and Roma.

In *Rhineland-Palatinate*, teaching intercultural skills has been incorporated as a compulsory element into the curricular requirements for teacher training.

This applies above all to the subject Educational Science, which is a compulsory part of the degree course for all trainee teachers, who are to acquire the skill of "taking the intercultural dimensions in lessons and learning processes into account", for instance, while completing Module 3 "Diagnostics, differentiation, integration". In addition, the compulsory modular content "Intercultural differences as a prerequisite for education and learning" is explicitly mentioned. Intercultural skills are included as content and skills teachers are expected to have in the different subjects, for instance, in primary school education (specifically Module 1 Primary School Education: "Concepts of intercultural education, linguistic socialisation (languages of origin, family languages, multilingualism)" or in the subject German (specifically Module 12 Multilingualism): "Interculturalism and intercultural communication").

During preparatory service, the theme is dealt with in greater depth as a cross-sectional subject in the respective training subject events, in particular, however, in the practical seminar.

The federal state of Rhineland-Palatinate has undertaken, among other things, in Article 3 of the "Framework agreement between the *Land* Government of Rhineland-Palatinate and the Regional Association of German Sinti and Roma" (*Rahmenvereinbarung zwischen der rheinland-pfälzischen Landesregierung und dem Verband Deutscher Sinti und Roma Landesverband Rheinland-Pfalz e. V.*) signed by the then Minister-President, Kurt Beck, and the Chairperson of the Association of German Sinti and Roma, Jacques Delfeld, on 25 July 2005, to ensure that the (persecution) history of the Sinti and Roma is an integral part of the curriculum and that

non-discriminatory learning materials are available. Reference is also made to the existing cooperation with the *Land* Centre for Civic Education and the involvement of the Rhineland-Palatinate section of the Association of German Sinti and Roma in committees and bodies involved in the planning of memorial sites and memorial events.

Artistically-framed commemorative plaques have been installed at memorial sites for the persecution and murder of Sinti and Roma under the National Socialist regime in Koblenz (Peter-Altmeier-Ufer), Landau (Kaufhausgasse), Mainz (Altenauergasse), Trier (Bischof-Stein-Platz), Pirmasens (Klosterstraße) and Worms (Lutherpark), which are highlighted during visits and/or projects implemented by learning groups.

The Rhineland-Palatinate section of the Association of German Sinti and Roma also gives teachers the opportunity to perform in-depth educational work for schools and adult education on the genocide of the Sinti and Roma under the National Socialist regime and on their living conditions today as a minority in the majority society. Representatives and contemporary witnesses visit schools as part of the Day of Remembrance for the victims of National Socialism, to talk about the subject of National Socialism or to participate in project weeks.

Curricula in Rhineland-Palatinate include points of reference, first and foremost in social science subjects, in Religion and Ethics classes in primary and secondary schools. The theme is also specifically mentioned in the framework curriculum for social studies for 9th grade students "Totalitarianism using National Socialism as an example" (relevant content suggestion, for instance, "Marginalisation, oppression and extermination - Jews, Sinti and Roma, Homosexuals and other groups". The content-related aspects of "deprivation of rights, impoverishment, discrimination, ghettoisation, extermination of European Jews and other groups" are mentioned in the curriculum for Political/Social Studies for secondary level II, namely for History as a basic subject and under the sub-theme "Germany between Democracy and Dictatorship" as a special subject. The two publications "The persecution of Sinti in Mainz and Rheinhessen 1933-1945, Landau 1996" (*Die Verfolgung der Sinti in Mainz und Rheinhessen 1933-1945, Landau 1996*) and "We were not meant to survive! Life stories of Sinti Families in Rhineland-Palatinate, Landau 2012" (*Überleben - das war für uns nicht vorgesehen! Lebensgeschichten rheinland-pfälzischer Sinti-Familien, Landau 2012*) are used in schools. The latter received a regional grant of €6,000.

Relevant further training for teachers was also provided in Rhineland-Palatinate in cooperation with Fridtjof-Nansen Academy (*Fridtjof-Nansen-Akademie*) Ingelheim during the period under review. Furthermore, Rhineland-Palatinate Regional Centre for Civic Education (*Landeszentrale für politische Bildung Rheinland-Pfalz*) provides seminars for school children on the theme "Sinti and Roma - the silenced minority in Europe". A taskforce was set up recently at the level of the Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* to examine the educational resources and materials available on the theme which are to be made accessible within the framework of a platform. The head of the study seminar for the teaching profession at secondary schools in Bad Kreuznach and chairperson of the History Teachers Association of Rhineland-Palatinate will also be involved.

This shows that historical and current questions relating to anti-Gypsyism were addressed in Rhineland-Palatinate in the year under review not just within the framework of memorial and remembrance work in schools and in the classroom, but also under democratic auspices. The example of the history of the Sinti and Roma who have been living in Germany for more than 600 years can be used to discuss group-related racism/obsession with extermination, but also the wealth and opportunities afforded by multi-faceted coexistence, and thus contribute towards raising awareness.

The Free State of *Saxony* points out that pursuant to Section 2 (3) of the Saxon Schools Act (*Sächsisches Schulgesetz*) in the version announced on 16 July 2004 (Saxony's Official Gazette, page 298), most recently amended by Article 32 of the Act of 26 April 2018 (Saxony's Official Gazette, page 198), all schools in the Free State of Saxony are obliged to teach the basics of the Sorbs' history and culture. This learning content has been incorporated into the curricula of the Free State of Saxony as a compulsory element.

The following entry can be found under the heading "Fields of activity of special importance" in the subject requirements for schools in *Schleswig-Holstein*, which have been gradually introduced for each subject since the 2014/2015 school year:

"Low German and Frisian: Schleswig-Holstein sees itself as a multilingual state in which regional and minority languages are perceived as a cultural asset. The educational

institutions of Schleswig-Holstein are therefore called upon to promote Low German and the Frisian language and to contribute to its further development.”

The Committee of Ministers has also urged the German authorities to ensure that teachers have the right qualifications in the field of intercultural education.

In its recommendation “Intercultural Education and Upbringing in Schools” that was revised in December 2013, the *Standing Conference of the Ministers of Education and Cultural Affairs of the Länder (KMK)* highlighted⁴ the potential of cultural diversity and developed cornerstones for the work in schools supplemented by suggestions for educational administrations and cooperation with extracurricular partners. The Standing Conference of the Ministers of Education and Cultural Affairs adopted a report on the implementation of the above-mentioned recommendation in the *Länder*⁵.

It says the school system is to be further developed in order to offer all children and young people, regardless of their origin, comprehensive access to education and opportunities for achieving the greatest possible educational success, to promote peaceful and democratic coexistence and to provide orientation for responsible action in the globalised world. The acquisition of intercultural skills in the classroom and by engaging in extracurricular activities has meanwhile been integrated into most curricula; the real challenge now is to actually implement these skills in everyday teaching. Some *Länder* are already offering measures aimed at systematically enhancing intercultural skills in schools.

The *Länder* have greatly expanded their upskilling measures in all phases of teacher training and further training in the areas of language education, in particular German as a second language, and intercultural education. In some *Länder*, these areas are compulsory parts of phase 1 teacher training.

Recommendations such as “Teacher training for schools that embrace diversity – joint recommendation by the Conference of Rectors and Presidents of Universities and other Higher Education Institutions in the Federal Republic of Germany” (2015) (*Lehrerbildung für eine Schule der Vielfalt – Gemeinsame Empfehlung von HRK und KMK (2015)*) create framework

⁴ https://www.kmk.org/fileadmin/veroeffentlichungen_beschluesse/1996/1996_10_25-Interkulturelle-Bildung.pdf

⁵ https://www.kmk.org/fileadmin/Dateien/pdf/Bildung/AllgBildung/2017-05-11-Berichte_Interkulturelle_Bildung.pdf

specifications for the further development of teacher training with a view to developing inclusive school systems. This declaration increases the responsibility of university rectors to prepare teachers for a future of dealing with diversity. Diversity in this context is understood to mean diversity in the broader sense:

“Diversity is a reality and a task that is incumbent upon all schools. As such, it is a matter of taking all aspects of diversity into account. This includes disability within the meaning of the Convention on the Rights of Persons with Disabilities as well as special starting conditions such as language, social living conditions, cultural and religious orientations, gender as well as special gifts and talents.”

According to a decision adopted by the Standing Conference of the Ministers of Education and Cultural Affairs in 2012, the “content-related requirements for subjects taught and subject didactics in teacher training that are standard for all *Länder*” were amended for all trainee teachers. This means that all teachers acquire the necessary knowledge, the corresponding ability to act and attitudes. The study regulations have been adapted to the changed requirements at all the universities of the *Länder* providing teacher training.

How to deal with diversity is also covered by the requirements defined by the Standing Conference of the Ministers of Education and Cultural Affairs for teacher training. Reference is made to these requirements in the national regulations governing basic and advanced teacher training.

In the federal state of *Baden-Württemberg*, the topics of “intercultural education” and “intercultural skills” are covered both by the framework regulations for phase 1 of teacher training courses and in the examination regulations and training standards for phase 2 of teacher training. In addition, a wide range of training courses are available in the third phase of teacher training. The goals of basic and further teacher training are closely linked to Article 12 of the *Land* Constitution of Baden-Württemberg. It defines various objectives for the education of young people which includes teaching them about moral and political responsibility and also about free and democratic attitudes. In this context, intercultural education and upbringing is based on the assumption that young people can learn open-mindedness and tolerance through appropriate learning concepts and learning opportunities, can reflect upon their own attitudes and can call stereotypes into question. Among other things, it is a matter of teaching young people about different countries, cultures and behaviours, enabling them to develop respect and understanding of their own and other cultures.

Against this backdrop, intercultural education plays an important role in all phase 1 teacher training courses. Yet this also applies to preparatory service, taking on-the-job training in schools into account. It applies equally to interdisciplinary areas as well as to the forms and characteristics of language skills, learning a second language, multilingualism and interculturalism, for instance, for language and literary learning processes. In addition, several further training courses are being offered within the framework of the third phase of teacher training on the subject area “Intercultural education” and intercultural skills that convey knowledge about other cultures and religions and raise awareness of differences that may exist and cultural conflicts that may arise. In accordance with the 2016 Education Plan which highlights the acquisition of intercultural communication skills as the prime goal, actual examples are discussed in lessons demonstrating how sociocultural and intercultural skills can be acquired.

In addition, further training is provided with a view to enhancing the professionalism of teachers in dealing with the requirements of their profession. Teachers learn to hone their counselling and communication skills and, for instance, how to engage in a dialogue with parents in an intercultural context.

The federal state of *Berlin* is strengthening measures for the qualification of educational experts in the field of intercultural education. This also includes further training on the history and culture of the national minority of German Sinti and Roma. In 2018, the Regional Centre for Civic Education Berlin (*Berliner Landeszentrale für Politische Bildung*) published the brochure “Sinti and Roma in Berlin - 28 Questions and Answers”, which answers the most important questions about Sinti and Roma in Berlin. In addition, a total of 15 further training events were held between 2017 and 2019, inter alia, in cooperation with the Berlin Project Office of the Documentation and Cultural Centre of German Sinti and Roma (*Dokumentations- und Kulturzentrum Deutscher Sinti und Roma*) and the Berlin-Brandenburg section of the Council of Roma and Sinti (*Landesrat der Roma und Sinti Berlin-Brandenburg e.V.*). Educational approaches were discussed in addition to conveying the basics of the past and present of Sinti and Roma as well as the manifestations, dimensions and effects of anti-Gypsyism.

The Centre for Language Acquisition (*Zentrum für Sprachbildung (ZeS)*) was established in Berlin in May 2015 in order to implement language education and language promotion

which is the focus of further training in schools throughout the city. It provides consulting services and a comprehensive range of upskilling courses. The Centre for Language Acquisition took over the new task of organising courses on intercultural openness at the launch of the 2017/2018 school year. To this end, all trainers were upskilled in the subject area in order to integrate questions of intercultural education into training courses. In addition, a two-year school support system was developed, which includes upskilling principals and vice-principals, providing support for school development processes and the provision of intercultural training.

The federal state of *Brandenburg* states that intercultural education is also the subject of numerous further training courses for teachers.

The *Free Hanseatic City of Bremen* has indicated that the Bremen State Institute for Schools (*Bremer Landesinstitut für Schule*) had its own organisational unit for intercultural education for the entire period under review. Four employees are providing advice and further training on central and in-school formats at the Intercultural Competence Centre (*Kompetenzzentrum Interkulturalität (KOM.IN)*). The work performed by the Intercultural Competence Centre is geared towards encouraging people to reflect on how they deal with otherness and towards fostering mutual empathy based on participants' own cultural identity (school employees - regardless of their profession and status). This creates the basis needed to raise intercultural awareness in schools. The Intercultural Competence Centre continues to support intercultural school development processes – specifically also within the framework of intercultural training and further training.

The *Free and Hanseatic City of Hamburg* refers to the information provided in Chapter D.II.

The federal state of *Hesse* reports that interdisciplinary seminars have been organised at Philipps-University Marburg within the framework of the cooperation models between Hesse's Ministry of Culture and Philipps-University Marburg on the subject "History and culture of Sinti and Roma in Germany", which have been well received. The seminars are directed particularly at trainee teachers during phase 1 of teacher training.

The federal state of *Lower Saxony* refers to the information provided in Chapter E.VIII.3.

In the federal state of *Rhineland-Palatinate*, teaching intercultural skills has been incorporated as a compulsory element into the curricular requirements for teacher training. This applies above all to the subject of Educational Science, which is a compulsory part of the degree course for all trainee teachers. Students are to acquire the skill of “Taking the intercultural dimensions into account in lessons and learning processes”, for instance, when completing Module 3 “Diagnostics, differentiation, integration”. In addition, the compulsory modular content “Intercultural differences as a prerequisite for education and learning” is explicitly mentioned. Intercultural skills are included in a range of subjects as content and skills teachers are expected to have, for instance, in primary school education (specifically Module 1 Primary School Education: “Concepts of intercultural education, linguistic socialisation (languages of origin, family languages, multilingualism)” or in the subject German (specifically Module 12 Multilingualism): “Interculturalism and intercultural communication”).

During preparatory service, the theme is dealt with in greater depth as a cross-sectional subject in the respective events involving the training subject, in particular, however, in the practical seminar.

The Free State of *Saxony* points out that the thematic area of intercultural education is an important and integral part of all the phases of teacher training, both in phase 1 (when trainee teachers attend university) and in phase 2 (when they complete preparatory service) as well as in further training.

The state further training programme for teachers is governed by further training guidelines. The field of intercultural education is an integral part of the guideline “Cross-sectional aspects of educational work”. This ensures that training for the above-mentioned subject area can be delivered in a demand-oriented and needs-based manner at all levels of state teacher training (central, regional, school-internal training).

Pursuant to Section 5 (3) of the Teacher Training Act (*Lehrkräftebildungsgesetz (LehrBG)*) of the federal state of *Schleswig-Holstein*, the importance of the language, history and culture of the national Danish minority, the Frisian ethnic group and the national minority of the German Sinti and Roma, as well as the importance of Low German for the federal state of Schleswig-Holstein must be included in teacher training.

In addition, Section 12 (3) of the Teacher Training Act states in relation to the scope of degree courses:

The courses available include courses that comply with Part III of the European Charter for Regional or Minority Languages (Act requiring Bundesrat consent (Zustimmungsgesetz) of 9 July 1998, Federal Law Gazette II, page 1314).

The explanatory memorandum to the Teacher Training Act refers to the European Charter for Regional or Minority Languages and states that universities must offer courses in regional and minority languages. In Schleswig-Holstein this applies to the minority languages Danish and North Frisian as well as the regional language Low German.

In addition, the current target and service agreement between the Ministry of Education, Science and Culture and *Christian-Albrechts-Universität zu Kiel (CAU)* stipulates that *Christian-Albrechts-Universität zu Kiel* will promote diversity and regional cultural assets in a variety of ways; this also applies to Danish, Low German and Frisian, whose academic representation will continue to be safeguarded at the very least to the extent to which they are being safeguarded today.

The Free State of *Thuringia* states that there are numerous further training courses on intercultural topics available to teachers of all subjects at all types of school as well as to specialist advisers, childcare workers, school principals and vice-principals.

Measures that provide educators with further training on non-discriminatory education, anti-racism and organisation of intercultural school life deserve special mention in this context. The focus on “intercultural school development” is, for instance, an integral part of all qualification measures for school principals and vice-principals. In training modules, (prospective) school principals and vice-principals are introduced to intercultural school

development as a task that is incumbent upon school management. They are familiarised with networks, which are important for schools in the context of increased heterogeneity, and they are able to hone their reflection and analytical skills and receive assistance in developing a school and teaching culture that advocates successful inclusion.

A series of further training courses is being delivered in Thuringia in cooperation with Thuringia's Regional Programme for Democracy, Tolerance and Open-mindedness under the heading "*Denk bunt*" (Think all the colours of the rainbow), with the aim of promoting non-discriminatory education, encouraging students to have the courage of their convictions and to engage in a democratic discussion at schools in Thuringia. In 10 workshops, theoretical principles are conveyed, practical approaches are discussed and action strategies are developed in cooperation with various external partners.

X. Recommendation 10 - Education

The Committee of Ministers recommended that efforts to increase the availability of teachers qualified to teach in minority languages at all levels of the education system be pursued and intensified. Furthermore the Committee of Ministers called upon the German authorities to take positive measures to promote the appointment of these teachers to areas where such skills are needed.

In the federal state of **Baden-Württemberg**, the teaching of the minority language Romani is at the express wish of the Roma minority a responsibility of the minority itself. The Baden-Württemberg Association of German Sinti and Roma offers Romani lessons that are held by members of the minority for members of the minority. Language instruction is also made possible by the institutional support which the federal state of Baden-Württemberg provides to the Baden-Württemberg Association of German Sinti and Roma in the framework of the state treaty concluded between both parties.

The federal state of **Brandenburg** increased its financing share for the training of teachers for the Sorbian/Wendish language at Leipzig University. Since December 2016, Brandenburg has been funding an additional half-time position for a research assistant for teaching and research in Lower Sorbian didactics. The aim is to make this study programme more attractive. Furthermore, each year at the Lower Sorbian grammar school in Cottbus/Chóšebuz, the State Ministry for Science, Research and Culture and the State Education Office in Cottbus promote the Sorbian/Wendish language study programme and the vocational training programme for certified lower Sorbian speaking preschool teachers. To promote Sorbian/Wendish language teaching in Brandenburg there is an office for the development of Sorbian/Wendish education (Arbeitsstelle für sorbische/wendische Bildungsentwicklung - ABC) at the State Education Office in Cottbus which develops framework curricula, learning aids and teaching materials and provides further training. The offering ranges from an additional qualification for bilingual teaching and learning to language training and didactic-methodological training.

The Berlin-Brandenburg Institute for Schools and the Media (Landesinstitut für Schule und Medien Berlin-Brandenburg - LISUM) supports the implementation of the framework

curricula by providing material that is available on-line on the Berlin-Brandenburg educational server.

Sorbian/Wendish is considered a school subject with a particular shortage of teachers for which special recruitment criteria apply. Generally, the need for teachers can be met in Brandenburg.

Apart from its educational mandate as a grammar school, the Lower Sorbian grammar school/Dolnoserbski gymnazium in Cottbus/Chóšebuz also has the task to train potential Sorbian/Wendish academic talents.

Providing Romani classes in the federal state of *Hesse* is rather unlikely and a long-term process at best, given the ongoing debate within the national minority of the German Sinti and Roma on the approach to opening the Romani language. The state treaty concluded by the Hesse government and the Hesse Association of German Sinti and Roma emphasizes the importance that Hesse attaches to preserving and protecting the language of the Sinti and Roma. In this treaty, the federal state of Hesse undertook to expand in particular educational offerings for Sinti and Roma. The Hesse Association of German Sinti and Roma, too, declared that it will take further measures to promote Romani.

With regard to the recommendation to increase the availability of teachers who are qualified to teach in Romani, it must be pointed out that Hesse cannot implement this recommendation. The Standing Conference of Ministers of Education and Cultural Affairs of the *Länder* in the Federal Republic of Germany requires teachers at *Realschulen* (secondary technical schools), *Hauptschulen* (secondary modern schools) and *Gymnasien* (grammar schools) to have studied at least two subjects while primary school teachers must have studied even three subjects. Currently, Romani is not offered as a course of study for teacher training.

The federal state of *North Rhine-Westphalia* reports that it provides additional resources in the form of posts for integration assistants. In addition, native language teaching is provided to promote and develop existing language skills. In this context, native language teachers assume a bridging function between parents and schools in a joint education partnership.

The federal state of *Rhineland-Palatinate* points out that those representing the interests of the Sinti and Roma in Rhineland-Palatinate have in the past always declared that they do not wish the Romani language to be taught and learned through the state education system. The minority itself refuses to have the monitoring and reviews which the Advisory Committee recommends as regards Romani language instruction carried out by the public authorities. It was agreed in the context of a framework agreement concluded on 25 July 2005 between the government of Rhineland-Palatinate and the Rhineland-Palatinate Association of German Sinti and Roma that the federal state would support initiatives launched by the Rhineland-Palatinate Association in nursery schools and schools to provide self-organized additional classes to maintain the minorities' culture and language. These classes are to be developed by the Rhineland-Palatinate Association of German Sinti and Roma and carried out under its own responsibility, for example in working groups.

In 2010, the Rhineland-Palatinate Association of German Sinti and Roma announced during an evaluation of the framework agreement that it intended to organize more seminars for interested members of the minority in order to maintain their culture and language. They thus applied for funding for an additional member of staff to be employed in the Association's main office. It was at the same time pointed out that the members of the minority currently did not wish the Association to run courses in nursery schools and other state educational facilities as provided for under Article 2 of the framework agreement. The members of the minority were afraid they would suffer disadvantages if they identified themselves as such.

The state government of Rhineland-Palatinate feels there is still a need to promote the minority language Romani. Since institutional funding for an additional member of staff is currently not available, not least on account of the tightening of budgets, the state government has proposed alternative measures to meet its obligation to promote the culture and language of the Sinti and Roma. Where the need arises, trained members of the minority could offer Romani lessons at the respective schools and on a fees basis only for Sinti and Roma children as part of the child-care services provided at all-day schools. If the members of the minority should so wish, the lessons could also be held elsewhere and not in schools. Cooperation between the Rhineland-Palatinate Association of German Sinti and Roma and a recognized training institution in Rhineland-Palatinate could also be considered.

The Free State of *Saxony* reports that the Saxon State Ministry for Cultural Affairs and the Saxon State Ministry of Science and the Arts have jointly developed a report on the situation of the schools and the recruitment of teachers for schools in the Sorbian settlement area. At its meeting on 23 August 2016, the Saxon state government dealt with this report. The report includes among other things a set of measures aimed at recruiting teachers; the effectiveness of these measures will be monitored by the state government at intervals of two years. According to Section 6 (2) of the Saxon Sorbs Act (*Sächsisches Sorbengesetz*) of 31 March 1999 (Saxon Law Gazette, page 161), last amended by Article 59a of the Act of 27 January 2012 (Saxon Law Gazette, page 130) the Council for Sorbian Affairs was heard and given the opportunity to comment on the report. The Federation of Lusatian Sorbs (*Domowina-Bund Lausitzer Sorben e.V.*) and the Sorbian Schools Association (*Sorbischer Schulverein e.V.*) were also heard.

The Saxon Act on University Admission (*Sächsisches Hochschulzulassungsgesetz*) was amended effective 1 August 2017. In order to train more teachers with Sorbian language skills and in order to meet the obligation resulting from Article 6 (1) of the Saxon Constitution, Section 6 (2) of the Saxon Act on University Admission was amended so that proof of advanced Sorbian language skills is to be taken into adequate account with regard not only to persons applying to study Sorbian, but also with regard to those applying to study other teaching subjects. This provision is currently being implemented across all subjects at Dresden Technical University, Leipzig University and Chemnitz Technical University.

To promote multilingualism in child day-care centres and promote the networking between the pedagogical staff and advisory services in this field, the federal state of *Schleswig-Holstein* offers expert conferences. The last expert conference was held in November 2017 in Kiel under the heading: “Linguistic diversity from the start! How multilingualism works” (“Sprachenvielfalt von Anfang an! Wie Mehrsprachigkeit funktioniert”).

As concerns the training of teachers, Schleswig-Holstein reports that in the 2018 summer semester there were 23 students enrolled in the Frisian studies bachelor/master programme at Kiel University. In the teachers training programme “Frisian as a supplementary subject” there is currently one student enrolled. This may be due to the fact that people are not really aware of the fact that it is possible to study Frisian as a teaching subject at Kiel University.

At Flensburg University, there were five students enrolled in the certificate course “Frisian Studies” in the 2018 spring term; this certificate course is offered by the Frisian Studies Seminar in conjunction with the Centre for Advanced Training and provides the teaching qualification for Frisian. In addition, there were another 14 students who chose Frisian as a major subject in the framework of their German studies. Since the participants of the certificate course normally emerge from those who study Frisian as a major subject and since the contents of this specialized study programme form the basis of the certificate course, it is under current provisions only possible for students, who study German as one of two teaching subjects, to obtain the teaching qualification for Frisian. Currently, efforts are underway to find flexible solutions in particular for native speakers who do not need the language courses offered in the framework of the specialized study programme.

Instead of the practical teacher training, those who are going to be Frisian teachers (teachers in the preparatory service, lateral entrants) attend a certificate course offered by the Institute for Quality Development at Schools in Schleswig-Holstein (*Institut für Qualitätsentwicklung an Schulen Schleswig-Holstein - IQSH*) in addition to their preparatory service or when they are already on the job.

In the 2017/18 school year, there were 25 teachers teaching the Frisian language in the dialects spoken in the islands of Sylt, Föhr, Amrum and Helgoland and mainland dialect to 819 students at 17 schools. In this context it is to be noted that there is already an acute or imminent shortage of teachers for most of these dialects. At many schools, Frisian language lessons depend on a single teacher. In some places, a single teacher covers up to four schools in different locations. In some (formerly) Frisian-speaking regions (such as the Wiedingharde) it is currently not possible to provide Frisian language tuition because of the shortage in teaching staff.

When it comes to vocational training, Danish has for years been on the list of subjects for which there is a severe shortage of teachers. For Low German and Frisian there are currently no teachers. There are only few students interested in studying Danish as a second subject, since Schleswig-Holstein is the only state offering Danish as a teaching subject. The universities of Kiel (Christian-Albrechts-Universität) and Flensburg (Europa-Universität), also offer study programmes for Danish as a third teaching subject and subsequent qualification programmes.

Vocational schools strongly promote Danish as a subject among their students urging them to take it up or continue studying Danish as a second language. School students, most of whom are of full age, however, tend to prefer Spanish or French, also in view of their planned studies and a potential career abroad.

The Free State of *Thuringia* reports that the state does not offer any native language teaching. This applies also with regard to teaching in the Romani language. Also, the school statistics of the state of Thuringia do not record whether a student belongs to an ethnic minority so that there are no student-related data available in this respect.

The Free State points out that the Thuringian education plan for pupils and students up to the age of 18 years emphasizes the importance of socio-cultural diversity and suggests that students rely on their own culturally shaped identity as a basis for identifying cross-cultural commonalities. In pedagogical practice it is therefore decisive to approach socio-cultural diversity in an open-minded and respectful way. Also the education plan refers to the important impact which multilingualism has on the linguistic development of students.

Furthermore the Committee of Ministers recommended that the support provided to teaching in and of Frisian and Sorbian be stepped up in order to place such teaching on a sustainable footing.

The federal state of *Lower Saxony* points out that on 21 September 2017 Lower Saxony's state parliament adopted a motion for a resolution on consolidating and intensifying the support for Low German and Sater Frisian which was carried by the votes of all parliamentary groups. This resolution provides for comprehensive support in terms of staff and funding which will have a positive impact on the support for schools and language acquisition at schools.

The Free State of *Saxony* points out that a consistent language acquisition strategy which spans the whole range from child-day care centres to Sorbian grammar schools has been in place ever since the "2plus"-approach which is a pedagogical strategy for bilingual Sorbian-German schools that spans across all types of school was introduced on a general basis in the

2013/2014 school year. Depending on the language proficiency of the pupils/students, the Sorbian language is taught in three different language groups. In Sorbian classes, the Sorbian language is both the language of tuition and the teaching subject, while in other classes (specialized subjects) teaching is fully or partly in Sorbian language. In primary schools, bilingual teaching is provided in three specialized subjects and expanded to five specialized subjects starting in grade 5.

Furthermore Sorbian foreign language training at primary schools based on the curriculum “Intensive language learning - Sorbian as a foreign language” expands the numerous opportunities for students in the Sorbian settlement area to acquire and use the Sorbian language.

The federal state of *Schleswig-Holstein* reports that Frisian is currently taught at 13 German schools (primary schools, comprehensive schools, grammar schools). In addition there are three schools of the Danish minority teaching Frisian.

Generally, Frisian is a voluntary subject and tuition can be provided in various forms: In the form of project work, extracurricular working groups, elective courses, voluntary regular lessons and as a new foreign language in upper secondary grades. The latter option is currently offered only at the grammar school in the island of Föhr; this form of tuition gives students the option to take the oral Abitur exam in Frisian. The most frequently offered form of tuition are extracurricular working groups.

The highest numbers of Frisian language students are to be found at (primary) schools where the Frisian language is taught in the form of voluntary regular lessons which are integrated into the school schedule.

XI. Recommendation 11 - Promote the effective participation of the German Sinti and Roma

The Committee of Ministers recommended that the effective participation of the German Sinti and Roma in public life, in particular at the political level, be actively promoted. The Committee of Ministers requests that in the Länder where this has not yet been done mechanisms be established, allowing for the effective participation of Sinti and Roma in decision making on issues of concern to them.

Reference is made to the numerous agreements concluded by the federal states under C.I.1.

Anti-gypsyism, i.e. hostility directed at Sinti and Roma, has existed in Europe for a long time. The **Federal Government** is now paying more attention to this type of discrimination to counter indifference, ignorance, fear and rejection among the population.

The Federal Government understands that several self-governing organizations have come to question the term “anti-gypsyism” and that there have been suggestions to use alternative terms, e.g. “anti-Romanyism” or “racism directed at Sinti and Roma”, depending on the context.

Various reasons, such as stereotypes and reservations about Sinti and Roma which have developed over time and been passed on from generation to generation in Europe, have prompted the Federal Government to take a closer look at “anti-gypsyism”. In summary, the current studies show that anti-gypsy stereotypes can also be found in Germany. Many people participating in the public debate know little about the persons known as Sinti and Roma. The group of German Sinti and Roma is a recognized national minority in Germany and is therefore protected by the Framework Convention for the Protection of National Minorities initiated by the Council of Europe. In addition, Germany implements the so-called EU-Roma Strategy with the help of integrated policy packages in the context of a broader social inclusion policy.

It is necessary to address “anti-gypsyism”, critically investigate anti-gypsy incidents and inform the public in a detailed manner of the history and present-day life of Sinti and Roma, in particular of the genocide under the National-Socialist regime and their discrimination today. It is now essential to develop models of civil-society engagement and counter the tendency to see socio-political problems in ethnic terms, to the detriment of Sinti and Roma.

The federal programme "Living Democracy!" ("Demokratie leben!") initiated by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth supports model projects on selected phenomena of group-focused enmity. They develop and test innovative approaches to promote democracy and prevention efforts. The aim is to further develop educational practices taking specific local structures into account and integrate them into regular structures. There are also various model projects on "anti-gypsyism". "Anti-gypsyism" which is a hostile attitude towards Sinti and Roma ranges from the dissemination of traditional stereotypes to violent attacks. The sponsored projects aim to develop models of civil-society engagement and counter the tendency to see socio-political problems in ethnic terms, to the detriment of Sinti and Roma.

In programme area C "Structural development of national organizations", non-governmental, non-profit organizations are supported. This programme area is a completely new element of the federal programmes. It is first of all intended as an attempt to improve the exchange of experience and knowledge throughout Germany and at federal level. Secondly, it aims at encouraging the development of expert infrastructures for promoting democracy and preventing extremism. As a result of permanent dialogue and cooperation, the federal institutions contribute to developing the thematic priorities of the programme and identifying and dealing with new and topical challenges. In this context, the Documentation and Cultural Centre of German Sinti and Roma receives funding in the thematic/structural area of "Historical-civic education, empowerment for Sinti and Roma, prevention of anti-gypsyism".

The *Bundesrat* reports that on the occasion of the annual address delivered by the President of the German Bundestag to honour the memory of the Sinti and Roma who were persecuted under the National Socialist regime, the Bundesrat - at the invitation of its President and with the participation of representatives from all state governments - discusses the interests and concerns of the Central Council of German Sinti and Roma, the Sinti Allianz and the Yeniche people.

The federal state of *Baden-Württemberg* refers to the comments under D.II regarding the Council for Sinti and Roma Affairs in Baden-Württemberg.

The Free State of *Bavaria* reports that together with the Bavaria Association of German Sinti and Roma and on the basis of the Council of Europe Framework Convention for the Protection of National Minorities it continues to adequately promote the participation of members of the Sinti and Roma in the cultural, social and economic life and in public affairs.

In the current legislative term (2016 - 2021), the Senate of *Berlin* strives to regulate the relations between the federal state of Berlin and the national minority of the German Sinti and Roma in a framework agreement. In view of its role as Germany's capital and considering Germany's history, Berlin feels a particular obligation to actively counter all forms of "anti-gypsyism" and to promote the participation of the national minority.

In the *Free and Hanseatic City of Hamburg*, the effective participation of the German Sinti and Roma in public life is promoted in particular by the Consultative Council on Integration which includes a member of the Sinti and Roma. The Consultative Council on Integration was first established in 2002 and for fifteen years now it has served as the forum for an open discourse on matters related to integration in Hamburg. This discourse involves members of the Consultative Council, the city administration and institutions that have a key role to play if integration is to be successful. At the same time, the Consultative Council on Integration takes into account the cultural diversity of this city; it gives a voice to the numerous different communities and is clearly committed to Hamburg's integration policy.

The federal state of *Hesse* refers to its comments in D.II.

The federal state of *Lower Saxony* reports that the support measures outlined under D.II will most likely contribute to an effective participation of the German Sinti and Roma in public life.

The state points out that at the local level there are no direct mechanisms for the effective participation of German Sinti and Roma in decision-making on issues of concern to them. Like all citizens they may, however, stand for election to a local representation and thus

influence the interests and affairs of the municipality. Furthermore, local representations already have the possibility to hear Roma and Sinti as experts on issues that are of concern to them (Section 62 (2) of the Lower Saxony Act on Local Government Constitutions (*Niedersächsisches Kommunalverfassungsgesetz*)).

The federal state of *Rhineland-Palatinate* reports that the Chairman of the Rhineland-Palatinate Association of German Sinti and Roma is a member of the Land Board for Migration and Integration which is under the supervision of the ministry responsible for integration. The Land Board for Migration and Integration has the task to advise the state government on issues related to integration policy and to issue recommendations. Also, he is a member of the Academic Advisory Board for Commemoration at the State Agency for Civic Education. The second chairperson of the Association is a member of the Advisory Board for the Arts and Culture - Commemoration at the State Agency for Civic Education which provides advice and support in particular with regard to art projects at NS memorial sites in the state of Rhineland-Palatinate.

For each of the minorities recognized in the federal state of *Schleswig-Holstein* including the German Sinti and Roma there is a separate body set up in cooperation with the state parliament of Schleswig-Holstein to ensure effective participation of the minorities. All of these committees are chaired by the President of the state parliament. Further members include members of the Schleswig-Holstein state parliament and of the German Bundestag, officials from the state administration, the Minister-President's Commissioner for National Minorities and representatives of the national minority concerned. These committees provide the representatives of the national minorities with direct access to the political leadership of the state which enables them to directly address their issues and request concrete support. The Schleswig-Holstein Ministry for Social Affairs, Health, Youth, Family Affairs and Senior Citizens is in direct contact with the Schleswig-Holstein Association of German Sinti and Roma in order to maintain an exchange on specific issues related to the early-childhood education of children from Sinti and Roma families. The Ministry is also aware that some local authorities have contacts with the Schleswig-Holstein Association of German Sinti and Roma on the same topic.

E. Recommendations of the Advisory Committee

The conclusions and recommendations of the Committee of Ministers are based on the observations of the Advisory Committee. The following comments refer to the individual findings of the Advisory Committee in regard to the relevant article of the Framework Convention. Where certain issues have already been addressed in the recommendations of the Committee of Ministers, reference will be made thereto to avoid repetition.

I. Article 3

1. Scope of application of the Framework Convention

The Advisory Committee encourages the authorities to pursue an active, open and dialogue-based approach in their relations with persons and groups having expressed an interest in benefiting from the protection of the Framework Convention, such as persons of Polish origin, language or culture and persons identifying with the East Frisian group.

In addition, it invites the authorities to review the impact in practice of the application of the citizenship criterion as regards access to minority rights. (Nos. 13–19)

The *Federal Ministry of the Interior, Building and Community* points out that the Framework Convention for the Protection of National Minorities contains no definition of the notion of national minorities. It is therefore up to the individual Contracting Parties to determine arbitrarily the groups to which the Framework Convention shall apply after ratification. In this context, the ministry refers to the comments in A., which are aligned with the content of the Federal Republic of Germany's most recent reports submitted under the Framework Convention. There have been no developments in the position of the German authorities concerning the scope of application of the Framework Convention.

In the spirit of the Framework Convention, Germany recognizes the autochthonous minorities in Germany as national minorities. These are specifically entitled to protection and promotion under the Framework Convention because they live in what have for hundreds of years been their traditional settlement areas and which are in the territory that today constitutes the Federal Republic of Germany, and should be able to preserve their language and culture there. The Federal Government and the federal legislator have therefore set out the relevant criteria for recognition as a national minority. Based on this,

population groups are recognized as national minorities in Germany when they meet the following five criteria:

- the members of the group are German nationals;
- they differ from the majority population in that they have their own language, culture and history, i.e. their own identity;
- they wish to maintain this identity;
- they have traditionally been resident in Germany (in most cases, for centuries) and
- they live in Germany within traditional settlement areas.

As in Germany only the autochthonous minorities that live here are recognized as national minorities for the purposes of the Framework Convention, the criterion of German citizenship is essential.

Having their home traditionally in Germany is what distinguishes the national minorities from immigrants who have not traditionally lived in Germany. Groups of migrants and their descendants therefore do not have the status of a national minority in Germany.

Persons of Polish origin holding German nationality are not recognized as a national minority. Citizens of Polish origin in Germany do not fulfil the criteria for recognition as a national minority in Germany, as they are not traditionally resident in Germany. Instead their ancestors migrated to the territory that is today the Federal Republic of Germany, often as late as the 19th century or even later, for example as migrant workers to the Ruhr region, which means that they also do not live in traditional settlement areas in the Federal Republic of Germany.

The question, oft refuted in scientific literature, of whether German citizens of Polish origin had the status of a national minority in the German Reich (so before the founding of the Federal Republic of Germany) is ultimately irrelevant for the question of the recognition of German citizens of Polish origin as a national minority in Germany today.

The territorial changes following World War II mean that those areas of the former German Reich in which people of Polish origin traditionally settled (for example Upper Silesia and East Prussia) and which could have provided a territorial point of reference for the minority status of people of Polish origin in the German Reich are no longer German territory. This means that they can no longer serve as such a point of reference for minority status in the Federal Republic of Germany.

In addition to this, it is not possible to extrapolate a right to minority status today from the legal situation prior to the founding of the Federal Republic of Germany. The status of the national minorities in Europe was thoroughly revised by the Council of Europe Framework Convention for the Protection of National Minorities in 1995. In this context, the Federal Republic of Germany set out specific criteria for the recognition of a population group as a national minority. As explained above, German and Polish citizens of Polish origin in Germany do not meet these criteria.

The East Frisians in the north-western part of Lower Saxony are part of the Frisian ethnic group recognized in Germany, which means that they come under the scope of the Framework Convention. A report commissioned by the Federal Ministry of the Interior, Building and Community examined the geographical extension of the Frisian settlement area in north-western Lower Saxony in 2014 and defined this based on current administrative boundaries. The Frisian language originally spoken by the East Frisian people was replaced by Low German by the 17th century. The Low German language traditionally spoken by the East Frisians since then is protected as a regional language by the European Charter for Regional or Minority Languages.

A representative of the Frisian Council East Section, the umbrella association for East Frisians, has been a regular member of the Consultative Committee on Issues concerning the Frisian Ethnic Group at the Federal Ministry of the Interior, Building and Community since 2018. A representative of the Frisian Council East Section had already been invited to meetings of the Consultative Committee as a guest in 2016 and 2017.

2. Self-identification of Sinti and Roma

Differing views exist amongst German Sinti and Roma as to whether the recognition by Germany, when ratifying the Framework Convention, of a single minority of German Sinti and Roma adequately corresponds to the manner in which persons belonging to this minority identify themselves. The Advisory Committee encourages the authorities to pursue constructive dialogue with Sinti and Roma on the protection of their rights under the Framework Convention, while fully respecting the right to free self-identification. (Nos. 20–21)

The **Federal Ministry of the Interior, Building and Community** notes that it is aware of the concerns expressed by some members of the Sinti minority, particularly the Sinti Allianz Deutschland (the Sinti Alliance of Germany), in regard to the recognition of the groups of German Sinti and German Roma as a single national minority (German Sinti and Roma). The recognition of the national minority of German Sinti and Roma as a single minority does not imply the recognition of equal rights of the two different groups. It should be noted that it is common practice for the title given to national minorities to use collective terms. This does not negate the existence of individual and different groups. It is therefore common practice to refer to the Frisian ethnic group of German nationality, a term which encompasses North Frisians, East Frisians and Sater Frisians, groups with languages and culture that differ from one another. The term “Sorbian people” is also used, encompassing both the Lower and Upper Sorbian people. The recognition of the German Sinti and the German Roma as one of four national minorities is to be interpreted in the same way.

In Germany, unlike at international level, a distinction is already made between Sinti and Roma. The term “Sinti and Roma” makes it sufficiently clear that this national minority is made up of two different groups, which means that it adequately reflects the differences between these groups.

The Federal Ministry of the Interior, Building and Community takes this into account in reports to the Federal Government, for example, by including the following note: Sinti and Roma understand themselves in some cases not as a single, but as two different ethnic groups. The collective term Sinti and Roma is also used regularly in communication with international organizations.

In the federal state of *Lower Saxony*, both the federal state representative office of the Sinti Association and the Lower Saxony Association of German Sinti, which is part of the Lower Saxony Counselling Bureau for Sinti and Roma, share the opinion that Sinti and Roma are different ethnic groups. The recognition of a single German minority using the catch-all term “Sinti and Roma” is therefore seen as problematic by some members of the national minority in regard to their own feeling of national identity, among other reasons. When using specific terms, the federal state of Lower Saxony is careful to consider whether the topic in question is referring to one or both groups.

The federal state of *Schleswig-Holstein* reports that the federal state government and its subordinate authorities use the collective term “Sinti and Roma”. In response to a question from the State Chancellery of Schleswig-Holstein, the Schleswig-Holstein Association of German Sinti and Roma officially confirmed that this term is in line with the way in which persons belonging to this minority identify themselves in Schleswig-Holstein and is also appropriate.

II. Article 4

1. Legislative and institutional framework against discrimination

The Advisory Committee calls on the German authorities to review the impact in practice of the General Equal Treatment Act with a view to strengthening it in order to ensure that it provides effective protection against discrimination. Such a review should encompass inter alia the fields of law covered by the Act, the actors subject to its provisions, the impact of exceptions on its effectiveness in practice, and the representation of victims in court, including the possibility of bringing representative or collective actions. (Nos. 22, 23 and 26)

In regard to initiatives in connection with the General Equal Treatment Act, the **Federal Ministry of Justice and Consumer Protection** refers to the comments in D.I.

The Advisory Committee strongly encourages the authorities to continue supporting efforts to raise the awareness both of the general public and of legal professionals to the contents of the General Equal Treatment Act and the avenues of redress available to victims of discrimination, including when such discrimination was committed by public actors. (Nos. 24 and 27)

The **Federal Ministry of Justice and Consumer Protection** comments that the fight against hate crime of any type is of course also the task of the judicial system. Through comprehensive training during their studies and preparatory service, judges and public prosecutors acquire general expert and methodological knowledge which allows them to identify and prosecute hate crime. In addition, once they have entered the profession, further training programmes are available to them which regularly focus on the fight against hate crime and take an international and interdisciplinary approach. The German Judicial Academy, for example, is a training facility jointly sponsored by the Federal Government and the federal states and regularly offers seminars on this complex topic, such as the conferences “Right-wing radicalism and neo-Nazism – Past and present”, “Political extremism – a challenge for society and the judiciary” and “Current developments in criminal law”, which tackles the topic of “Law enforcement in the context of political extremism”. These training programmes are available to judges and public prosecutors from all the federal states. In addition, the training programme of the

Academy of European Law offers special seminars, for example on combating discrimination in the European Union and on the current problem of “Hate Speech and the Limits to Freedom of Expression in Social Media”.

The federal state of *Baden-Württemberg* refers to its comments in D.I.

In December 2017, the *Brandenburg* regional parliament resolved to expand and strengthen its regional agency for equal opportunities (printed document of the regional parliament 6/7700-B). The agency is responsible for key tasks in the field of anti-discrimination and providing public information on rights and legal redress, including in the case of discrimination by state actors.

For legal professionals, the joint legal examination board of Berlin and Brandenburg has taken the topic of anti-discrimination into account for a number of years in its role as the body responsible for advanced professional training for judges and public prosecutors, in particular for its interdisciplinary behaviour-based professional training. During these courses, the associated issues are examined in a practical professional context, encouraging participants to tackle these issues on a critical level. Participants therefore look at the current challenges facing the work of the justice system, for example raising awareness of increasing religious and cultural diversity within society. Specific advanced training sessions on the General Equal Treatment Act (AGG) and the Federal State Act on Gender Equality (LGG) are held each year at the Academy of Justice of the state of Brandenburg.

During the conference of integration ministers, the *Free Hanseatic City of Bremen* championed the ongoing inclusion of the General Equal Treatment Act in the legal studies syllabus, as it is considered socially extremely important. The decision urged the conference of justice ministers not to implement potential intentions to remove the AGG from the syllabus, so that as a significant legal field, the AGG remains part of the training of new legal professionals.

The *Free and Hanseatic City of Hamburg* states that it supports the recommendations of the Advisory Committee of ongoing efforts to raise the awareness both of the general public and of public institutions of the contents of the General Equal Treatment Act and the avenues of redress available to victims of discrimination.

The federal state of *Hesse* indicates that with its ordinance dated 12 February 2008, the Hesse Ministry of Justice put in place the requirement on the part of all of the authorities in its remit to train their staff in line with Section 12 and Section 24 of the General Equal Treatment Act. To this end, they may also use the e-learning tool on the General Equal Treatment Act which is available on the Hesse advanced training platform and can be accessed via the employee portal. The ordinance also states that on completion of the test, staff of the authorities can print out a certificate confirming successful participation in the course and should then submit this certificate to the authority where they are employed as proof of successful attendance.

There is no separate training for judges on this topic.

The Academy of Justice also offers training events for employees that deal with potential discrimination against the different groups in line with Section 1 of the AGG (e.g., gender mainstreaming).

The federal state of *Lower Saxony* points out concerted efforts to raise awareness of the content of the General Equal Treatment Act, listing the example of the seminars and workshops offered by correctional facilities in the region. All employees are given training on a variety of topics under the umbrella topic of the treatment and support of prisoners with the aim of making them aware of cultural differences and giving them the skills to deal with them. These workshops and seminars are intended, for example, for employees working in correctional facilities and for specialist staff. Other training options are offered to raise awareness of this topic for human resources managers and staff representatives, particularly in relation to recruitment processes. Gender Equality Officers take part in regular workshops to help them to consider their work in this context. Intercultural competence is a key learning outcome in the training to become a prison officer, extrapolated from the fundamental legal rights of the individual and with the aim of

ensuring an attitude of respect and consideration for all. The special characteristics and modes of behaviour of other culture are transmitted in both the practical and the theoretical modules, and trainees have classes in how to approach people from other cultures, while taking a critical look at their own behaviour and cultural attitudes.

The federal state of *Rhineland-Palatinate* notes that since the last report, the following efforts have been made to raise awareness about the General Equal Treatment Act: The Rhineland-Palatinate anti-discrimination agency has been expanded and developed to become the federal state contact point providing information, raising awareness, and passing on complaints of discrimination, and it also provides these services to members of the national minority of German Sinti and Roma in Rhineland-Palatinate. The Round Table on Anti-discrimination and Diversity, which takes in all of the regional contact points dealing with anti-discrimination and diversity that are active throughout a federal state, has put together a leaflet with information on the General Equal Treatment Act and the contact points. The leaflet was published in 2018 by the Rhineland-Palatinate anti-discrimination agency.

The anti-discrimination agency of *Schleswig-Holstein* is striving to ensure that the General Equal Treatment Act (AGG) is not removed from the syllabus for legal professionals; rather, it wants the AGG to remain an obligatory examination topic in the training for legal professionals.

The Advisory Committee reiterates its call on the authorities to consider broadening the powers of the Federal Anti-Discrimination Agency so that it can act more effectively against discrimination. It also calls on them to ensure that the Agency has sufficient resources to allow it to carry out its duties effectively. (Nos. 25 and 28)

In regard to initiatives in connection with the General Equal Treatment Act, the **Federal Ministry of Justice and Consumer Protection** refers to the comments in D.I.

2. Equality data

The Advisory Committee encourages the authorities to make appropriate use of existing data to assist them in designing measures to promote the full and effective equality of persons belonging to national minorities. It further invites them to seek additional means of gathering reliable quantitative and qualitative equality data with respect to the access to rights of persons belonging to national minorities, while fully respecting international standards on the protection of personal data. (Nos. 29–32)

No population or socio-economic statistics on the basis of ethnicity have been gathered in the Federal Republic of Germany since the end of World War II.

Please see the statement in D.IV for more information.

3. Institutional and legal framework for the protection and promotion of minority rights

The Advisory Committee encourages the authorities to ensure that where minorities are granted constitutional recognition, this is done without arbitrary distinctions. German Sinti and Roma should in particular be recognised on an equal footing with other national minorities. (Nos. 33, 35 and 37)

The federal state of **Brandenburg** refers to the comments in C.I.1, based on which German Sinti and Roma are placed on an equal footing with speakers of the regional language of Low German, with whom a similar agreement was signed in 2018.

Legal provisions that apply to all autochthonous minorities and ethnic groups living in **Schleswig-Holstein** are set out in the federal state constitution and several federal state laws. These provisions establish the equal legal treatment of national minorities. The basis for this is the constitutional status afforded to the protection and support for minorities in Schleswig-Holstein. German Sinti and Roma are recognized on an equal footing with other national minorities. On 14 November 2012, the Schleswig-Holstein regional parliament unanimously agreed to include the Sinti and Roma minority in the federal state constitution.

The protection of minorities was further strengthened by the constitutional amendment on 2 December 2014. The schools of the Danish minority and the financing of these, as well as Frisian and Low German lessons at state schools, are now guaranteed in Article 12.

The Advisory Committee invites the authorities of Brandenburg to take a flexible and inclusive approach with respect to applications for inclusion of additional localities in the traditional settlement area of Sorbs. (Nos. 34 and 38)

The federal state of **Brandenburg** refers to the comments in B.

The Advisory Committee encourages the federal authorities to use to the full their right to exercise oversight over the actions of the Länder and issue instructions in order to ensure that the rights of persons belonging to national minorities are properly implemented throughout Germany. (Nos. 36 and 39)

The **Federal Ministry of the Interior, Building and Community** reports that the implementation at federal state level of the legal obligations resulting from the Framework Convention for the Protection of National Minorities is essentially the responsibility of the federal states. Under ratifying legislation of 22 July 1997 (Federal Law Gazette II, p. 1406), the Framework Convention 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. As a general rule, in cases where federal laws are enforced by the federal state administrations (Article 83 of the Basic Law), the individual federal authorities do not exercise oversight to ensure that the federal states implement federal law (Article 84 (3) sentence 1 of the Basic Law). This is instead the task of the Federal Government, based on the principle of joint Cabinet decision-making. In the future, the Federal Government will also fully exercise its oversight pursuant to Article 84 (3) to (5) of the Basic law in regard to compliance with the Federal Government at national level. There are no plans to issue an ordinance setting out general administrative regulations which, pursuant to Article 84 (2) of the Basic Law, could also only be issued by the Federal Government with the approval of the Bundesrat.

4. Promotion of full and effective equality of Sinti and Roma

The Advisory Committee urges the authorities to ensure that efforts to promote the effective equality of Sinti and Roma take an evidence-based approach focusing on targeted measures to overcome barriers to equality.

Benchmarks enabling the impact of measures taken to be evaluated should be set and the measures to be adjusted as necessary on the basis of such evaluations, in full consultation with representatives of Sinti and Roma. (Nos. 40–42)

The *Federal Ministry for Family Affairs, Senior Citizens, Women and Youth* refers to the comments in D.XI.

In collaboration with the self-managed Roma group Amaro Foro, the *Federal Anti-Discrimination Office* organizes workshops and seminars on the topic of the General Equal Treatment Act for social workers and employees of social counselling services, with a particular focus on anti-Gypsy discrimination. Two training sessions have been held so far, one in 2016 and one in 2017. The intention is to repeat the event. The Anti-Discrimination Office keeps the topic in the public eye with its press and PR work, for example by organizing and participating in conferences.

III. Article 5

1. Preserving and promoting the culture of members of national minorities

The Advisory Committee encouraged the German authorities to continue supporting the preservation and promotion of national minority cultures, in close cooperation with the representatives of these minorities. It called on them to pay particular attention in this context to the long-term needs of persons belonging to national minorities and to ensure that funding arrangements, in particular in support of Sorbian and Frisian culture, allow for sustainable action to be taken. It further invited the authorities to seek means to make the funding process more transparent. (Nos. 43 – 45 and 47 –112)

The *Federal Ministry of the Interior, Building and Community* reported that the Foundation for the Sorbian People ensures sustainable promotion of the Sorbian culture by closely cooperating with representatives of the Sorbian People and taking their needs into account. The Foundation for the Sorbian People was established by the Free State of Saxony and the federal state of Brandenburg as a foundation under public law. It receives funding from the two federal states and the Federal Government and allocates it to various Sorbian organizations and institutions. Representatives of the Sorbian people are involved in the foundation's funding decisions.

On 15 February 2016, the Federal Government, the Free State of Saxony and the federal state of Brandenburg signed a new agreement on joint funding for the Foundation for the Sorbian People. This third funding agreement covers the period from 2016 to 2020. Depending on the individual budgets, the foundation will receive €18.6 million in annual funding. Compared to the previous funding agreement, annual funding has been increased by about €1.8 million. The increase takes into account the funding needs reported by the foundation.

The agreement is automatically extended for one year unless terminated by one of the participants twelve months before it is due to expire. This ensures that, unless terminated, a valid funding agreement is in force also beyond the specified expiry date even if a new funding agreement has not yet been concluded.

Representatives of the Sorbian people participate in the bodies of the Foundation for the Sorbian People and are involved in the foundation's decisions on allocating government funding to individual Sorbian organizations and institutions. For detailed information, see the comments in Chapter E.XI.1.

In addition to the funds provided through the funding agreement, in 2016 the Foundation for the Sorbian People received federal funding from the Federal Ministry of the Interior, Building and Community's discretionary budget for a project on the Sorbian language in new electronic media (*Sorbische Sprache in den neuen elektronischen Medien*). It is planned to provide the project with federal funding also in the future.

As explained in Chapter C.I.3 (Funding for national minorities), the *Federal Government Commissioner for Culture and the Media* promotes the national minority of German Sinti and Roma, the Frisian ethnic group and the Danish minority in the framework of federal cultural funding. This is the commissioner's contribution to preserving and promoting the culture of members of national minorities.

The federal state of *Berlin* refers to the comments in Chapter D.V.

The federal state of *Brandenburg* refers to the comments in Chapters C.I.2, C.I.3 and E.XI.1.

The *Free Hanseatic City of Bremen* refers to the comments in Chapter C.I.3.

The state treaty concluded between the federal state of *Hesse* and the regional association of German Sinti and Roma creates a steady financial basis for the work of the regional association.

The federal state of *Lower Saxony* funds cultural projects of the Saterland municipality that strengthen the regional identity and encourage active use of the Sater Frisian minority language.

In 2017, the federal state provided €10.000 in funding for a €33.000 project to digitize (technologically develop) the Sater Frisian dictionary and to put signs on public buildings in the Saterland municipality. The same amount of funding for Sater Frisian projects is earmarked for 2018.

The federal state of *Rhineland-Palatinate* reports that institutional funding has continued to be provided to the secretariat of the regional association of German Sinti and Roma during the reporting period. Although savings were necessary to counter budget deficits, funding for the regional association was increased from €227,700 in 2014 to €249,000 in 2018. The association also received additional funds for measures to preserve the culture of Sinti and Roma and other measures.

Moreover, Rhineland-Palatinate reported that the Sinti and Roma music and cultural festival AVEN is a traditional part of the Rhineland-Palatinate cultural summer.

The federal state of *Schleswig-Holstein* refers to the comments in Chapter C.I.3, point 3.

In addition, Schleswig-Holstein reported that the parliament also supports the request – expressed by the Frisian ethnic group for many years – to put the funding for the Frisian language, culture and tradition on a more transparent and solid footing. In addition to federal state funding, the Frisian ethnic group has been receiving project funding to develop its language and culture from the Federal Government Commissioner for Culture and the Media (BKM) since 2000. In 2016, the BKM invited the state government to discuss whether funding for the Frisian ethnic group in Schleswig-Holstein should be provided through a foundation in the future.

During the meeting of the Consultative Committee on Issues concerning the Frisian Ethnic Group at the representation of Schleswig-Holstein in Berlin on 28 March 2017, the state government introduced its initial plans to establish such a foundation which would operate on the basis of government grants. The East and Saterland Frisians said they wanted to participate in establishing a foundation. Subsequently, Lower Saxony was asked

whether they would participate in a Foundation for the Frisian Ethnic Group in Schleswig-Holstein and Lower Saxony. In October 2017, Lower Saxony replied that it would not participate at the moment. Nevertheless, the Schleswig-Holstein government continued to plan a foundation funded by the federal state and the Federal Government.

The Federal Government, the federal state and the Frische Rädj/Friesenrat - Sektion Nord e.V. (Frisian Council) agreed on the current draft statutes. The head of the State Chancellery notified the president of the state parliament who is also chairing the body responsible for issues concerning the Frisian ethnic group. Amendments and additions to be made based on the outcomes of the meeting on 21 September 2018 of the working group on funding for the Frisian ethnic group at the Schleswig-Holstein parliament and the meeting on 28 September 2018 of the Consultative Committee on Issues concerning the Frisian Ethnic Group at the Federal Ministry of the Interior, Building and Community will be included in future drafts of the statutes. Based on the agreed draft statutes an act is to be adopted to establish a foundation for the Frisian ethnic group in Schleswig-Holstein. The act requires approval by the state audit institution prior to adoption. Finally, a bill to be adopted by the cabinet and parliament will be presented in consultation with the Federal Government and the Frisian ethnic group.

Moreover, the Advisory Committee strongly encouraged the German authorities at all levels to ensure that public funding arrangements for the preservation and promotion of the Sinti and Roma culture take due account of the diversity within this minority and of the importance of supporting organizations at local level. (Nos. 46 and 49)

As explained in Chapter C.I.3, the **Federal Government Commissioner for Culture and the Media** promotes the national minority of German Sinti and Roma, the Frisian ethnic group and the Danish minority in the framework of federal cultural funding. This is the commissioner's contribution to preserving and promoting the culture of members of national minorities.

The Free State of **Bavaria** reported that it annually provides €474,700 in funding to support the work of the Bavarian Association of German Sinti and Roma.

This includes institutional funding for the regional association's secretariat and funding earmarked for fees for grave sites in Bavaria of Sinti and Roma who suffered Nazi prosecution. The treaty between the Free State of Bavaria and the Bavarian Association of German Sinti and Roma puts on a legally binding footing these benefits so far provided by the Free State voluntarily, reflecting its appreciation of the association's work in the interest of the national minority.

The federal state of *Berlin* refers to the comments in Chapter D.V.

Bremen and *Hamburg* refer to their comments in Chapter C.I.3.

In 2017 and 2018, *Lower Saxony* provided a total of €200,000 to support several cultural projects carried out by members of the Lower-Saxony section of the Association of German Sinti to help children and young people learn the Romani language. The funds are spent, for example, on guitar lessons, research on the history of Sinti and opportunities for encounters at cultural centres to strengthen identity.

The federal state *Schleswig-Holstein* reported that the Schleswig-Holstein Association of German Sinti and Roma is the only organization of the national minority which contacted the state government. Since 1990 the regional association has been running a secretariat and counselling bureau receiving institutional funding from the federal state. Half of the funds are used for mediators assisting children of the minority at schools in Kiel.

When the national minority of German Sinti and Roma was included in the state constitution, institutional funding was increased as well. Higher administrative and representation expenses of the regional association are covered by additional funding that has been generated from lottery revenues since 2015. In addition to public relations work, this funding is intended to ensure effective, varied and low-threshold social counselling for Sinti and Roma in the federal state.

2. Impact of lignite mining on the preservation of Sorbian language and culture

The Advisory Committee strongly urged the German authorities to pay close attention to the interests of persons belonging to the Sorbian minority in all matters related to possible relocations of the population. According to the Advisory Committee, such relocations should be contemplated only where no other viable alternative exists. The individuals concerned must be closely involved from the earliest stage in preparing for such relocations and identifying effective solutions in order to safeguard the history, language and culture of the Sorbian minority in the affected areas. (Nos. 50 – 52)

After the political transformation, five villages in the traditional Sorbian/Wendish settlement area in **Brandenburg** were relocated due to mining operations. According to the plans announced by the mining company in 2017, plans for the development of the open-cast mines Jänschwalde-Nord, Bagenz-Ost and Spremberg-Ost have been shelved so that further impacts on the traditional Sorbian/Wendish settlement areas are not to be expected. The decision whether to continue the open-cast mining operation at Welzow Süd by exploiting segment II is currently pending; this would also affect the village of Proschim/Prožym and the town of Welzow/Wjelcej. The mining company LEAG announced that it intends to take a decision on this matter by 2020.

Given the potential impact of this decision, the Sorbian/Wendish community is involved in the planning process for the development of lignite mining and holds a seat on the Lignite Mining Committee (*Braunkohleausschuss*). The Act on the Rights of the Sorbs and the Act on Lignite Mining in the *Land* Brandenburg made sure that in case of a municipality being relocated from the Sorbian/Wendish settlement area, the resettlement site should also be located in that settlement area or that the traditional settlement area should be expanded to include that resettlement site. The private mining company – formerly Vattenfall Europe Mining, now LEAG – and Domowina concluded an agreement on donations to compensate for some of the damage caused by mining to the cultural and linguistic Sorbian/Wendish heritage; the donations are used to fund projects promoting the culture and language in the municipalities affected by mining.

The Free State of *Saxony* reported that in response to the significant changes in the framework conditions for energy policy and markets, on 30 March 2017 the mining company LEAG announced a new masterplan for mining operations in the Lusatia region, including new plans for open-cast mining in Nochten. The mining area was restricted so that the villages of Klein-Trebendorf, the territory of Schleife which is located south of the railway line and the villages of Mulchwitz and Rohne will be preserved. The village of Mühlrose is the only one to be relocated under the new plan. Therefore, on 22 June 2017 the assembly of the regional planning association for the Upper Lusatia-Lower Silesia region (Regionaler Planungsverband Oberlausitz-Niederschlesien) decided to once again update the lignite mining plan for open-cast mining in Nochten (of 2014). The general public and a wide range of public bodies will be consulted on the update.

IV. Article 6

1. Tolerance and intercultural dialogue

The Advisory Committee strongly recommended that the authorities continue their programmes both in schools and vis-à-vis the general public to combat racism and intolerance and prevent right-wing extremism. It urges the authorities to ensure that such programmes do not focus exclusively on right-wing extremism but serve to equip their targets with the knowledge and understanding to identify and combat intolerance and prejudice, whatever the level at which they occur. (Nos. 53, 56, 57 and 60)

The *Federal Ministry of the Interior, Building and Community* clarifies that discriminating against and disparaging social groups or individuals because of their actual or supposed religious or ethnic background, sexual orientation, gender identity or any other characteristic is incompatible with the Constitution of the Federal Republic of Germany and human rights. Democratic societies everywhere in the world are currently facing challenges. Standing up for an open and diverse society and peaceful coexistence among all population groups therefore continues to be vital. The National Action Plan to Fight Racism, Xenophobia, Antisemitism and Related Intolerance adopted by the Federal Government in June 2017 vigorously pursues this aim as well (see the comments in D.III).

The *Federal Ministry of Justice and Consumer Protection* reports that the Network Enforcement Act (*Netzwerkdurchsetzungsgesetz, NetzDG*), which entered into force on 1 October 2017, requires social networks to take effective action against punishable hate content on the Internet (see D.III above for details).

Please see the comments by the *Federal Ministry for Family Affairs, Senior Citizens, Women and Youth* in D.III.

The Federal Government condemns all actions and ideologies inspired by hate. It takes decisive action against different forms of extremism and group-focused enmity. The terms “group-focused enmity” and “ideologies of inequality” refer to hostile attitudes and the related belief that certain social groups are inferior, based on their different social, religious

or ethnic background, sex or gender identity or other characteristics. Group-focused enmity may be expressed in opinions, prejudices, discrimination, exclusion or violence. Examining all forms of extremism makes it possible to identify the similarities and differences of pedagogical approaches to prevention, thereby enabling more effective implementation of measures for specific target groups.

The *Federal Ministry of Justice and Consumer Protection* refers to the comments in D.III.

Further, in its National Action Plan to Fight Racism, Xenophobia, Antisemitism and Related Intolerance adopted in June 2017 (NAP), the Federal Government set the goal of making the public administration, courts and security authorities as well as the general public more aware of racism as defined in the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) of 7 March 1966 and promoting the use of this definition as standard practice in public administration. This includes information on the content and scope of human-rights guarantees set out in the ICERD. Within the framework of their respective powers, the ministries are to make this information known in order to improve the way international law is enforced and taken into account when German law is applied. Appropriate events and formats will be used to accompany this process. One measure to increase awareness of the ICERD is an information brochure produced by the Federal Ministry of Justice and Consumer Protection. This brochure summarizes in German the most important information about the content and significance of the ICERD for practical use. It specifically points out that the definition of racist discrimination given in Article 1 of the ICERD directly applies in German law; that the definition includes many forms of direct and indirect, intentional and unintentional discrimination; and that it is not limited to cases related to the ideology of National Socialism or which constitute the crime of incitement to hatred (Section 130 of the German Criminal Code). This brochure can be accessed on the Federal Ministry of Justice website. The brochure was also distributed to specific agencies at federal and state level to inform practitioners in the justice system and administration. And in October 2017, the brochure was presented at a meeting with representatives of civil-society organizations.

The federal state of *Baden-Württemberg* refers to its comments in D.III.

The Free State of *Bavaria* reports that it continues to work with the state association to counter discrimination against members of the minority in all areas of public life and society and to promote peaceful coexistence while respecting the ethnic, cultural and linguistic identity of the national minority.

The federal state of *Berlin* reports that it has taken various measures to fight racism and intolerance and to promote tolerance and intercultural dialogue. For example, three intercultural training workshops were held in December 2017, commissioned by the integration division of the Berlin Senate Department for Integration, Labour and Social Affairs. These one-day workshops focused in particular on the topic of anti-Gypsyism: Participants discussed existing and familiar prejudices which often play a role in ordinary workplace interactions, even subconsciously. The history and function of the “gypsy” stereotype was discussed, as was the current situation in the districts where the workshops were held. The target group for the workshops was made up of employees of the Berlin public administration and volunteers. Participants included staff of the police, youth welfare and district offices as well as staff employed in the areas of family services, education and health.

From 2018 to 2020, two-day workshops to increase awareness of racism, diversity and intercultural relations will be offered for staff in public administration, employment offices, sport clubs, schools, etc. in city neighbourhoods requiring special attention. These workshops are intended to offer an opportunity to address various forms of discrimination and reflect on one’s own patterns of behaviour. In terms of their methodology, the workshops are mainly praxis-oriented and interactive, with some theory. Workshop participants first identify their specific needs, uncertainties, ignorance, interests and experience related to racism and discrimination from their daily lives and work. The emphasis is on providing facts, with a focus on social constructs such as racism, prejudice and privilege. One area of concentration is anti-Gypsyism. The workshops are intended to bring together staff from various agencies and areas of public administration with volunteers and staff of clubs to encourage an interesting exchange.

The federal state of Berlin also refers to its comments in D.III.

The federal state of *Brandenburg* reports that, in the framework of cooperation with the Brandenburg Regional Centres for Education, Integration and Democracy (RAA), measures and projects to integrate pupils from other countries and cultural areas are promoted, as are projects for democracy education and the nationwide school network to prevent racism (“Schule ohne Rassismus”). The Brandenburg RAA has worked with schools in Brandenburg for many years in particular through its six regional branches. The Brandenburgische Institut zur Gemeinwesenberatung DEMOS is active within the framework of the Brandenburg RAA and advises municipalities, social initiatives and individuals on developing a culture of democracy in daily life and a critical approach to right-wing extremism, with the aim of reinforcing democratic society. The institute not only advises in concrete situations involving right-wing extremism or racism; it also provides long-term advising and assistance in particular for municipalities in Brandenburg.

As described in D.IX, the *Free Hanseatic City of Bremen* provides information, teaching materials and media as well as training modules (e.g. for in-school further training) on the history of the Sinti and Roma and their living situation (persecution, anti-Gypsyism, situation in the countries of origin of immigrant Roma) at the state institute for schools (Landesinstitut für Schule). A lecture was given at the state agency for civic education in the Villa Ichon in January 2015 on what Sinti and Roma who survived the Nazi concentration camps experienced after 1945, when many in Bremen did not want them to return.

The Bremerhaven Sinti Association conducts workshops on anti-Gypsyism for the teachers’ union GEW Bremen, Kompass Bremerhaven, the Friedrich-Ebert school, the Bremerhaven continuing professional development institute for teachers, the youth organization of the Sozialdemokratische Partei Deutschlands (SPD, Social Democratic Party of Germany) and the Schlachthof cultural centre – as well as projects with schools, trips with pupils to memorial sites with follow-up projects, readings and concerts to help reduce prejudices.

The federal state of *Lower Saxony* refers to its prevention efforts described in D.III. These efforts include targeted extremism-prevention measures for schools. The local offices

responsible for state security and the police prevention teams and contact officers in particular maintain close contact with schools, offer age-appropriate prevention measures and are involved with local crime prevention councils. The local police offices, Lower Saxony Criminal Police Office and Lower Saxony Office for the Protection of the Constitution regularly organize continuing education seminars for teachers and caregivers. The Lower Saxony Office for the Protection of the Constitution also offers a travelling exhibition for schools on right-wing extremism, organizes conferences and panel discussions for the general public on all forms of extremism, and provides informational materials.

Circular instructions of 1 June 2016 on security and violence-prevention measures in schools in collaboration with the police and public prosecutor's office governs cooperation and information-sharing among schools, the police and public prosecutor's office in support of peaceful schools free of violence. For example, school principals are required to report politically motivated crime of all kinds. In this way, law enforcement authorities are alerted to delinquent behaviour early on and can take action to prevent further incidents.

The federal state of *North Rhine-Westphalia* reports that, with expert assistance, its Ministry of Justice is currently drawing up a comprehensive strategy to systematically improve the intercultural skills of all staff in the justice system. The ministry plans to make intercultural competence a subject of all key training for the justice system. The strategy also calls for increasing intercultural competence in a structured way targeted at specific occupational groups in the context of ongoing professional development (further training). The newly established centre for intercultural competence of the North Rhine-Westphalia justice system (ZIK) will implement the new further training strategy, recommendations for action and other guides in practice.

Intercultural relations deserve special attention especially in the justice system, because they often involve an imbalance of power and are characterized by the state's monopoly on the use of force and the large number of state protective tasks. For this reason, successful communication between judges and participants in court proceedings, bailiffs and judgment debtors, probation officers and probationers is essential for an effective, public-oriented and integrative justice system. Intercultural competence enables better understanding, prevents misunderstandings and de-escalates potential conflicts. It helps in

recognizing and responding appropriately to socio-culturally conditioned motives and behaviours of participants in court proceedings and those seeking justice. The North Rhine-Westphalia Ministry of Justice hopes that the structured expansion of intercultural competence will initiate and encourage a dialogue between state actors and those affected, within the justice system and beyond.

The federal state of *Rhineland-Palatinate* refers to its comments in D.III.

With its participation in the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth programme “Demokratie leben! Aktiv gegen Rechtsextremismus, Gewalt und Menschenfeindlichkeit” (Living democracy: Taking action against right-wing extremism, violence and hate), the federal state of *Saarland* hopes to promote civic engagement and democratic behaviour at local, regional and cross-regional level in accordance with the programme’s guidelines. The Saarland state centre for democracy is steadily expanding its network to counter right-wing extremism and promote democracy.

Network members include the state centre for democracy, which is located within the Saarland Ministry for Social Affairs, Health, Women and Family, along with the office to combat right-wing extremism and promote democracy and the advisory office for victims of discrimination and right-wing violence. Other members include the various cooperation partners, such as the partnerships for democracy, model projects and umbrella organizations. The network promotes the respectful coexistence of people of different social, ethnic, cultural and religious backgrounds and the upholding of human rights in a democratic society.

At Saarland’s first integration summit in March 2015, the Lebacher Declaration was adopted: It contains ten points noting the basic consensus in favour of peaceful coexistence of persons of different cultures, ethnic groups, nationalities and religions in Saarland and calling for a culture of recognition and welcome, mutual respect and active solidarity.

The Free State of *Saxony* reports that its existing programmes to fight racism and intolerance and prevent right-wing extremism are becoming firmly established and being

further developed in the course of implementing the action plan “W wie Werte” (V stands for values). Aims also include increasing awareness and dealing objectively with phenomena related to group-focused enmity. Additional measures are being developed in cooperation with the state programme “Weltoffenes Sachsen für Demokratie und Toleranz” (Cosmopolitan Saxony, democratic and tolerant), the Saxony centre for democracy, the state prevention council, the Saxony state agency for civic education and others. These measures will be suitable for schools to address extremism motivated by religion or political beliefs.

The federal state of *Schleswig-Holstein* reports that on 1 August 2018 its Ministry for Education, Science and Culture introduced a procedure to monitor incidents of physical and/or psychological violence at schools. Both the incident itself and possible motives will be entered in an online database and evaluated. Categories were drawn up to record the possible motives; one of these categories is incidents motivated by racism. The database is intended to reinforce and if necessary establish general and specific preventive measures and to find out how certain violent situations develop. Another central goal of the database is to provide facts to counter populism, manipulation of opinion and false information, so that the Ministry for Education, Science and Culture and the state parliament can make appropriate, fact-based decisions in this context. The introduction of the database is being accompanied by information and awareness-raising measures at meetings of the school administration in the 2018/2019 school year.

Through the federal programme “Integration durch Sport” (Integration through sport), since 1990 the sport and youth sport associations of the federal states have provided support for ethnic German immigrants from the former Soviet Union, Romania and Poland and their family members, for other immigrants and for disadvantaged Germans in sport clubs. The programme is organized by the German Olympic Sports Confederation (DOSB) and funded by the Federal Ministry of the Interior, Building and Community. It is open to all state-level sport associations and clubs.

With the help of the federal programme of the Federal Ministry of the Interior, Building and Community to encourage social cohesion through participation (“Zusammenhalt durch Teilhabe”), the state sports association (LSV) hopes to encourage its member clubs and associations to develop a strategy for strengthening democratic praxis and to advise

them on their future development.

The aims of the project:

- increasing awareness in the clubs and associations as well as within the LSV itself, increasing democratic participation and reinforcing own democratic structures, with a focus on sport open to participation by all;
- creating and expanding advising and networks within sport organizations and outside sport with the help of network partners, and reflecting on the underlying structures of organized sport;
- developing and providing advising services specifically tailored to individual sport clubs and associations, and offering them assistance for their further development through change processes;
- offering qualification as democracy advisers.

For this measure, federal funding of €120,000 and state funding of €12,000 is available to the LSV each year during the period 2017–2019.

The federal state of Schleswig-Holstein also refers to its comments in D.I.

The Advisory Committee invited the German authorities to review the adequacy of the legal provisions prohibiting incitement to hatred, in particular in the context of election campaigns. (Nos. 54, 58 and 61)

The **Federal Ministry of Justice and Consumer Protection** refers in this regard to the more detailed information provided in D.III.

The Advisory Committee also called on political leaders to denounce racism and intolerance in all their forms and to take a proactive stance embracing the diversity of German society. (Nos. 55, 59 and 62)

Please see the comments by the *Federal Ministry for Family Affairs, Senior Citizens, Women and Youth* in E.IV.1.

The federal state of *Baden-Württemberg* refers to its comments in D.III.

The federal state of *Berlin* refers to its comments in D.I, D.III and D.XI.

The federal state of *Brandenburg* notes that members of the state government repeatedly express their support for social diversity in numerous press releases, speeches and addresses. With regard to national minorities, this was again expressed in 2017/18, when the Brandenburg state parliament and members of the Brandenburg state government declared their support for the EU citizens' initiative Minority Safepack of the Federal Union of European Nationalities.

The *Free and Hanseatic City of Hamburg* reports that it has taken numerous measures to combat racism and right-wing extremism. These measures are part of the state programme to promote democratic culture and prevent and fight right-wing extremism ("Hamburg - Stadt mit Courage"), which targets right-wing extremism and all manifestations of group-focused enmity. These include marginalization and intolerance of the national minority German Sinti and Roma. The state programme uses primary preventive measures in particular to increase acceptance of diversity in German society and to teach young people to recognize and counter arguments associated with hate.

With regard to the Advisory Committee's recommendation to promote tolerance and intercultural dialogue, the federal state of *Hesse* refers to the activities of working group I on violence and minorities of its state prevention council.

This working group has long addressed the issue of preventing extremism. Its action to counter extremist violence motivated by political or religious beliefs includes in particular measures intended to reinforce democratic behaviour and prevent radicalization. It organizes expert seminars and workshops and initiates projects.

The federal state of *Lower Saxony* refers to its comments in D.III.

The federal state of *Rhineland-Palatinate* reports that the proactive stance embracing the diversity of German society has been anchored by the Rhineland-Palatinate state government strategy for diversity, which its ministerial council adopted in spring 2015 and which contains core elements of a joint anti-discrimination and diversity policy which are binding for all state ministries. This proactive stance has also been anchored by the state government's accession in summer 2017 to the Diversity Charter, which is intended to create a work environment free of discrimination in its area of responsibility.

The *Schleswig-Holstein* state government acceded to the Diversity Charter in March 2012. In this way, it has declared its commitment to diversity, tolerance, fairness and respect in the work environment. Signing the charter also entails a voluntary commitment by the state government to promote a work environment free from discrimination and marginalization. The state government declared its commitment to this culture of respect in its action plan on integration as well. In 2014, the state government also declared its commitment to creating and promoting a diverse society.

2. Media, the Internet and social media networks

The Advisory Committee called on the authorities, whilst fully respecting the editorial independence of the media, to take initiatives to encourage both national and regional media outlets to promote more balanced and objective reporting on issues related to diversity within German society and to strengthen the training of journalists and other media professionals in this regard. (Nos. 63 and 65)

The *Federal Government Commissioner for Culture and the Media* reports that the federal constitutional structure of the Federal Republic of Germany also applies to public broadcasting. This means that there are no federal institutions concerned with domestic media.

The federal state of *Baden-Württemberg* reports that, according to the Interstate Agreement on Broadcasting, the public broadcasting corporations must provide a comprehensive overview of international, European, national and regional activity in all important areas of life. In this way, they are supposed to promote international understanding, European integration and social cohesion at federal and state level. They are also obligated to abide by the principles of objectivity and non-partisanship. According to the provisions of the state treaty with the public broadcasting corporation Südwestrundfunk (SWR), the Broadcasting Board represents the interests of the general public in the field of broadcasting, while paying attention to the diversity of public opinion. In Germany, the state is not allowed to exert any influence on the programming of media providers due to the freedom of the press and of reporting guaranteed in Article 5 (1), second sentence, of Germany's Basic Law and the resulting autonomy of the media and of programming.

The federal state of *Brandenburg* explains that the constitutional principle of government non-intervention in broadcasting means that the state government does not seek to influence reporting or the training of journalists. However, the public broadcaster Rundfunk Berlin-Brandenburg (RBB) offers a television programme in the Sorbian language every third Saturday, "Łužyca" / "Lausitz", along with other Sorbian-language radio programmes.

The Ministry for Culture and Media of the *Free and Hanseatic City of Hamburg* agrees with recommendation 2 in E.IV.6 on media, the Internet and social media networks. However, the ministry asks that the Internet and social media networks be included with the national and regional media referred to.

The Ministry for Culture and Media underscores the importance of the reference in the Fourth Opinion of the Advisory Committee of 19 March 2015 (No. 63) to promoting more balanced and objective reporting, particularly at a time when discriminatory language is being disseminated through the media and especially in social networks. The ministry refers to Section 11 (1) of the Interstate Agreement on Broadcasting, which states that public broadcasting is supposed to promote international understanding, European integration and social cohesion at federal and state level

The federal state of *Hesse* refers to its comments in D.VII.

The federal state of *Schleswig-Holstein* refers here once again to its fundamental statements regarding the limits to state intervention in the freedom of the press and the principle of government non-intervention in broadcasting guaranteed by the constitution, for example in D.VIII.

The Advisory Committee noted that in a case involving the publication by a cultural magazine of an interview with a politician, the United Nations Committee on the Elimination of Racial Discrimination found that Germany had failed to investigate effectively the dissemination of ideas based on racial superiority. It therefore called on the German authorities to review the policy and procedures in place concerning the investigation and prosecution of the dissemination of ideas based on racial superiority, with a view to increasing their effectiveness. (Nos. 64 and 66)

The *Federal Ministry of the Interior, Building and Community* responds that using information to fight racism, discrimination and group-focused enmity is a central objective of the Federal Agency for Civic Education, along with designing and promoting

participatory measures. The agency offers events, publications and grants for journalists and others in the media sector, who are an important target group for its variety of offerings. One of the agency's key aims is helping ensure that the media landscape does justice to a society which is steadily becoming more diverse; it therefore seeks to encourage more reporting on issues such as racism and discrimination in daily life. In this context, cooperation with the organization Neue Deutsche Medienmacher at the national convention of new German organizations in November 2018 should be mentioned, along with the purchase of its guide to terminology for reporting in a country of immigration, for distribution through the agency's programme for local reporting. It is also important to make minority perspectives more visible, thereby anchoring them in the public discourse. One focus of the agency's efforts is further training for local journalists in regularly scheduled seminars and meetings. Its specialist magazine drehscheibe and reporting on its website www.drehscheibe.org also focus on local journalism and portray a pluralist society as normality. The agency's serial publications, special reporting and training courses point out the opportunities and challenges which go along with a pluralist society.

The *Federal Ministry of Justice and Consumer Protection* would like to emphasize that the comments of the United Nations Committee on the Elimination of Racial Discrimination (see Communication No. 48/2010 of the Committee on the Elimination of Racial Discrimination of 26 February 2013 (CERD/C/82/D/48/2010)) have influenced the debate over what to do about racist statements in Germany. Creating and maintaining a tolerant and open society is one of the top national priorities. This is why the Federal Government strongly supports open political debates like the one initiated and influenced by the Committee's decision.

Following the presentation of the 19th to 22nd periodic reports of the Federal Republic of Germany on 5–6 May 2015, the Committee on the Elimination of Racial Discrimination stated in no. 19 of its concluding observations: "*The Committee recommends that the State party act upon and provide information on follow-up measures to give effect to the recommendations of the Committee in communication No. 48/2010, TBB-Turkish Union in Berlin/Brandenburg v. Germany (the "Sarrazin case"). The Committee reminds the State party of the need for effective responses to racist hate speech in accordance with the Committee's general recommendation No. 35.*"

The Federal Government responded to this observation on 19 July 2016 as follows: It shares the Committee's view expressed in its general recommendation No. 35 of the need for effective responses to racist hate speech. However, freedom of expression is also one of the most important human rights. To preserve a democratic culture of debate, it is essential to strike a balance between these conflicting interests, i.e. between the right to free expression on the one hand and the right of individuals and society to protection against verbal attacks.

Free speech is absolutely necessary for exercising and protecting all human rights and for the functioning of a democratic state under the rule of law. Various international human rights treaties guarantee freedom of opinion and expression, in particular Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights and Article 10 of the European Convention on Human Rights. Article 4 of the ICERD also notes the need to protect freedom of expression, stating that the states parties to that convention must fulfil their obligations pursuant to Article 4 "*with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention*". This is (also) a reference to Article 19 of the Universal Declaration of Human Rights, which guarantees freedom of opinion and expression.

A special aspect must be taken into account when deciding the degree to which racist expression must be prosecuted under criminal law: The Federal Government believes that criminal law should constitute the *ultima ratio*, that is, the severest response by the state. It is certainly necessary to respect boundaries, also in the clash of ideas, and criminal prosecution may be necessary to defend these boundaries. However, reducing racism and discrimination in society ultimately requires a comprehensive approach. In addition to prosecution under criminal law and for expressions of opinion which are not punishable under criminal law, debate and action by the mainstream of society should be regarded as especially important.

It should be noted that criminal sanctions can always have a "chilling effect", i.e. they can also prevent people from expressing opinions that would be protected by the freedom of expression. This is why criminal law is not always the best instrument (see also *Human Rights Committee, general recommendation no. 34 of 2011, nos. 21, 34, 47; Rabat Plan of Action from the expert workshop organized by the Office of the United Nations High Commissioner for Human Rights on 5 October 2012: criminal prosecution should be a last resort; European Court of*

Human Rights (ECHR), judgment of 10 October 2008, Soulas and Others v. France, 15948/03; ECHR, judgment of the Grand Chamber of 15 October 2015, Perincek v. Switzerland, nos. 196, 198; European Commission against Racism and Intolerance (ECRI), General Policy Recommendation No. 15 of 8 December 2015).

For this reason, the Convention does not require prosecuting every expression of ideas based on the superiority of a race or every expression inciting racial discrimination. Instead, it leaves the states parties a certain degree of discretion for deciding when prosecution may be the best solution to guarantee the aims of the Convention. In its Opinion on L.K. v. the Netherlands (Communication No. 4/1991 of 16 March 1993, paragraph 6.5) and its Opinion on Yilmaz-Dogan v. the Netherlands (Communication No. 1/1984 of 10 August 1987, paragraph 9.4), the United Nations Committee on the Elimination of Racial Discrimination (CERD) recognized the principle of expediency defined as the freedom to prosecute criminal offences or not. The Committee explained that this principle was governed by considerations of public policy and that “the Convention cannot be interpreted as challenging the *raison d’être* of that principle”.

Against this background, the Federal Government believes that Sections 130 and 185 et seqq. of the German Criminal Code are appropriate criminal law provisions which comply with the Federal Republic of Germany’s obligations under international law. This is why it does not intend to amend these provisions of material criminal law. Further information on this point can be found in D.III.

Irrespective of this question, the Federal Government finds it imperative to regularly review whether and which measures are necessary to combat racist expressions of opinion. This is a permanent task for society as a whole, which must be dealt with at all levels of the Federal Republic of Germany.

3. Combating racism and hate crimes

The Advisory Committee strongly encouraged the German authorities to bring to completion as soon as possible the process of amending § 46 of the Criminal Code in order to mention expressly that racist motivations of an offence are to be taken into account as an aggravating circumstance in sentencing. (Nos. 67–70)

The *Federal Ministry of Justice and Consumer Protection* reports that the act on the implementation of the recommendations of the Committee of Inquiry into the National Socialist Underground (NSU) of the 17th legislative term of the German Bundestag of 12 June 2015, effective 1 August 2015, explicitly added racist, xenophobic and other inhuman motives and aims to the list of circumstances to be taken into account in sentencing given in Section 46 (2), second sentence, of the Criminal Code (*Strafgesetzbuch, StGB*). The characteristic of “other inhuman” motives and aims also includes additional recognized prohibitions on discrimination.

In particular, antisemitic motives and aims and those directed against religious orientation, disabilities, social status and the sexual orientation or gender identity of the victim are regarded as “other inhuman” motives and aims (see Bundestag document 18/3007, p. 15 et seq.).

Even before this amendment was made, it was acknowledged that the “motives and aims of the offender” listed in Section 46 (2), second sentence, of the Criminal Code also include racist or xenophobic motives and that they are to be taken into account as an aggravating circumstance. However, naming these motives explicitly is intended to underline their importance for the sentences passed by courts. Furthermore, the amendment to Section 46 (2), second sentence, of the Criminal Code is also intended to emphasize that public prosecutor’s offices must identify and take such motives into account early in their investigations, because pursuant to Section 160 (3) of the Code of Criminal Procedure, investigations by the public prosecutor’s office should also extend to the circumstances which are important for determining the legal consequences of the offence. This emphasis also reflects the task of criminal law to document and strengthen assessments which are fundamental for society, especially for the purpose of positive general prevention.

4. Conduct of law enforcement officials

The Advisory Committee urged the authorities to follow up rapidly on the findings of the parliamentary commission of inquiry into the NSU murders as regards the functioning of the criminal justice system. It emphasizes in particular in this context the need to ensure that all possible racist elements of criminal offences are systematically taken into account, from the earliest stage of investigations, and that the procedures and structures in place encourage this. (Nos. 71 and 75)

The *Federal Ministry of the Interior, Building and Community* refers to its comments in E.VI.

In addition to the existing provisions of Police Service Instruction 100, the following clarification (oriented on the wording of Section 46 of the Criminal Code) was added by decision of the standing conference of federal and state interior ministers as 2.2.5: “All cases of violent crime must be checked for possible racist or other political motivations. The results shall be documented.”

The amended version of Police Service Instruction 100 entered into force on 15 August 2015. Since then, this has been the valid instruction for German police officers.

The *Federal Ministry of Justice and Consumer Protection* refers to its comments in D.VI.

In addition, together with the German Institute for Human Rights, the Federal Ministry of Justice and Consumer Protection is currently conducting a two-year project (“Rassismus und Menschenrechte –Stärkung der Strafjustiz”) to develop and test various advanced training modules on racism for criminal court judges and public prosecutors, taking the human rights framework into account. These modules are intended to become an integral part of basic and advanced training in the federal states. The advanced training modules developed in cooperation with three pilot states (Berlin/Brandenburg, Bavaria and Lower Saxony) are intended to help judges and public prosecutors respond appropriately to offences motivated by racism and hatred, deal with the victims’ experiences in criminal proceedings and enable them to get effective access to justice free of discrimination. Preparatory and follow-up workshops with lecturers from the criminal justice system and education will develop and assess the training modules. The materials developed will be

available as manuals for future course lecturers and participants. To ensure that the training modules can be offered after the pilot project ends, a network of lecturers is being created with the help of a train-the-trainer seminar.

The federal state of *Baden-Württemberg* refers to its comments in D.IV.

The Free State of *Bavaria* notes that the parties to the Convention in Bavaria reject all undue prominence given by state authorities to the ethnicity of minorities, and they seek to ensure that the media respect this principle as well.

As in previous years, the law enforcement authorities in the federal state of *Brandenburg* continue to actively pursue effective prosecution of right-wing extremist, xenophobic and antisemitic offences. For example, the state police have adopted and continue to develop an action plan for dealing with politically motivated crime. The plan addresses right-wing extremist and terrorist developments in recent years, including the experience with the National Socialist Underground (NSU). In addition, manuals for indicators and characteristics of politically motivated crime are used to increase police officers' awareness.

Public prosecutor's offices have specialized departments to deal with right-wing extremist, xenophobic and antisemitic offences, where specially trained and experienced public prosecutors work to resolve cases and convict offenders without delay. The prosecutor's office in Cottbus is specialized in dealing with cyber crime and handles all cases in the state involving propaganda crime and incitement on the Internet, which have continued to increase in recent years. Any right-wing extremist, xenophobic or antisemitic offences committed during incarceration are rigorously investigated and dealt with.

In addition, the general public prosecutor's office for the federal state of Brandenburg organizes meetings as needed for the heads and deputy heads of the public prosecutor's office departments responsible for dealing with politically motivated crime where individual problem areas can be discussed and information on related crime phenomena

and structures which has been acquired by the individual authorities during routine investigations can be shared.

A wide variety of seminars and workshops are also offered for employees of the courts, public prosecutor's offices and correctional facilities to keep them informed of the latest developments related to right-wing extremism, xenophobia and antisemitism. Employees in the youth justice system receive special training to deal with right-wing extremist inmates.

Various introductory lectures and courses are offered in the *Free Hanseatic City of Bremen* to assist justice system employees and increase their awareness when working with minorities. Examples include courses on diversity management for supervisory staff, diversity and perception in court rulings, diversity for employees of labour and social courts, intercultural skills for staff of court offices and a course on all these issues for criminal court judges.

The federal state of *Hesse* reports first of all from the perspective of criminal justice:

With regard to recommendations 27, 28, 29 and 30 concerning the first parliamentary commission of inquiry into the NSU murders, the management of combined proceedings, the selection of an appropriate public prosecutor and the inclusion of right-wing extremism as a topic of basic and advanced training, suitable measures have been taken within the remit of Hesse's criminal justice system to ensure the continued implementation of these recommendations as far as this implementation is the responsibility of the federal states. In its Recommendation No. 27, the commission of inquiry states that, in the interest of effective and expeditious criminal prosecution, combined proceedings in accordance with No. 25 et seqq. of the Rules for Criminal Proceedings and Administrative Fine Proceedings (*Richtlinien für das Straf- und das Bußgeldverfahren, RiStBV*) must not fail due to excessively restrictive interpretation of the criteria set out in those Rules. The Hesse public prosecutor's offices have been appropriately informed of this recommendation. With regard to Recommendation No. 28 on examining the provision for deciding jurisdiction in combined proceedings (see Section 143 (3) of the Courts Constitution Act (*Gerichtsverfassungsgesetz, GVG*)), the general public prosecutor's office for the federal state of Hesse used its powers pursuant to Section 145 GVG to assign the prosecution of all

cases involving state security to the public prosecutor's office in Frankfurt (Main). With regard to the selection of a suitable public prosecutor to lead proceedings (Recommendation 29), the remit of the Hesse public prosecutor's offices all have special departments for prosecuting politically motivated and extremist offences. As far as including the topic of right-wing extremism in basic and advanced training for public prosecutors and employees of correctional facilities (Recommendation 30), Hesse offers a wide range of training which also addresses legal trainees.

The following is reported from the police perspective for the federal state of Hesse:

The demands of the NSU commission of inquiry concerning the functioning of the criminal justice system have been carefully scrutinized at federal and state level and thoroughly implemented in Hesse.

For example, in all cases of violent crime which could involve racist or other political motives, by decree this aspect is to be thoroughly examined and this examination documented unless witness testimony, crime scene evidence and the initial investigation provide sufficiently concrete evidence which points in a different direction. In cases in which the motive is unclear, the local detective unit responsible for state security and, if appropriate, the Hesse Criminal Police Office (HLKA) are to be consulted. The HLKA checks whether there is reason to consult the Hesse Office for the Protection of the Constitution or the Joint Centre for Countering Extremism and Terrorism (GETZ) and the Joint Centre for Countering Right-Wing Extremism and Terrorism (GETZ-R). According to the above-mentioned principles, especially serious crimes that remain unsolved are to be reviewed at appropriate intervals by experienced investigators who were not involved in the original investigation.

In addition, a three-step controlling procedure has been implemented for complex crimes with unclear motives in order to reduce the risk of investigators becoming trapped in certain ways of thinking as the investigation goes on and, as a result, failing to interpret clues or evidence properly or objectively. This three-step procedure is to be applied in especially important cases when special task forces/investigation teams are formed, in order to recognize early on if the investigation is setting the wrong priorities and to identify new approaches. The processing of leads and evidence is to be checked before filing, and a unit for the critical evaluation of the status of the investigation is to be set up

to assist the investigation leadership. Whether the operation commander should consult an officer in the higher service who is experienced in dealing with similar cases is to be decided in coordination with the police headquarters for the federal state.

Within Hesse, the Hesse Act on Public Security and Order (HSOG, Section 92) provides the necessary legal basis for combined police investigations. In order to improve coordination between the responsibilities of the police and the public prosecutor's office, the HLKA and the general public prosecutor's office in Frankfurt (Main) discussed this issue at their regular meetings and agreed on appropriate procedures.

In 2015, an independent expert commission reviewed the implementation of the Bundestag commission of inquiry's recommendations and found that almost all had been properly implemented. In only a few cases did it recommend stricter measures, which have since been put into practice in the relevant proceedings in Hesse.

The federal state of *Lower Saxony* refers to its Framework Concept for Lower Saxony's Police Forces in the Fight Against Crimes Committed for Right-Wing Extremist Motives already mentioned in D.III. This strategy defines standards for gathering, assessing and sharing information for investigations of politically motivated crime. Using and expanding existing networks with other security authorities, above all the domestic intelligence agencies, but also civil-society actors, is especially important in helping to prosecute right-wing extremist crimes quickly and to the fullest extent of the law.

Lower Saxony is represented within the Joint Centre for Countering Right-Wing Extremism and Right-Wing Terrorism (GETZ-R) and the platform Coordinated Internet Analysis of Right-Wing Extremism (KIA-R), and the Lower Saxony police work with the Lower Saxony state office for the protection of the Constitution at Lower Saxony's joint information and analysis centre GIAZ. This enables nationwide information-sharing among all security authorities and helps in producing regional and interregional situation reports.

The recommendations for action from the parliamentary commission of inquiry into the NSU murders are being implemented in accordance with the decisions of the standing conference of federal and state interior ministers. For example, all violent crimes are reviewed for possible extremist motives.

The federal state of Lower Saxony notes that the NSU commission of inquiry's recommendations included the consistent application of the Rules for Criminal Proceedings and Administrative Fine Proceedings (*Richtlinien für das Straf- und das Bußgeldverfahren*, RiStBV) concerning combined proceedings by the state's judicial administration within its remit. The Lower Saxony public prosecutor's offices were explicitly made aware of this issue, even though there is no indication of problems in this regard. Further, the fact sheet for public prosecutors on indicators of right-wing terrorist connections has been announced within the remit of the public prosecutor's offices and included in the collection of important information for public prosecutor's offices known as the "red folder". The directorate-general within the Lower Saxony Ministry of the Interior and Sport which is responsible for the protection of the Constitution has conducted meetings with the Lower Saxony general public prosecutor's offices and public prosecutor's offices to discuss issues of internal security.

The federal state of Lower Saxony also refers to its comments in D.VI.

In its final report, the third parliamentary commission of inquiry in the 16th legislative term of the state parliament of *North Rhine-Westphalia* ("NSU Terror in North Rhine-Westphalia") included the following recommendations for action, which are relevant for the recommendations of the Advisory Committee concerning the police in North Rhine-Westphalia:

- The state security authorities must be included when investigating violent crimes which may have been politically motivated.
- Such investigations should be led by a central state police authority with the authority to give instructions to participating police authorities from other federal states, and a state treaty to this effect should be initiated.
- New organizational units should be created at the central police offices (*Kriminalhauptstellen*) responsible for dealing with serious crime. These new units are intended to provide continuous and critical monitoring of complex investigations.
- The criteria for the use of informants should be reviewed.
- An audit group should be created at the North Rhine-Westphalia state criminal police office to review past cases in consultation with the public prosecutor's office.

- Specific basic and advanced training as well as supervision should be required for police officers engaged in state security tasks to ensure they are sufficiently informed about the organization, activities and ideologies of right-wing extremists. These police officers should also be taught what the tasks and working methods of the domestic intelligence agencies are.

The recommendations dealing exclusively with the police have been partly implemented. This applies to including the state security authorities in investigating crimes if there are indications of a political motive; to criteria for the use of informants; and to basic and advanced training for police officers engaged in state security tasks.

In *Schleswig-Holstein*, if there are indications that a crime was motivated by racism, the investigation comes under the heading of politically motivated crime and is processed by the offices specialized in state security offences. The crime is immediately reported to the Schleswig-Holstein state criminal police office, which forwards the report to the Federal Criminal Police Office (BKA). The state criminal police office publishes the annual data for Schleswig-Holstein, and the BKA publishes the data at the federal level. In addition, following the recommendations of the parliamentary commission of inquiry into the NSU murders, a “cold case” unit was set up as an autonomous sub-section of the state criminal police office.

The Advisory Committee called on the German authorities to take definitive steps to eradicate ethnic profiling. The possibility of carrying out identity checks for migration control purposes in the absence of any suspicion of wrongdoing should be eliminated and police trained to avoid the use of ethnic origin as a criterion in carrying out such checks. (Nos. 72, 73 and 76)

The *Federal Ministry of the Interior, Building and Community* refers to its comments in D.VI.

The federal state of *Baden-Württemberg* refers to its comments in D.VI.

As described in D.VI, the *Free Hanseatic City of Bremen* is intensively addressing the issue of ethnic profiling. In view of the fact that a negative experience during an identity check reduces trust in the police, the Bremen police are currently working with a representative of the Institute for Ethnology and Cultural Studies at the University of Bremen to draw up guidelines for professional, fair and efficient identity checks. In doing so, the police are drawing on the experience of the Dutch police. The aim is to work with the Bremen police to develop a code of practice for identity checks. The results of this project will first be made available and discussed within the police force. After that, a public information campaign is planned. Based on experience so far in addressing the issue of ethnic profiling, it is hoped that this campaign will increase the public's trust in the police.

Further, the Bremen police plan to examine the effectiveness of identity checks to ensure maximum effectiveness and avoid unnecessary checks.

In future, courses on intercultural competence and diversity and training for supervisors and managers will pay greater attention to the topic of identity checks, focusing on dealing with the "other" in connection with the formation of stereotypes, prejudices and racism. The representative of the Institute for Ethnology and Cultural Studies will assist with this process both internally and externally. And members of the Amsterdam police will also contribute their extensive project experience.

With regard to eliminating identity checks based on ethnic origin in the absence of any suspicion of wrongdoing, the federal state of *Hesse* notes that there is no legal basis for such checks. As a result, there is no legal basis to be eliminated. Identity checks conducted only on the basis of phenotypical features, without any basis in law (including Section 18 HSOG and Section 163 of the Code of Criminal Procedure), would be illegal. Accusations to this effect (such as in the form of complaints) would be evaluated in terms of criminal and/or public service law.

With regard to the recommendation that police should be trained to avoid the use of ethnic origin as a criterion in carrying out such checks, it should be noted that the Hesse police are not aware of any cases in which police measures, in particular identity checks, were carried out exclusively on the basis of phenotypical features, such as hair colour, skin

colour, ethnic origin, religious symbols, language, etc. Police officers have nonetheless been accused of racial profiling in connection with measures taken on the basis of other criteria.

The subject of intercultural competence has a high priority in police studies at the Hesse University for the Police and Administration (HfPV). Intercultural competence is regularly addressed in classes on professional ethics, criminalistics and psychology as well as in training in operations and law studies and various other formats.

In addition to increasing intercultural competence in dealing with cultural differences within the police force and beyond (managing diversity), aims include for example recognizing the significance of value decisions as the basis for legally grounded action, reflecting on values which can provide orientation for action taken by the police, and recognizing and assessing ethical issues.

For example, when teaching about searches, the danger of stereotyping and action based on appearance is discussed and the lack of effectiveness of such action is pointed out.

At the Hesse Police Academy (HPA), advanced training for the police deals comprehensively with the subject of protecting minorities, for example in the seminars on managing police operations. Preventing the use of discriminatory terms for minorities by police staff is also intensively discussed.

Special seminars in the human resources management/development section focus on intercultural competence. Stereotypes, prejudices, racial profiling and stigmas (“labelling approach”) are the subject of lectures and discussions in these seminars. The goal is for all participants to become aware of the relevant terms and the related psychological processes and behaviours and ultimately how they can interfere with professional and ethical policing. Further, the underlying strategy provides for training multipliers who can gradually disseminate these insights within their agencies.

Intercultural competence is also a priority in special advanced training for police detectives and is addressed, also by outside speakers from a variety of cultural contexts, in various seminars on specific subjects, such as document crime, youth crime, domestic violence and criminal investigative skills.

In police operations requiring the formation of a special task force (BAO) or other special situations, the team leadership prepares briefing notes on the case which, in consultation with the police commander, may include instructions for avoiding discriminatory language.

The federal state of *Lower Saxony* notes that its police have a vital interest in ruling out the possibility of discrimination and tendencies towards stereotyping and taking effective action against them. Improving intercultural competence is the most effective way to prevent discrimination. The importance of this issue is documented in the goal of enabling and living diversity, part of the 2020 strategy of the Lower Saxony police already mentioned, accompanied by a variety of measures.

Basic requirements for police officers include the ability to approach people of different backgrounds with the necessary sensitivity, respect and openness as well as a willingness to acquire and use culturally specific knowledge. Unbiased and respectful action, regardless of social status or ethnicity, is the prerequisite for all Lower Saxony security authorities to fulfil their duties successfully.

Staff of the Lower Saxony Office for the Protection of the Constitution also receive specific training to increase their intercultural awareness. This office also strives to increase the share of staff from different countries and cultural backgrounds. Its job announcements therefore explicitly encourage persons of all nationalities to apply.

The federal state of *North Rhine-Westphalia* notes that its police do not practise ethnic profiling and refers to its comments in D.VI.

The federal state of *Rhineland-Palatinate* reports that police measures are to be carried out in compliance with the principle of equality before the law from Article 3 of the Basic Law. Checks based on membership of a particular ethnic group would violate the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz, AGG*). Persons who have undergone police checks occasionally claim that such checks, for example those in public areas, are conducted solely on persons of a particular nationality. After reviewing the incidents, these accusations have been found to be groundless, at least for checks for which

the Rhineland-Palatinate police were responsible. Identity checks by the police and other measures are based on professional experience and objective criteria for suspicion.

Overall, the Rhineland-Palatinate police place a high priority on intercultural dialogue. A statewide working group to promote intercultural competence has coordinated basic and advanced training measures in Rhineland-Palatinate since 2006.

The police university offers a two-day advanced training seminar on intercultural competence for all police officers. During basic training, two modules address the role of the police under the rule of law in connection with the prohibition on discrimination. Modules on public service law and constitutional law also cover similar content. One module deals with special areas of cooperation, intercultural and international issues. Bachelors students also address aspects of the ban on ethnic profiling in their final theses.

Court rulings relevant for law enforcement are explained and discussed in basic and advanced training and in police practice.

The federal state of *Schleswig-Holstein* reports that the state police have implemented a week-long unit on intercultural competence in training for police officer candidates.

In this unit, candidates are supposed to learn how to engage with other cultures in a positive, tolerant way without prejudices. They should learn how to reflect on their own attitudes as well as become aware of and be able to control their own spontaneous reactions and tendencies in dealing with other cultures, so that as police officers they can act respectfully, in a culturally appropriate way and thus effectively in such situations. Candidates learn to become aware of and respond to xenophobic and discriminatory phenomena within the police and in police interactions with the public.

Instructors have access to exercises on ethnic profiling, which are incorporated into the curriculum as appropriate.

These goals for basic training are also taught in all areas of advanced training for the police.

The Advisory Committee called on the authorities to take active steps to build trust between persons belonging to minorities and the police. These could include pursuing efforts to increase diversity in the recruitment of police, intensifying the provision of training on cultural diversity and introducing an independent police complaints mechanism. (Nos. 74 and 77)

The **Federal Government** currently sees no need for action on introducing government complaints management:

The Federal Police have an institutionalized system for managing complaints in which the complaints management units report directly to the leadership. This system ensures that all complaints are reviewed and assessed in an unbiased way. The relevant agencies of the federal states are responsible for conducting any criminal investigations.

The Federal Police complaints management system is intended among other things to increase transparency and public acceptance of their work as well as to foster and if necessary restore confidence in it.

With this in mind, all areas referred to in a complaint are involved in a thorough investigation of the matter. Final processing of complaints is carried out by the autonomous complaints unit.

In addition, the prosecution authorities and criminal courts ensure that accusations are independently reviewed. Their duties are based on criminal law and the law of criminal procedure and the corresponding principles for proceeding. No further independent investigating authority is needed beyond the public prosecutor's offices, which are obligated to be objective, and the criminal courts, which are in any case independent.

The Federal Police have various possibilities for their own members to consult, namely staff representatives, representatives of special interests, social and health services, internal audit, and Catholic and Protestant chaplains. Further, a central office open to all Federal Police staff has been set up at Federal Police Headquarters where staff can report any issues or problems (such as misconduct by co-workers) in confidence. They may do so anonymously, and the office can handle the matter without revealing names, unless required by law when giving testimony.

Please see also the comments in E.VI.

The federal state of **Baden-Württemberg** refers to its comments in D.IV

The federal state of *Brandenburg* refers to its comments in D.VI.

The *Free Hanseatic City of Bremen* is working at various levels to increase trust between members of minorities and the police. Candidates for employment by the police in the federal state of Bremen must be either a German citizen, a citizen of another EU member state, or a citizen of another state party to the Convention on the European Economic Area. Exceptions may be made for citizens of non-EU countries. The Bremen police strive to ensure equal opportunity in hiring and do not discriminate on the basis of sex, size, age, ethnicity, religion or sexual orientation. In their job announcements for police officers, the Bremen police explicitly state that they support cultural and linguistic diversity and welcome applications from persons with an immigrant background.

The need to teach intercultural competence in both basic and advanced training was recognized early on in the federal state of Bremen. Police officer candidates receive extensive training in this area at the Bremen University of Public Administration. The university has integrated the subject of intercultural competence within various courses.

This subject is a priority at the advanced training institute for the police in the federal state of Bremen as well: For a number of years now, the advanced training institute for the police in the federal state of Bremen has offered an advanced training unit on intercultural relations targeted at all police officers which takes into account the recent arrival of migrants in Bremen and Bremerhaven.

A training unit on intercultural relations has been developed for staff advancing to lower-level management positions.

Those affected by violations of relevant rules may register a complaint at any time.

Complaints made within the police are governed by the service agreement of the Bremen authorities on conflict resolution at work.

In line with the principle of neutrality, criminal complaints against police officers are not handled by the police but by the division of the Bremen state ministry of the interior which is responsible for internal investigations. In addition to submitting a complaint to the

supervisory authority for administrative matters or filing a criminal complaint, it is possible to consult one of a number of points of contact within the investigating authorities which are available to advise or mediate in case of conflict.

For additional measures to build trust between the Bremen police and members of minorities, please see the comments in D.VI.

With regard to the Committee of Ministers' recommendation on intensifying the provision of training on cultural diversity, the federal state of *Hesse* reports that, for a number of years now, the Hesse Police Academy has offered a range of advanced training to improve intercultural competence, such as the introductory seminar and multiplier training on intercultural social competence and the seminar for commissioners of migration.

Training modules in the bachelors degree course (e.g. on the role of the police in the state and society, with a focus on equality and discrimination) lay the groundwork for intercultural competence during university studies.

Starting in 2018, the police studies department at the Hesse University for the Police and Administration will revise the curriculum to make intercultural competence an explicit part of the curriculum for bachelors degrees in police and administrative studies. This change will be gradually implemented, starting with the introduction of an interdisciplinary optional compulsory module. At the same time, the university is working on a plan for advanced training to increase intercultural awareness among all the teaching staff, which will indirectly promote cultural awareness among students in all subject areas.

The introductory seminar on intercultural and social competence at the Hesse police academy is offered at the academy and other locations to all staff of the Hesse police. The seminar includes an intensive examination of prejudices and stereotypes, covering among other topics racial profiling in general and anti-Gypsyism and racism in particular. The same seminar also focuses on Sinti and Roma as part of an exercise devoted to the issue of diversity.

The advanced training for police detectives on politically motivated crime covers anti-Gypsyism and racism directed against Sinti and Roma. As part of the criminalistics update in 2014, a cultural anthropologist gave a lecture on images of Sinti and Roma

(“Zigeunerbilder – Annäherung an ein un(s)bekanntes Thema”). The criminalistics update is a forum for all criminal police investigators and local investigation teams.

With regard to the recommendation on an independent complaints management mechanism, the federal state of Hesse explains that administrative and operational supervision as practised in Hesse directly follows up on concerns of individual members of the public in order to correct any misconduct by staff and prevent misconduct in the future.

Criminal investigations of police officers in Hesse are conducted by the specialized units at the police headquarters.

In criminal proceedings, the authorities and officers of the police service investigate criminal offences according to the relevant principle of mandatory prosecution and impose any orders that do not permit delay in order to prevent any suppression of evidence. The public prosecutor’s office is responsible for leading the criminal investigation (Sections 152 II and 160 of the Code of Criminal Procedure (StPO)); results must be sent to the public prosecutor’s office without delay (Section 163 StPO). Because Section 160 StPO requires the public prosecutor’s office to ascertain all incriminating and exonerating circumstances, the police are also subject to this obligation in their investigations. Hesse’s public prosecutor’s offices are within the remit of the Hesse state Ministry of Justice and thus independent of the Ministry of the Interior and Sport. Because it is in charge of the investigation, the public prosecutor’s office may have the police conduct subsequent investigations at any time, if necessary, or may conduct its own investigations.

The federal state of *Lower Saxony* points out that increasing the intercultural competence of all police staff is an important component of basic and advanced police training in order to counter discrimination and the resulting patterns of behaviour effectively.

Lawful action which is based on constitutional law and the responsibility of the police towards the public is a cornerstone of basic and advanced training for the police, both in bachelors degree courses and in a large number of advanced training seminars offered by the Lower Saxony police academy.

With this in mind, the curriculum of the Lower Saxony police academy is intended to provide a high level of tolerance and responsiveness to public needs and is thus aimed at preventing discrimination of every kind. The central and local training of the Lower Saxony police also follows this philosophy, which is conveyed in various seminars.

The federal state of Lower Saxony points out that an increased number of courses on intercultural competence have been offered for public prosecutor's offices in recent years. With regard to the Advisory Committee's recommendation to introduce an independent police complaints mechanism, the federal state of Lower Saxony notes that a complaints office for the public and the police was created within the Lower Saxony Ministry of the Interior and Sport at the decision of the state government already on 1 July 2014. This office is organized as a support unit and reports directly to the ministry's state secretary. It is responsible for handling complaints related to conduct, for petitions submitted directly or via the ministry, and for complaints concerning persons which the ministry has the legal authority to supervise. The office also handles follow-up complaints, that is, complaints about how complaints have been processed at lower-level offices. Members of the public may contact the complaints office directly regardless of whether their complaint concerns the conduct of a police officer or other administrative staff in the ministry or its executive agencies. And police officers and other administrative staff may submit complaints to the office as well. The aim is to ensure a low threshold for submitting complaints, which is why no formal rules have been drawn up for submitting complaints. The work of the complaints office is evaluated annually, and the evaluation results are published.

The federal state of *North Rhine-Westphalia* reports that human rights education is defined as a key guideline already during police training. Students are taught to assess the significance of constitutional principles and fundamental rights for professional practice and police measures. They learn how to recognize the phenomenology of politically motivated offences, how to apply strategies for early detection of violent extremists to specific examples, and how to use initial police response measures in cases of politically motivated crime. These subjects are flanked by courses in sociology, psychology, ethics and social competence. A new event is the "human rights day", when the individual departments and branches of the University of Applied Sciences for Public Administration and Management of North Rhine-Westphalia have the opportunity to focus on specific issues of human rights protection. Civil-society groups and NGOs, such as Amnesty International, are expressly invited to participate. Intercultural competence is dealt with at length in advanced training for the police under the headings of supervision, management and law in the annual training programme. The North Rhine-Westphalia police also have a quality system for complaints management governed since 2010 by the framework regulations on processing complaints and petitions concerning the police. These

regulations are binding and state how police are to handle complaints and petitions from the public. Informing the staff concerned about the results of complaint proceedings and recording the lessons learnt in the process are an important tool to ensure and improve quality policing.

Complaints management is continually being improved, and a regular complaints report from the North Rhine-Westphalia police makes the process transparent.

Intercultural competence is an integral element of basic police training in the federal state of *Schleswig-Holstein*. And every advanced training measure is evaluated and revised as needed. In 2015, special training in the form of additional seminars tailored to the different areas of responsibility in daily policing was offered on the topics of law on foreigners and intercultural competence.

An independent complaints office was created by appointing a commissioner for the Schleswig-Holstein state police. This task was assigned to the ombudsman for social issues, an office based within the Schleswig-Holstein state parliament. Members of the public who wish to submit complaints about the Schleswig-Holstein state police may contact the ombudsman. All staff of the Schleswig-Holstein police may also contact the ombudsman directly, without going through the official channels, in case of problems related to their service. The ombudsman mediates on behalf of the public as well as police officers.

V. Article 9

1. Access of the Danish minority and of the Frisian ethnic group to the media

The Advisory Committee recommends that the authorities support the development of Danish language radio and TV programmes produced in Germany, in order to meet more effectively the needs of persons belonging to this minority. (Nos. 78, 79 and 82)

As explained in D.VII, the principle of government non-intervention in broadcasting in the federal state of *Schleswig-Holstein* means that the authorities cannot influence programming. The public channel in Flensburg already regularly broadcasts programmes in Danish. Makers of local programmes, for example in Flensburg, which are not yet on air, have also assured the media authority Medienanstalt Hamburg/Schleswig-Holstein (MA HSH) that they will be producing programmes in Danish.

The geographical position of Schleswig-Holstein means that topics from Denmark and the border regions and topics that affect the Danish minority play an important role in radio programming for the regional broadcaster NDR. The programme “Von Binnenland und Waterkant” (Inland and at the water’s edge) provides regular in-depth information on Danish culture and society, for example. Alongside its current information programmes, NDR Info also regularly broadcasts longer programmes that include reports on the Danish minority in Schleswig-Holstein and on German-Danish topics in general. NDR Kultur focuses in particular on German-Danish cultural topics.

NDR’s television broadcasting also reports on topics of importance to the Danish minority in Schleswig-Holstein and the neighbouring country. The programme “Ostseereport” (Baltic report) is very much at home in Denmark, focusing on the development of Germany’s northern neighbour.

[The Advisory Committee] recommends that the authorities increase public support to the development of Frisian language programmes, in order to respond adequately to the needs expressed by persons belonging to this minority. (Nos. 80 and 83)

The federal state of *Lower Saxony* refers to its comments in D.VII.

As outlined in D.VII, the federal state of *Schleswig-Holstein* points out that local broadcaster Syltfunk (Sylt broadcasting) in particular produces and broadcasts programmes in the Frisian language, as well as shorter programmes in the Sylt Frisian dialect, Sölring. In early October 2018 the broadcasting station filed preliminary insolvency proceedings with the Niebüll local court. However, it is to continue broadcasting in the meantime. The aim is to ensure that the broadcasting station can continue to operate in the long term with the same programming focus.

In addition to its long cooperation with the broadcast channel OK Schleswig-Holstein Westküste, NDR also supports the FriiskFunk broadcasting station on the island of Föhr. NDR 1 Welle Nord supports training for FriiskFunk employees and provides the programme with its current reports in the Frisian language each week, as well as its archival holdings, at no charge.

In addition, NDR's radio programmes feature the Frisian language in a range of programmes, such as in the series "Frasch för enarken" (Frisian for all). Local television programmes produced at the NDR broadcasting centre in Schleswig-Holstein ("Schleswig-Holstein Magazin" and "Schleswig-Holstein 18:00") also 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, many of these programmes are subtitled in High German, or they are produced in High German and include some spoken Frisian.

The Advisory Committee strongly encourages the authorities to use the opportunity created by the planned opening of new local radio stations in Schleswig-Holstein to provide an opportunity to offer programming in Danish as well as Frisian, for example by making the grant of a licence conditional on the extent to which the application for such a licence accommodates the rights and needs of speakers of minority languages in the relevant area. (Nos. 81 and 84)

Local programme-makers in *Schleswig-Holstein* who have already obtained a licence but who are not yet on air assured the media authority Medienanstalt Hamburg/Schleswig-Holstein (MA HSH) during the licence application process that they will also create and broadcast programmes in the regional or minority languages in their region (e.g. Danish in the Flensburg region). Please see also the comments under D.VII.

2. Representation of minorities in media regulatory bodies

The Advisory Committee strongly encourages the authorities to support demands for better representation of persons belonging to national minorities in media regulatory bodies, with due regard for the independence and the cultural diversity of the bodies concerned. (Nos. 85 – 88)

The *Federal Government Commissioner for Culture and the Media* reports that the federal constitutional structure of the Federal Republic of Germany also applies to public broadcasting. This means that there are no federal institutions concerned with domestic media.

The federal states of *Baden-Württemberg* and Brandenburg both refer to their comments in D.VII.

The federal state of *Lower Saxony* refers to the comments in D.VIII on the encouragement in the municipality of Saterland to use Sater Frisian.

In this context, the Free State of *Saxony* points out the regulation on participation aiming to support the representation of interests of the Sorbs set out in Section 6 (1), first sentence no. 3 of the Act on Regional Planning and Spatial Planning of the Free State of Saxony (*Gesetz zur Raumordnung und Landesplanung des Freistaates Sachsen*).

In the federal state of *Schleswig-Holstein*, pursuant to Section 42 (2) of the media broadcasting agreement for Hamburg/Schleswig-Holstein (*Medienstaatsvertrag Hamburg/Schleswig-Holstein*, MStV HSH), any socially relevant group, organization or association based in Hamburg and Schleswig-Holstein, which automatically includes the representatives of the minority languages, has the right to nominate candidates for election to the voluntary media supervisory authority (the Media Council) of the MA HSH, the supervisory authority for private broadcasters in Hamburg and Schleswig-Holstein. Neither the MA HSH nor the federal government of Schleswig-Holstein can influence the

extent to which these groups actually make use of this nomination right. At present, one member of the Media Council is a member of the Danish minority in Schleswig-Holstein.

The composition of the committees in the regional broadcaster NDR is regulated by the NDR broadcasting agreement. If an amendment to the NDR broadcasting agreement is agreed among the four federal states that are parties to the agreement (Lower Saxony, Mecklenburg-Western Pomerania, Schleswig-Holstein and Hamburg), Schleswig-Holstein will aim to ensure that representatives of the regional and minority languages in the federal state are taken into account appropriately in the composition of the NDR Broadcasting Council. Beyond that, there is no other way for the federal state of Schleswig-Holstein to influence the composition of the committees.

As part of the reorganization of the ZDF Television Council resulting from the Federal Constitutional Court decision, Schleswig-Holstein nominated one representative of the regional and minority languages, who was elected. The representative is a member of the South Schleswig Voters' Association, which represents the interests of the Danish minority and the Frisian ethnic group, among other things. The nomination was made jointly by the Friesenrat/Frasche Rädj – Section Nord (Frisian Council), the Südschleswigschen Verein/Sydslesvigsk Forening (South Schleswig Association), the German Sinti and Roma Association of Schleswig-Holstein, and the Plattdeutscher Rat (Low German Council) for Schleswig-Holstein. This move strengthens civil society responsibility among the non-governmental organizations representing the national minorities and the regional language of Low German.

In October 2012, the Minister-President's Commissioner for National Minorities and Ethnic Groups, Border Area Work and Low German was seconded to the Broadcasting Board of Deutschlandradio, as representative of the federal state of Schleswig-Holstein on this supervisory body. As part of the amendment of the Deutschlandradio broadcasting agreement, in 2015 the federal state also nominated the Minority Council of the four autochthonous minorities and ethnic groups in Germany as a member of the Broadcasting Council of Deutschlandradio. This initiative was rejected by the relevant broadcasting commission.

VI. Article 10

The Advisory Committee called on the German authorities to implement fully the legislation in place to promote the use of minority languages in contacts with local administrative authorities and to adopt effective measures to create an environment conducive to the use and promotion of the Sorbian, Danish and Frisian languages in dealings with local administrative authorities. (Nos. 89 – 92 and 94)

The federal state of **Brandenburg** refers to its comments in D.VIII.

The Free State of **Saxony** reported that following the re-issuance of the Ordinance of the State Ministry of the Interior of the Free State of Saxony on the Implementation of the Act on Local Government Elections (*Kommunalwahlordnung*, KomWO) of 16 May 2018 (Saxon Law Gazette, p. 313) bilingual German/Sorbian postal ballots have now been introduced to further promote the use of Sorbian in public affairs in the Sorbian settlement area. Please also refer to comments in D.I.

The federal state of **Schleswig-Holstein** refers to its comments in D.VIII.

The Advisory Committee called on the authorities in Schleswig-Holstein to pursue, in full consultation with representatives of minorities, the process of amending legislation at the level of Land in order to facilitate the use of minority languages in contacts with the relevant administrative authorities. (Nos. 93 – 94)

The federal state of **Schleswig-Holstein** refers to its comments in D.VIII.

VII. Article 11

1. Personal names and official documents

The Advisory Committee encouraged the German authorities to ensure that the introduction of new software for the management of electronic registers by 2016 resolves from the outset all issues related to the correct representation of names in minority languages. It further encouraged the German authorities to ensure that Sorbian names which were previously represented incorrectly can be corrected in the new system, at no cost to the persons concerned. (Nos. 95 and 98)

By late 2018 the federal state of **Brandenburg** will have introduced new registration software which permits the representation of all Sorbian/Wendish characters. Furthermore, all courts and judicial authorities located within the Sorbian/Wendish settlement area in Brandenburg have been instructed to use bilingual letterheads.

Please also refer to additional comments in D.VIII.

The Free State of **Saxony** reports that the correct representation of names in Saxony' s registers of births, marriages and deaths has never presented any problems. To prevent incorrect entries being made and to speed up the process of registering a birth, a brochure containing a list of Sorbian first names drawn up by the WITAJ Language Centre in Bautzen has been made available to the other *Länder* to pass on to all their registry offices. Staff can use the brochure to check the correct spelling of Sorbian names, preventing, from the outset, registry offices making incorrect entries.

The Advisory Committee further recommended that the German authorities amend without delay the law governing the use of names in minority languages in a way that brings it fully into line with the principles set out in Article 11 of the Framework Convention. In the meantime, it encouraged the relevant administrative authorities regarding the possibility of applying the provisions of the Framework Convention directly. (Nos. 96 – 97 and 99)

The **Federal Ministry of Justice and Consumer Protection** points out that the German law governing the use of names does not make provision for the use of gender-specific name

endings. Given that this is the case, German authorities, registry offices in particular, cannot enter the female form of a Sorbian name in their registers of births, marriages and deaths and therefore cannot issue any certificates of births, marriages and deaths in which such female forms are used.

Reference is also made to further comments in D.VIII, especially regarding the planned reform of the law governing the use of names.

The federal state of *Brandenburg* refers to its comments in D.VIII.

The Free State of *Saxony* notes in this regard that, in spite of the criticism which is repeatedly expressed in the Fourth Opinion on Germany issued by the Advisory Committee on the Framework Convention for the Protection of National Minorities (No. 96 of the Opinion adopted on 19 March 2015), the legal situation remains unchanged: the federal legislature has not made any amendments to the provisions governing the transfer/use of the female ending “-owa” following a change of name under the Act on the Use and Recognition of Minority Language Names (*Minderheiten-Namensänderungsgesetz, MindNamÄndG*). Based on a ruling by Cottbus Regional Court (which is entirely consistent with this), the authorities in Saxony responsible for registering such changes have not been issued with any instructions for handling name changes in any other way.

2. Topographical signs

The Advisory Committee encouraged the German authorities to proceed expeditiously with installing bilingual topographical signs, in particular in Brandenburg, and to promote and actively support the installation of additional bilingual signs around Saterland and in Schleswig-Holstein, as a measure to increase the visibility and public profile of minority languages.

(Nos. 100 – 103)

The federal states of **Brandenburg** and **Lower Saxony** refer to their respective comments in D.VIII.

The Free State of **Saxony** refers to the Saxon State Government' s status report on the Sorbian people: all signposting in the Sorbian settlement area is still bilingual (German and Sorbian). The Federal Ministry of Transport' s Guidelines on Signposting Not on Motorways (*Richtlinien für die wegweisende Beschilderung außerhalb von Autobahnen*, RWB 2000) of 18 August 2000 still apply. Furthermore, several tourist signs indicating tourist destinations along Federal Motorway 4 in the Sorbian settlement area are in German and Sorbian.

Provision has been made for signposting to be in German and Sorbian whenever existing signs are updated. Bilingual signage is the standard whenever improvements to road traffic signage are discussed with the competent road authorities. In future, all information on traffic signs indicating tourist attractions, tourist routes and tourist destinations in the Sorbian settlement area is to be written in German and Sorbian using the same size of font (implementing measure no. 2.2.1 of the Saxon State Government' s set of measures to encourage the use of Sorbian).

The federal state of **Schleswig-Holstein** refers to its comments in D.VIII regarding the use of bilingual topographical signs.

VIII. Article 12

1. Equal access to education

The Advisory Committee urged the German authorities to take resolute measures to put an end to discrimination against Sinti and Roma children in the education system. These should include preventing the unjustified placement of Sinti and Roma children in special schools, boosting efforts to create an inclusive education system, extending measures such as the employment of mediators who have proved successful in encouraging children to remain in the school system, and intensifying efforts to increase awareness of both teachers and other pupils about the history and culture of Sinti and Roma. (Nos. 104 – 107)

The **Federal Ministry of the Interior, Building and Community** reports that improving the opportunities for young Sinti and Roma in particular to participate in society and eliminating group-focused enmity, to which this group is subject particularly frequently, is the subject of several funding allocations made by the Federal Agency for Civic Education (*Bundeszentrale für politische Bildung*, BpB) and of its cooperation projects with civil society. The “*Junge Roma aktiv*” (Young Active Roma) project, for instance, succeeded the “*MIGoVITA. Junge Menschen mit Migrationshintergrund: Vielfalt und Teilhabe im Übergang Schule – Arbeitsmarkt*” (MIGoVITA. Young People With a Migration Background: Diversity and Participation In the Transition from School to Work) project in 2015 and 2016. It aimed to boost the opportunities which young Roma have for participating in the labour market and in society, as well as to improve cooperation between established migrant and youth organizations, educational and advisory facilities, and young Roma and their families. Important sub-goals were to provide information, eliminate prejudice, reduce absences from school and the number of Roma children attending remedial schools, and to ensure that pupils successfully make the transition to work. Target group seminars organized in cooperation with local multipliers and mentors were organized to reach agreement on local cooperation projects, the closely coordinated division of labour and, where necessary, measures to combat anti-gypsy sentiment. The aim of the “*Zivilgesellschaftliches Engagement gegen Antiziganismus*” (Civil-Society Against Anti-Gypsy Attitudes) project which was run in two regions in 2014 and 2015 by the Alliance for Democracy and Tolerance was to establish a civic dialogue. The project objective was to get the minority and the majority population to share experience about and create networks to combat anti-gypsy sentiment.

Several civic dialogues involving the city administration and various civil-society actors have already taken place in Minden in Westphalia, for instance. As a result, various activities have been rolled out, mainly by the newly established *Mer ketne!* (Us Together) education centre run by the Society of Sinti in Minden. Several meetings were also held in Dortmund with points of contact in and representatives of the regional minority.

Another of the BpB' s approaches to combating the marginalization of Sinti and Roma in German society as well as in the German educational system is to make a broad range of information material on diverse subjects available to the general public. The website RomArchive, the international digital archive of the Roma, for example, was launched in light of prevailing perceptions and stereotypes. The BpB has so far provided funding totalling € 40,000 towards this project and accompanying measures. Funding totalling € 90,000 has been earmarked for the future.

In addition to its constantly growing collection of art of all disciplines, the RomArchive contains historical documents and academic texts. The archive focuses on the Roma' s self-presentation. There are also plans to set up a framework programme for school teachers.

The *Antiziganismus begegnen* wall newspaper was conceived to provide help in everyday life, at home and at work, in businesses, societies and associations. It is part of a series called "*Was sage ich, wenn...*" (What do I say when...) comprising illustrations and recurring, prejudicial comments made by people together with information about how to gauge such comments plus suggested responses.

The BpB has also produced handouts as part of a workshop series entitled "*Gekonnt Handeln*" (Effective Action) which include select, tried and tested methods for dealing with various prejudices and biases. The first edition dealt with anti-Semitism, the second will look at anti-gypsy attitudes.

The series includes two publications – "*Zwischen Diskriminierung und Emanzipation. Geschichte und Kultur der Sinti und Roma*" (Between Discrimination and Emancipation. The History and Culture of the Sinti and Roma) and "*Sinti und Roma: Die unerwünschte Minderheit*" (Sinti and Roma: The Unwanted Minority). The dossier "*Sinti und Roma in Europa*" (Sinti and Roma in Europe), published on the BpB' s website (see D.IX), is

continually being expanded and updated to include articles, interviews and analyses. In addition, the fact that the Sinti and Roma, their history and culture, are a part of Germany is a matter which is addressed as part of studies into Nazi injustice and work done in and by memorial sites. All of the above are also available to multipliers and can be used in class.

The *Standing Conference of Ministers of Education and Cultural Affairs of the Länder of the Federal Republic of Germany* points out that the *Länder* and local authorities are engaged in various types of social and cultural work to safeguard the cultural identity of Sinti and Roma and at the same time to promote better social integration, especially in the field of education. Further, some of the *Länder* have concluded inter-state treaties and framework agreements with the Sinti and Roma national minority. Among other things, these assure the Sinti and Roma support for target group-specific promotional measures aimed at improving their educational situation. The responsible *Länder* authorities and schools undertake a variety of efforts in this regard. Please also refer to further comments in D.II.

The federal state of *Baden-Württemberg* refers to its comments in D.II and D.IX.

The Free State of *Bavaria* refers to its comments in D.XI.

The federal state of *Berlin* refers to its comments in D.II.

The *Brandenburg Schools Act (Schulgesetz, SchulG)* provides that all children are to receive appropriate support, especially those with different cultural backgrounds or special educational needs.

Moreover, pupils in Brandenburg are only transferred to remedial schools when their need for specific remedial support has been established. In 1991 Brandenburg adopted a policy of giving priority to inclusive teaching.

The *Free Hanseatic City of Bremen* has at its disposal a range of different instruments which do justice to the heterogeneity of the Sinti and Roma community, given that it comprises “established” German Sinti, labour migrants from EU member states and refugees from non-EU member states. Essentially, the goals pursued in Bremen when it comes to promoting and supporting Sinti and Roma children are the following:

- To develop a differentiation strategy for remedial support;
- To pool resources and to make specific use of these resources in individual schools where there is an urgent need for action;
- To incorporate additional measures into the system of support regularly provided in schools;
- To transparently coordinate the deployment of all remedial teachers and provide joint training and assessment;
- To combine remedial support with family counselling services.

Remedial support is provided to roughly around 50% of Sinti and Roma children in Bremen. This (additional) remedial support is not provided to all Sinti and Roma children as a matter of course. Support measures are provided after liaising with the schools in question and teachers providing the support. Pupils are often taught in small groups or receive one-to-one support during regular lessons. The resources needed amount to 137 teacher hours and two school assistant posts. The assistants also engage in mediation work.

The work done in the context of the Education Ministry’s project to support Sinti and Roma pupils is no substitute for the assistance provided by their own schools. Instead it follows a separate strategy, providing support to and supplementing the schools’ own efforts. Remedial teaching aims at integrating pupils into regular educational processes and enabling them to achieve (better) school outcomes. Remedial teaching is provided individually, in small groups and during classroom instruction. Project team members are in close contact with the parents of those children who are receiving remedial instruction, they hold meetings aimed at building trust and support families in their external contacts. The aim in creating “role models” is for families to develop an interest in their children’s education.

Project members also advise teachers, head teachers and parents when problems arise. The objective here is to ensure that interactions between the school and parents is based on mutual acceptance and respect, to show pupils that they can participate actively in social life and to support them as they grow up in different cultures. The schools receive support in developing strategies which take account of and are sensitive to different cultures, and teachers are taught about the everyday culture of the Sinti and Roma.

In 2010 the *Free and Hanseatic City of Hamburg* began resolutely expanding its inclusive educational system. This work involves framing and promoting close cooperation between schools and social services, including joint efforts to support all pupils in achieving the best school outcomes they can and to keep them in general schools.

Hamburg supports Sinti and Roma pupils through its targeted strategy of hiring members of the Sinti and Roma community to work as teachers and educational advisers in schools. The aim is for them to work together with other teaching staff to act as a link between schools and the Sinti and Roma children's families, to support Sinti and Roma children in class (including in their mother tongue), to teach Sinti and Roma history, culture and music, and to advise teaching staff in working with Sinti and Roma children and their families. Members of the Sinti and Roma community have been working as school social workers and educational advisers in schools in Hamburg since 1993. Twenty-one Sinti and Roma have already completed a qualification developed specifically for members of the Sinti and Roma community by the *Land* Institute for Teacher Training and School Development in Hamburg. A further five Sinti and Roma will be completing this course of training in autumn 2018. Seven more Sinti and Roma (in addition to the three hired in 1993) were hired as educational advisers in the 2012/13 school year. Ten educational advisers are currently (2017/18) employed in schools in Hamburg.

Further, one member of staff in each of the regional advisory and educational centres managed by the Authority for Schools and Vocational Training is responsible for Sinti and Roma children's school attendance and cooperates closely with the educational advisers.

In addition to the special qualification for educational advisers, 10 Sinti and Roma completed a special training course to qualify as nursery assistants in May 2018.

See also the comments in D.II.

The federal state of *Hesse* refers to its comments in D.II.

The federal state government of *Lower Saxony* aims to boost each and every pupil's educational opportunities regardless of social, cultural and linguistic background and to afford each pupil the opportunity for advancement through education. Sinti and Roma children can, where necessary, benefit from all the available educational support measures. All parents/guardians in Lower Saxony have the legal right to their children receiving inclusive education in a general school ("non-remedial school", use of the term "special school" is avoided); there is thus no need to fear that Sinti and Roma children will not be sent to "remedial schools" without justified cause.

Remedial schools specializing in learning difficulties (which currently make up the majority of remedial schools) are to be closed by end of the 2027/28 school year at the latest.

The state-funded Agency for Adult and Continuing Education coordinates and funds adult education institutions in Lower Saxony, which also provide minority language instruction on request.

The federal state of *North Rhine-Westphalia* reports that schools do not distinguish by ethnicity. All pupils are taught together in all the different types of schools. They all receive the individual support and assistance they need. In applying this approach North Rhine-Westphalia draws on many decades of experience of all types of integration processes.

The federal state of *Rhineland-Palatinate* states that the 2014 amendment to its Schools Act gives parents the right to choose whether their child is to attend an inclusive school (generally one referred to as a *Schwerpunktschule* which has specially qualified teachers

working alongside regular teachers) or a remedial school. Rhineland-Palatinate therefore no longer refers pupils to remedial schools.

All parents receive support in exercising this choice. Low-threshold events which are open to all parents are therefore currently being held across the federal state. Among other things, they serve to provide parents with information about the various types of schools and their rights in regard to the procedure for ascertaining their children's special educational needs.

Koblenz has a large Sinti and Roma community. The Advisory and Cultural Office in Koblenz (see <http://www.beratungsbüro-djangoreinhardt.de/39994.html>), which is funded by the city, works with schools and remedial schools when it comes to designing all-day schools. The aim is to promote school education through peer counselling and by raising schools' awareness for the history and culture of this group of pupils.

Reference is also made to comments in D.IX.

The federal state of *Schleswig-Holstein* emphasizes that its early childhood care and education provision is inclusive. Like all other children, Sinti and Roma children have a legal right to day care or childcare (section 24 of Social Code Book Eight [*Sozialgesetzbuch VIII, SGB VIII*]). There are no special facilities in Schleswig-Holstein for children with special needs (except for those with severe or multiple disabilities).

To increase all pupils' individual educational opportunities, Schleswig-Holstein is committed to increasing educational participation and equal opportunities overall – and especially for disadvantaged pupils. All pre-school and school language support measures in all the different types of school and all the programmes aimed at facilitating the transition between school and work are geared to all pupils and their different needs and they are available to them where needed – regardless of their social, cultural and linguistic background. All support measures in the field of “inclusion” and “the transition between school and work” are thus naturally also available to pupils who belong to the national minority. Mediators and educational advisers will continue to provide targeted, one-to-one support in the 2018/19 school year.

The Free State of *Thuringia* reports that all school-age children and adolescents are required to attend school regardless of their nationality and residence status. Newly arrived school-age children and adolescents are required to attend school three months after arriving in Germany.

Thuringia does not record membership of an ethnic minority in its school statistics.

There are no special projects and measures aimed at German Sinti and Roma, Roma from EU member states and Roma from third countries. However, pre-school and school measures to promote language skills, one-to-one support in each of the different types of school and support when transitioning from school to vocational and higher education can, where necessary, be provided to those groups.

The possibility is also available of pupils receiving German language support on a one-to-one basis or in groups. Schools have the option of supporting parents, for example by holding meetings to discuss their child' s progress and school achievement, school events, and the use of language and cultural mediators. These options are also available to speakers of Romani.

2. Intercultural education

The Advisory Committee strongly encouraged the German authorities to step up their efforts to ensure that teachers and pupils throughout Germany have better knowledge of the culture and history of national minorities as an integral part of German society. It again called on the German authorities to develop further projects designed to impart awareness of Sinti and Roma history and culture. (Nos. 108 – 109 and 111)

The *Federal Ministry of the Interior, Building and Community* notes that social diversity in Germany and acceptance of diversity and plurality are gaining increasing importance as topics and goals of political education. This is also reflected in those materials and measures which are developed for and used in a classroom setting and continuing teacher training. The work of the Federal Agency for Civic Education in this area aims to teach pupils across Germany more about the culture and history of national minorities. Please also see the comments in D.IX and E.VIII.

The *Standing Conference of Ministers of Education and Cultural Affairs of the Länder* refers to its comments in D.IX.

The federal state of *Baden-Württemberg* refers to its comments in D.IX.

The Free State of *Bavaria* notes that the declared aim of the parties to its inter-state treaty is to establish a spirit of tolerance and mutual respect by filling knowledge gaps and eliminating anti-gypsy attitudes among the population.

Bavaria also refers to its comments in D.V and D.IX.

Bremen and *Hesse* refer to their respective comments in D.IX.

The federal state of *Lower Saxony* is stepping up its efforts to advance intercultural openness in schools. All pupils have the opportunity to acquire those necessary key skills at school which form the basis for participation, solidarity and their ability to act in a humane and democratic society. In order to achieve this, democratic citizenship and human rights education, anti-racism and anti-discrimination education, and the active promotion of tolerance and empathy are not just part of school curricula but are also part and parcel of schools' culture and are translated into action through projects implemented together with other partners and networks. Schools and teachers are supported by specially trained Consultants for Language Learning and Intercultural Education who help them to fulfil their intercultural education/integration tasks. These Consultants are affiliated to language centres. Promoting the educational outcomes of Sinti and Roma children is one of their tasks.

The federal state of *Rhineland-Palatinate* refers to its comments in E.VIII.1.

The federal state of *Schleswig-Holstein* reports that the Schleswig-Holstein Branch of the German Sinti and Roma Association curated an exhibition on the history of Sinti and Roma with funding from the Schleswig-Holstein *Land* Government. For more information, please also refer to comments in D.V.

The Advisory Committee also invited the German authorities to ensure that teachers are adequately trained to create and promote a classroom environment in which diversity is welcomed and accepted and to include intercultural elements effectively in their classwork.

(Nos. 110 and 112)

The *Standing Conference of Ministers of Education and Cultural Affairs of the Länder* refers to its comments in D.IX.

The federal state of *Baden-Württemberg* likewise refers to its comments in D.IX.

The federal state of *Berlin* points out that learning to deal with heterogeneity is an integral part of teacher training in the federal state. The Ordinance on Access to the Teaching Profession (*Lehramts-zugangsverordnung, LZVO*) of 30 June 2014 requires teacher trainees to acquire knowledge about and skills relating to inclusive education, the basics of identifying pupils' special needs, as well as lesson and educational planning for heterogeneous groups. This qualification is acquired as part of teaching methodology in each subject or discipline as well as on educational science degree courses. Intercultural education is also an obligatory subject in the second phase of teacher training, that is during the preparatory service. The focus there is on perceiving heterogeneity and on reflecting and developing corresponding attitudes and values. Prospective teachers are to be able to respect and use the cultural diversity in their classes. That is why teacher trainees regularly undergo further training in various aspects of intercultural education. An "Intercultural Media Kit" is also available for hire and use in practical seminars at select sites.

Section 12 (4) of the Berlin Schools Act contains binding provisions concerning intercultural education as a special educational task incumbent on all schools. These legal requirements are put in specific terms in the overall curriculum, on the basis of which lessons plans are then drawn up. Schools in Berlin are thus required to incorporate measures to expand pupils' intercultural skills in their own specific curricula.

The Senate Administration for Education, Youth and Families offers teaching and educational staff in Berlin diverse interdisciplinary continuing training courses on topics such as "Fit for Democracy", "Prevention of Bullying and Violence" and "Prevention of Misanthropic Ideologies".

Objectives set out in the *Brandenburg* Schools Act include upholding freedom of conscience and openness and tolerance towards other cultures, religions, worldviews/ideologies and political values. No pupil may be put at either an advantage or disadvantage on the basis of origin, nationality, language, gender, social background, disability, beliefs or on racial grounds.

A new overall curriculum for grades 1 to 10 applies as from the 2017/18 school year. It defines intercultural education as an obligatory, cross-cutting issue. Consequently, each school must ensure that intercultural education becomes an integral element of its own curriculum.

Among other things, the overall curriculum includes goals such as teaching the Sorbian/Wendish language, culture and history across the whole of Brandenburg, and raising awareness among the majority population for this national minority. The overall curriculum for grades 1 to 10 makes teaching about the historical background, identity and understanding of Sorbian/Wendish culture a special educational task of schools in Brandenburg.

Each educational office is required by the regional advisory and support system for schools and school supervision to appoint contacts with expertise in intercultural education who then undergo training at the *Land* Institute for Schools and the Media.

Brandenburg also refers to its comments in D.IX.

The *Free Hanseatic City of Bremen* aims to deliver a “Pedagogy of Diversity” and thus to ensure that schools and lessons give all pupils (regardless of their ethnic, social and cultural background) the best chance of achieving good school outcomes and gaining qualifications which both enable them to participate in society and open up qualified job prospects. The objective is to sever the close link between social and migrant status and educational success.

To ensure that both pupils with and without a migration background do well at school, additional extracurricular measures are planned and implemented to strengthen their personality and promote their skills in key subjects. Measures are taken in the following areas:

- Language learning, language development and intercultural skills
- Career/degree-course guidance – transition to vocational training/work/higher education
- Intercultural qualification for teaching staff

- Practical intercultural support for parents in a school environment
- Education in the social space

Based on ongoing implementation of its schools reform, structural conditions in the school system in Bremen are such that existing social discrimination will be abolished as far as possible, groups of pupils with a migration background will not be excluded and pupils will achieve the best possible leaving qualifications regardless of their primary language and social background. The 2009 amendment to the Bremen Schools Act created the structural conditions to make schools “Places of Diversity” and improve disadvantaged pupils’ learning outcomes. Key aspects of the reform, the goals of which are to prevent the exclusion and stigmatization of certain groups of pupils and to improve support measures for them, include

- establishing upper secondary schools (*Oberschulen*), forming year-based teams of teachers and developing school support and differentiation strategies in schools,
- needing to deliver on the principle of inclusion (shutting down remedial centres for those with learning, language and behavioural difficulties and for those with problems of perception and developmental needs),
- introducing a Workshop Programme and increasing the number of all-day schools.

Teaching all pupils together for as long as possible has positive effects. It reduces what are known as negative “composition effects” and offers new and expanded opportunities for giving pupils one-to-one support.

Schools in Bremen were given a framework for and guidance on developing their curricula and lesson plans which take account of pupils’ and parents’ linguistic and cultural heterogeneity and support schools on the path to becoming “Places of Diversity”. Moreover, schools in Bremen have a track record of systematically developing their curricula and lesson plans to take account of pupils’ and parents’ linguistic and cultural heterogeneity. This strategy also ensures that measures are taken to strengthen pupils’ personality and promote their motivation to learn and core skills, as a result of which pupils achieve good educational outcomes.

The *Free and Hanseatic City of Hamburg* states that regular visits to schools in Hamburg to investigate the situation regarding inclusive education will contribute to developing an appreciation of heterogeneity and diversity in schools in the city-state.

The federal state of *Lower Saxony* refers to its comments in E.VIII.2.

The Free State of *Saxony* points out that the Schools Act of the Free State of Saxony has been amended. The educational mandate of schools has been modernized. Under section 1 (5) no. 4 of said Schools Act, pupils are specifically to learn to regard all people without prejudice, regardless of their ethnic and cultural background, appearance, their religious and ideological views, sexual orientation, as well as to advocate a society in which there is no discrimination. Please refer to comments in D.IX regarding teacher training.

The teaching of intercultural skills is both an objective and an integral part of school curricula in Saxony, especially in the social sciences, languages, and in ethics and (Catholic and Protestant) religious education lessons.

Intercultural education also includes teaching the required skills in the classroom and as part of extracurricular activities, regardless of pupils' backgrounds and extracurricular learning and living conditions.

The *Schleswig-Holstein* Ministry of Education, Science and Culture plays a key role when it comes to delivering on the KMK' s resolution on intercultural education in schools.

The Schleswig-Holstein Schools Act, for instance, makes reference to the integration and participation of Sinti and Roma: "Schools are to promote (...) the contribution which national minorities and ethnic groups make to cultural diversity as well as respect for the national minority of Sinti and Roma" (section 4 (6) of the Schleswig-Holstein Schools Act of December 2016).

Educational advisers (see E.II.2), who are themselves members of the national minority, have a special role to play when it comes to teaching about their culture in schools. They

not only provide information within an everyday school setting, but also across the whole of the federal state, for instance at conferences and events in schools.

The new curricular requirements for German as a Second Language (DaZ) lessons also contribute to delivering on the KMK' s resolution. The requirements include multi-stage language training, promoting democracy, building values and teaching intercultural skills.

Another requirement is that teachers of all subjects and in all types of school undergo continuous language training. Since 2015, supplementary language training measures and projects have been available in the afternoon. These are organized by the Schleswig-Holstein Working Group of Independent Welfare Associations and are funded by the Ministry of Education to the tune of € 1.5 million annually.

Intercultural teacher trainers are affiliated to the DaZ/Intercultural Education Team in the Training Division of the Institute for Quality Development in Schools in Schleswig-Holstein. The KMK' s revised resolution, which draws on ideas put forward in the 1990s, is being implemented together with additional new ideas. While there is great demand for some aspects of teacher language learning in the third phase of teacher training (and this is met by providing demand-based further training, events and school development days), demand for aspects which are not second-language-related (self-reflection, discrimination and racism) is not so pronounced. These “non-linguistic” aspects are therefore incorporated into those events for which there is greater demand in which no explicit reference is made to intercultural issues.

Various types of continuous and advanced training are provided in Schleswig-Holstein (including school development days, certification courses and an annual conference on a specialist subject):

- All aspects of the current debate on intercultural education are addressed in six modules of a continuous intercultural training course (“Widi – Our School: Welcoming, Intercultural, Democratic, Inclusive”). The course is run once a year for teachers of all subjects at all types of school.
- A Reading Coach Qualification as part of the “*Niemanden zurücklassen – Lesen macht stark*” (Leaving No One Behind – Reading Makes You Strong) project comprising six modules. Almost all schools in Schleswig-Holstein (except *Gymnasien* [grammar

schools]) were involved in the project, which sought to teach those intercultural aspects which were referred to in a decree issued in regard to teachers.

- A “Participation” certification course as part of personnel development aimed at school management staff
- An annual priority issue which is addressed at an event aimed at school management staff
- Intercultural school development courses
- An annual conference on a specialist subject organized by the Intercultural Education Team (alternating with German as a Second Language)
- A website with the names of cultural mediators (interpreters financed by the Ministry of Education and Sinti cultural mediators working in schools) who are available when uncertainty arises regarding specific issues which can be dealt with in a personal meeting.

The Free State of *Thuringia* reports that the federal state’ s own teacher training institute has a “*Willkommenskultur*” (Welcoming Spirit) working group which acts as an interdisciplinary point of contact on issues around intercultural education in schools. The working group organizes training courses for multipliers, coordinates the work of specialists in regard to achieving intercultural objectives and provides advice on delivering on the KMK’ s recommendation on intercultural education in schools.

3. Teacher training and textbooks for teaching in and of minority languages

The Advisory Committee urged the German authorities to pursue and intensify their efforts to increase the availability of teachers qualified to teach in minority languages at all levels of the education system, and to take positive measures to promote their appointment to areas where such skills (i.e. speaking the minority language) are needed. (Nos. 113 – 116)

The federal state of **Baden-Württemberg** refers to its comments in D.X.

The Free State of **Bavaria** states that the Bavarian State Government and the Regional Association of German Sinti and Roma regularly hold meetings on delivering on individual obligations under the European Charter on Regional and Minority Languages.

The federal state of **Brandenburg** refers to its comments in D.X.

Of the four national minorities in Germany, only the national minority of German Sinti and Roma play a significant role in **Bremen** in quantitative terms. Commissioners are appointed to look after those interests which are specific to the national minority of the German Sinti and Roma and to then provide support in schools when questions arise relating to them. The *Land* Institute for Schools is not aware of any schools which are in need of any measures to promote lessons in Romani as a minority language.

The **Free and Hanseatic City of Hamburg** refers to its comments in D.II.

The federal state of **Lower Saxony** points out that 2018 was the first year in which it was possible for teachers to complete a certification course to acquire Sater Frisian language skills. The course, launched in 2016, comprised four one-week sessions spread across four half-years. The certification courses for Low German and Sater Frisian were taught on behalf of the Ministry of Culture of Lower Saxony by the Lower Saxony State Institute for Quality Development in Schools in cooperation with the University of Oldenburg.

The federal state of *Rhineland-Palatinate* refers to its comments in D.X.

The Free State of *Saxony* reports that the Saxon State Government and the universities and colleges offering teacher training have concluded target agreements to ensure that sufficient highly-qualified teachers are available. These target agreements contain specifications on how many new students are to be matriculated each year for each type of school and each subject. The figures are very closely oriented to the numbers of teachers who will be needed by 2020 and beyond to replace those who will be retiring. The University of Leipzig runs a teacher training degree in Sorbian.

For further information, see the comments in D.X.

Teaching materials for Frisian lessons in *Schleswig-Holstein* are generally created by those teaching Frisian themselves. Schoolbook publishers are unwilling to take on this task due to the small circulation figures, given that North Frisian is split into four dialects which are each spoken only by a few speakers. No funding has been secured to produce professional teaching materials such as textbooks. As education is a matter for the German *Länder*, the Frisian Council is unable to apply for federal funding to finance these teaching materials. That is why materials for Frisian lessons are largely paid for by private foundations and donations.

Despite the aforementioned difficulties, two projects are currently ongoing: a primary school textbook published in Low German is being translated into a Mainland Frisian and an Island Frisian dialect (for grades 1+2 and 3+4 respectively); development and production of a secondary school textbook in Föhr Frisian is set to begin in the course of the 2018/19 school year.

Teaching of and in Low German and Frisian is gradually being expanded in Schleswig-Holstein. No job-related teaching materials are currently available, though. The fact that little job-related material is available also impacts Danish lessons, although specialist literature can at least be sourced in Denmark and then revised. As already stated, due to

the small number of pupils across Germany, hardly any publishers of schoolbooks are interested in developing the relevant materials. This is even more true of the vocational field, in particular for use in the dual system of training, given that trainees need to learn specific vocabulary and descriptions of technical issues and work processes in the course of their training. This means that this target group is even smaller in the eyes of the publishers of schoolbooks, making the production of teaching materials hardly economically viable.

The Free State of *Thuringia* refers to its comments in D.X.

IX. Article 13

The Advisory Committee encouraged the German authorities to pursue their discussions with all parties concerned and to take active measures to ensure that pupils are not disadvantaged in practice because of their choice to attend Danish minority schools. (Nos. 117 – 119)

The federal state of *Schleswig-Holstein* reports that pupils can sit all school leaving qualifications (first general school leaving certificate; intermediate school leaving certificate; *Fachhochschulreife* [technical college certificate, school-based part]; *Abitur* [university entrance certificate]) at both state-run schools and Danish minority schools. They qualify pupils for all vocational training courses and for university/college degree courses. School leaving qualifications obtained at Danish private schools are recognized in both Germany and Denmark. The Danish minority schools conduct all final examinations under their own authority.

Bilateral treaties concluded between German and Danish employers and obligatory periods of practical training in Denmark for German nationals and in Germany for Danish nationals mean that the vocational qualification acquired by trainees in some apprenticeships is valid in both Germany and Denmark. Given that the planned Fehmarn Belt Fixed Link is likely to have a huge impact on the labour market and overall economic development in Schleswig-Holstein, an assessment is currently being carried out of whether this approach can also be applied to other apprenticeships.

The Ministry of Education regularly holds meetings with the Danish Schools Association at both the management level (minister, state secretaries) and working level. Account is taken of the cultural and organizational specifics of Danish schools in the context of school inspections. The same goes in regard to the design and practical implementation of examination requirements. This ensures that the written *Abitur* exam, which is centrally administered, can be set and marked in Danish. Further, agreement was reached in time for the 2018 *Abitur* exams to allow Danish schools to set mother tongue-level oral exams in the subject of Danish and that account could also be taken of the new examination requirements applicable in Denmark. This was of key importance to the Association, as some of its pupils go on to study in Denmark.

In addition, the Schleswig-Holstein Ministry of Education has agreed the following with the *Dansk Skoleforening for Sydslesvig* (Danish Schools Association for South Schleswig):

- Under a rule introduced in 2016, pupils attending Danish minority schools who previously attended an *Efterskole* (a residential school for 14- to 18-year-olds) in Denmark for one year may transfer to the upper secondary level (*Oberstufe*) in Germany without the qualification they acquired in Denmark having to be formally recognized a second time.
- Agreement was reached in 2017 on a new administrative procedure for ascertaining pupils' special educational needs.
- Agreement was likewise reached in 2017 on cooperating with remedial schools. Pupils with special educational needs due to sensory impairment (sight, hearing) and those with physical and motor development needs will benefit from this cooperation, as they will no longer be required to pay for the support provided in remedial schools.

Pupils living on the islands and holms need to move to the mainland in order to attend grade 9 and 10 and upper secondary school at one of the schools affiliated to the Danish Schools Association. The Association supports pupils attending these schools on the mainland by covering most of their costs for travel, accommodation and meals. In the spirit of the Bonn-Copenhagen Declaration and the guarantee under Article 12 para. 5, first sentence, of the *Land* Constitution and in order to contribute towards achieving greater parity of living conditions, Schleswig-Holstein, the North Friesland urban district (*Landkreis*) and local communities plan to reimburse the Danish Schools Association some of the costs for accommodation, meals and travel. A draft treaty (as at October 2018) which the *Land* Government and the North Friesland urban district have both agreed to provides that the Danish Schools Association is to receive € 300 per month retrospectively from the 2017/18 school year for each pupil living on the islands and holms attending grade 9 and upwards at a school on the mainland in order to obtain their first general school leaving certificate, intermediate school leaving certificate or *Abitur*. The three contracting parties are to pay equal shares of this allowance. The arrangement is linked to the expectation that the Danish Schools Association will waive payment of contributions towards accommodation, meals and travel by those parents who are on a very low income and also that it will ensure that contributions are appropriately staggered based on social criteria.

X. Article 14

1. Teaching in and of Frisian languages

The Advisory Committee called on the German authorities to step up the support provided to teaching in and of North Frisian in Schleswig-Holstein and recommended that they continue to develop the provision of teaching in and of Sater Frisian in Lower Saxony. (Nos. 120 – 122 and 124)

The federal state of *Lower Saxony* refers to its comments in E.VIII.3.

The federal state of *Schleswig-Holstein* emphasizes that day-care centres are key to achieving the goal of ensuring that regional and minority language learning is a consistent element throughout adolescents' educational careers. Early contact with a language and its use in everyday contexts is essential to language learning. That is why the work of multilingual nursery schools in Schleswig-Holstein is being continuously strengthened.

Language learning is therefore expressly laid down as an educational goal in the Schleswig-Holstein Nursery Schools Act (*Kitagesetz, KitaG SH*). The promotion of regional and minority languages is explicitly referred to in section 4 (3) no. 2 of that Act:

"Account is to be taken of the following areas of education in the fulfilment of the care and educational mandate set out in subsection (1) and supporting and developing the skills referred to in subsection (2): [...]

"2. Language(s), taking appropriate account of the languages, characters/scripts and communication protected under the Land Constitution and the European Charter on Regional and Minority Languages, in particular as regards participation in educational processes and preparing children to start school."

The work of day-care centres which are looking after children growing up with more than one mother tongue is also addressed in guidance on the day-care centres' educational mandate. One focus is on those children who are growing up speaking Low German or Frisian at home and who learn early on to switch between different languages. These

centres are to come to regard multilingualism as enriching for all and to ensure that account is taken of this aspect in their strategic, pedagogical and HR concepts so as to be able to incorporate it into everyday work with children. Many day-care centres in Schleswig-Holstein have already done this.

Schleswig-Holstein provides financial support towards pre-school language learning in day-care centres by funding their operating costs. The *Land* Government provides funding to rural districts (*Landkreise*) and to urban districts (*kreisfreie Städte*) for them to pass on to their day-care centres (section 25 (2) of the Nursery Schools Act). Full account is thus taken of the autonomy of those organizations which are funding day-care centres, as set out in Social Code Book Eight (*Sozialgesetzbuch VIII, SGB VIII*). This enables both rural and urban districts to promote language learning and teaching in a targeted manner in line with their local conditions.

Moreover, the federal state government has made new funding totalling € 500,000 available to regional and minority language learning in day-care centres. This funding will be provided to rural and urban districts to pass on to the organizations running these centres. Point 4.4 of the decree "*Förderung von Kindertagesbetreuung, Sprachbildung und Hortmittagessen 2018/19*" (Promoting Day-Care Centres, Language Learning and Lunches in Day-Care Centres 2018/19) sets out the following: "*Rural districts and urban districts may apply for an additional € 0.5 million in funding for regional and minority language learning up until 1 April of each year. Rural districts and urban districts may authorize payment of up to € 2,000 to the organizations running such centres to cover personnel and material costs for each day-care group from birth to age six if the conditions set out in point 3.3 regarding regional and minority languages are met.*"

The subsidies can only be paid to day-care centres whose educational concepts explicitly take account of regional and minority languages. They must employ specialists who have undergone the relevant training.

Schleswig-Holstein reports that 715 pupils attending 12 state-run general schools are being taught Frisian in the 2017/18 school year. A total of 104 pupils are taught Frisian at three of the schools affiliated to the Danish Schools Associations.

The Advisory Committee recommended in addition that the German authorities remove administrative obstacles to the provision of teaching in and of Frisian. Account should be taken of proficiency in Frisian when appointing teachers to schools in the traditional settlement areas of Frisians, and special efforts should be made to replace teachers who provide teaching in or of Frisian where they are absent for long periods, leave the area or retire. Particular flexibility should also be applied as regards minimum class size requirements to ensure that these do not prevent the delivery of teaching in or of Frisian where a demand for it exists. (Nos. 122 – 123 and 125)

The federal state of *Lower Saxony* refers to its comments in E.VIII.3.

Furthermore, Lower Saxony notes in response to Recommendation No. 122 of the Advisory Committee' s Fourth Opinion on Germany adopted on 19 March 2015 that the provision of bilingual lessons should not be regarded as dependent on minimum class sizes. Provision of bilingual classes is also possible in other ways. The school authorities are available to provide advice on such matters.

The federal state of *Schleswig-Holstein* notes that its Ministry of Education has joined forces with universities providing teacher training to establish a targeted matching procedure in order, wherever possible, to be able to place Frisian teachers in schools in those areas in which the language is spoken.

2. Teaching in and of Sorbian

The Advisory Committee again recommended that the German authorities intensify measures to maintain a sound and sustainable network of Sorbian language schools in the area of traditional Sorbian settlement, at all levels of the educational system. (Nos. 126 – 128)

The federal state of **Brandenburg** explains that teaching in and of Sorbian/Wendish has been provided at state-run schools in Lower Lusatia since the early 1950s. Cottbus State Education Office is responsible for all matters relating to teaching in and of Sorbian/Wendish.

Sorbian/Wendish as a foreign language is currently taught at 20 publicly run primary schools in Brandenburg, at one privately run primary school, two secondary schools, one *Oberstufenzentrum* (upper secondary school) and one *Gymnasium* (grammar school). In addition, one primary school and one secondary school each have a Sorbian/Wendish study group. One of the two schools has the status of “Sorbian/Wendish School”, the other the status of “Sorbian/Wendish School With a Special Focus” pursuant to the Ordinance on the Educational Matters of the Sorbs/Wends (*Sorben/Wenden-Schulverordnung, SWSchulV*).

With the exception of the “Sorbian/Wendish School With a Special Focus”, lessons in and of Sorbian/Wendish are optional in Brandenburg, and schools thus face specific organizational challenges. Reference is made to comments in D.X as regards additional support measures available to Sorbian/Wendish schools in Brandenburg.

The Free State of **Saxony** points out that no key changes have been made since the last monitoring cycle. Reference is also made to the fact that on 21 September 2017 the foundation stone was laid for a newbuild which will become the German/Sorbian school in Schleife. The building project comprises a primary school and a secondary school plus grounds and a sports hall with two courts plus outdoor sports facilities. Building should be completed by the start of the 2019/20 school year.

3. Teaching of Romani

The Advisory Committee again encouraged the German authorities concerned to monitor and review regularly the demand for teaching Romani, as well as Romani language teaching projects and their impact on academic achievement by Roma children, in the interests of furthering good practice in this field. The German authorities should ensure the effective participation of representatives of the Roma community in these monitoring and evaluation processes. They should also identify means by which to place successful projects in this field on a sustainable footing. (Nos. 129 – 131)

The federal state of *Baden-Württemberg* refers to its comments in D.X.

The Free State of *Bavaria* refers to its comments in E.VIII.3.

The federal state of *Berlin* points out that the national minority of German Sinti and Roma in Berlin is of the opinion that its minority language requires no special support from the state education system.

The *Free Hanseatic City of Bremen* refers to its comments in E.XII.3.

The *Free and Hanseatic City of Hamburg* refers to its comments in D.II.

The federal state of *Hesse* reports that the Schaworalle association in Frankfurt (Main) continues to offer children the possibility of communicating in Romani (in the so-called “*kleine Schule*”, the little school). The “*kleine Schule*” considers itself an interim stage or alternative to the “*große Schule*” (regular school). It feels responsible for all those children who do not or no longer attend school because of cultural conflicts, insufficient language skills, uncertain residence status, frequent relocation or because of the Roma’ s mistrust of school as an institution. One goal is to support children when they enrol in regular school.

The association has links to two schools in Frankfurt (Main), namely the Comenius School and the Ludwig Börne School. The former is a primary school attended by 439 children. One section of the school, called “*Schaworalle*” (meaning a school for Sinti and Roma children), is within the school’s administrative ambit. The secondary school-level *Schaworalle*, by contrast, is affiliated to the Ludwig Börne School and is a combined *Hauptschule* (secondary modern school) and *Realschule* (secondary technical school).

The Comenius School cooperates with the Schaworalle association, the head of which receives support from the Association to Promote the Roma (*Förderverein Roma e. V.*) in Frankfurt and was also responsible for establishing the Schaworalle Nursery School. That is why numerous measures initiated by the association are coordinated with measures taken in the Comenius School. This ensures that sufficient consideration is given to the school’s special status and to measures needed to get pupils from Sinti and Roma families to attend school. Many pupils who have not done well in regular schools have been admitted to the Schaworalle and were thus able to obtain a school leaving qualification. This is due to the particular circumstances which apply in the school, which accommodates parents’ and families’ wishes and fosters trust in the educational system as a whole. Some pupils do so well in the Schaworalle that they are able to transfer back to a regular school and continue their education there.

Lower Saxony’s Policy on Granting Aid to Promote the Social Participation of Sinti and Roma states that funding totalling € 5,346 was to be made available to Romani lessons provided by the Association of Sinti in Hildesheim in 2018.

The federal state of *Rhineland-Palatinate* refers to its comments in D.X.

The federal state of *Schleswig-Holstein* reports that the Schleswig-Holstein Regional Association of German Sinti and Roma has not changed its opinion on Romani lessons at state-run schools in the federal state. Romani has a unique status among minority languages. Members of this minority in Schleswig-Holstein do not wish those who are not part of the minority to have general access to their language. As a result, Romani is taught

neither at school nor at tertiary level. The regional associations of German Sinti and Roma are currently discussing the fact that the Romani language should be taught only orally and the issue of codifying the German version of Romani. It is not yet foreseeable which direction this discussion will take.

However, mediators and educational advisers working in schools in Schleswig-Holstein are members of the minority community and speak Romani. They also speak Romani when providing one-to-one support to children in schools.

The Free State of *Thuringia* refers to its comments in D.X.

XI. Article 15

1. Participation in public affairs

The Advisory Committee called on the German authorities to take more resolute steps to promote effective participation of Roma and Sinti in public life, in particular at political level. In the Länder where this has not yet been done, the Advisory Committee also recommended that the authorities establish, in close cooperation with the Sinti and Roma representatives, mechanisms allowing for the effective participation of Sinti and Roma in decision-making on issues of concern to them. (Nos. 132 – 136 and 140)

The **Federal Ministry of the Interior, Building and Community (BMI)** draws attention to aspects of the regular, institutionalized exchanges between the national minority of German Sinti and Roma and the political and administrative authorities as set out in D.V. Particular mention should be made of the Consultative Committee on Issues Concerning the German Sinti and Roma which was established in the BMI in 2014. The Consultative Committee's task is to discuss all matters of German politics relating to the German Sinti and Roma. Its first meeting, held in the BMI on 18 March 2015, was opened by the then Federal Minister of the Interior Dr Thomas de Maizière. The second meeting was held in the Documentation and Cultural Centre of German Sinti and Roma in Heidelberg on 19 September 2016, the third in the Representation of Bavaria in Berlin on 27 June 2017. The members of the Consultative Committee are: representatives of the Central Council of German Sinti and Roma and of the Sinti Alliance Deutschland, as well as representatives of the Federal Government Commissioner for Culture and the Media and of the BMI, of the parliamentary groups in the German Bundestag and of the *Länder*. Other experts can be invited as guests. The meetings, which are generally held once a year, are chaired by the Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities.

As outlined in C.I.3 (Financial Support for National Minorities), the **Federal Government Commissioner for Culture and the Media** supports the Central Council of German Sinti and Roma and the Documentation and Cultural Centre of German Sinti and Roma in Heidelberg in the framework of the Federal Government's institutional cultural support.

These institutions have initiated numerous activities which seek to improve the participation of Sinti and Roma in public life and to combat prejudice and discrimination.

The federal state of *Baden-Württemberg* refers to its comments in D.II in relation to the Council for Matters Concerning German Sinti und Roma in Baden-Württemberg.

The federal state of *Berlin* refers to its comments in D.XI.

The federal state of *Brandenburg* refers to its comments in C.I.1.

Reference is also made to C.I.1 for comments made by the *Free Hanseatic City of Bremen*.

The *Free and Hanseatic City of Hamburg* explicitly welcomes the Advisory Committee' s recommendation that the German authorities should take steps to promote the active participation of Sinti and Roma in public life. On 5 September 2017 the Hamburg Senate adopted an updated version of its 2013 Integration Strategy. The 2017 Integration Strategy – titled “*Wir in Hamburg!*” (We in Hamburg) – addresses all the citizens of Hamburg, since integration is a task for the whole of society. The strategy aims to give everyone, including the national minority of German Sinti and Roma, equal participation in all relevant areas of social life. The core elements of the strategy continue to be: “intercultural opening”, that is the state’s response to the needs of an increasingly diverse society; eliminating possible structural discrimination in all relevant areas of social life; and using targets and indicators to ascertain what is going well and which measures in particular need adapting.

The federal state of *Hesse* refers to its comments in D.II.

The federal state of *Lower Saxony* refers to its comments in D.XI regarding the opportunities which Roma and Sinti have for participating in public life at local level.

As regards cooperation between representatives of the German Sinti and Roma, *Rhineland-Palatinate* refers to the Framework Agreement signed in 2005 by the *Land* Government and the Rhineland-Palatinate Regional Association of German Sinti and Roma. Under Article 4 of that Framework Agreement, information regarding an accused person' s belonging to a national minority may not be included in police reports and in dealings with third parties, including the press. The aim of this measure is to protect minorities against discrimination.

The federal state of *Schleswig-Holstein* refers to its comments in D.V.

The Advisory Committee also recommended that, following the next elections to the Council for Sorbian/Wendish Affairs in Brandenburg, the authorities review, together with representatives of the Sorbian minority, the impact of the new procedures governing the election of the Council, with a view to assessing the extent to which the new rules have facilitated the participation of Sorbs in this process and remedying any problems identified. (Nos. 137 and 141)

The amended procedure for the election of the Council for Sorbian/Wendish Affairs in the *Brandenburg Land* Parliament under the amended Sorbs/Wends Act (*Sorben/Wenden-Gesetz, SWG*) was applied for the first time in 2015. Unlike in the past, the language group's parliamentary advisory body was thus directly elected by secret postal ballot by the members of the Sorbian/Wendish people in Brandenburg. The electoral register contained the names of some 1,600 registered voters, more than 1,200 of whom availed themselves of their right to vote. Compared to the around 200 people who took part in election meetings, this represents a significant broadening of the basis for legitimacy. This is a good result given the level of trust someone needs to confirm in writing vis-à-vis a new body that they are a member of the Sorbian/Wendish people. More candidates also stood for election than was the case at most of the election meetings. Seven candidates

stood for five seats on the Council. The *Land* reimbursed the costs incurred organizing the election.

A joint analysis of the election procedure conducted by the *Land*, the Council and Domowina (the Federation of Lusatian Sorbs) essentially revealed two organizational problems. However, these can be sorted out without having to amend any legal provisions at the next election. The new electoral procedure thus proved effective.

The Advisory Committee recommended that the German authorities, in close cooperation with representatives of the Sorbian minority, find means to allow Sorbian representatives to participate more effectively in decision-making processes concerning the allocation of funds to the preservation and promotion of their culture. (Nos. 138 – 139 and 141)

The **Federal Ministry of the Interior, Building and Community** notes that the majority of the state funding allocated to the preservation and promotion of Sorbian culture is made available to Sorbian organizations and institutions through the Foundation for the Sorbian People. The Foundation was established by the Free State of Saxony and Brandenburg and is funded jointly by the two *Länder* and the Federal Government. Representatives of the Sorbian people play a key role on account of their being members of the Foundation's various bodies.

The Foundation's Governing Board, whose 15 members include six representatives of the Sorbian people, is responsible, among other things, for setting the Foundation's budget and financial planning as well as for issuing funding guidelines (section 5 (1), second sentence, nos. 2 and 6 of the Foundation's statutes).

The Governing Board is also responsible for allocating project funding (section 5 (1), second sentence, no. 7 of the Foundation's statutes). However, that only applies to grants of more than € 25,000 which are made within the Foundation's annual financial framework. Decisions about grants of less than that amount are taken by the Director of the Foundation (section 8 (1), third sentence, letter e) of the Foundation's statutes), who is generally a member of the Sorbian ethnic group.

Before project funding of over € 5,000 can be approved, the Foundation Commission must give a recommendation regarding the planned measure (section 8 (3), second sentence, of

the Foundation' s statutes). The Foundation Commission is a sub-committee of the Governing Board. It comprises five of the six Sorbian members of the Governing Board plus one representative of the Federal Government, of the Brandenburg *Land* Government and of the Saxon State Government. Representatives of the Sorbian people therefore make up the majority of the Foundation Commission. They consequently have a decisive influence on recommendations made by the Commission regarding the allocation of the Foundation' s project funding and thus also on decisions taken by the Foundation' s Director or Governing Board concerning which projects the Foundation is going to support.

The influence exerted by representatives of the Sorbian people when it comes to the awarding of the Foundation' s project funding has been extended on account of the fact that the Governing Board on 4 April 2017 adopted a resolution to establish an Advisory Committee on Project Funding. It will be formed of six representatives of the Sorbian people who sit on the Governing Board plus their deputies. A list of funding applications made to the Foundation over a six-month period must be submitted to the Advisory Committee, which then makes a recommendation on each application.

In *Brandenburg* the Council for Sorbian/Wendish Affairs, an advisory committee in the *Land* Parliament, must be involved in the parliamentary process on budgetary legislation. The Council' s parliamentary participatory rights were further strengthened under the 2014 amendment to the Sorbs/Wends Act. Funding available for matters concerning national minorities is listed in *Land* budgetary legislation, meaning that this information is accessible to the general public.

2. Participation of Sinti and Roma in socio-economic life

The Advisory Committee called on the German authorities to strengthen their efforts to promote the equality of Sinti and Roma in socio-economic terms, particularly as regards access to employment and housing. Measures taken in this respect should be based on a thorough evaluation of the situation of Sinti and Roma in this field. (Nos. 142 – 144)

The federal state of **Baden-Württemberg** has set itself the goal of improving access to the housing market for Sinti and Roma, among other minorities. To that end it has revised its legislation on the promotion of social housing. The “*Wohnungsbau Baden-Württemberg 2018/2019*” (Housing Development in Baden-Württemberg 2018/19) programme extended the scope of support available for those experiencing particular difficulties accessing housing. Support was previously limited to exhaustingly defined groups of households eligible for social housing which it was assumed faced discriminatory obstacles when accessing the housing market. As a result, investors are now in a position to use federal state funding to build rental accommodation to which Sinti and Roma can then be given priority access. Inclusion of such a priority status each time funding approval is given both entitles and obliges investors to give priority to Sinti and Roma when allocating the state-funded rental housing over all those eligible for social housing who have expressed an interest in a concrete apartment or house. Giving such priority treatment to Sinti and Roma will not then constitute a breach of the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz, AGG*). The nationality of Sinti and Roma who are eligible for social housing under *Land* law is of no significance in this matter. It is up to the relevant local authority in which the property is located to ensure, as part of its monitoring of existing commitments, that specific determinations made in the funding approval concerning such commitments must be complied with throughout the commitment period.

The *Free Hanseatic City of Bremen* refers to its comments in C.I.1.

The *Free and Hanseatic City of Hamburg* refers to its comments in D.II.

The federal state of *Hesse* points out that it is one of the goals of its promotion of community work in districts and neighbourhoods to support and strengthen the municipal authorities, by means of tailored, innovative and integrative measures, in fulfilling their task of positively developing neighbourhoods and areas in which there are multiple social problems. Measures are to be used to boost social participation, self-help, civic engagement and networking among relevant actors. The development prospects of those working in the fields of integration, education and employment are also to be improved.

Two options are available in Hesse for achieving these goals: establishment/expansion of a support and coordination office in a neighbourhood (no. 1) and strategic, innovative social projects providing specific support in achieving district development goals (no. 2).

Funding of € 4.5 million was made available in 2017 to a total of 39 places receiving support for their community work (rural districts [*Landkreise*], urban districts [*kreisfreie Städte*], towns/cities with special status and municipalities with refugee shelters).

Funding has been provided by the Hessian Ministry for Social Affairs and Integration and by the European Social Fund (ESF) to a youth vocational training project since 2007 and to an adult education project run by the Association to Promote the Roma (*Förderverein Roma e. V.*) since 2014.

Both projects provide targeted support to Roma and Sinti. Educational support is linked to counselling services, the aim being to ensure that the goal of improving the social situation of Sinti and Roma is not forgotten and that it forms an integral part of the broad support provided.

The youth vocational training project (in cooperation with Frankfurt Youth Welfare Office' s youth careers assistance, the Jobcenter Frankfurt and the ProRegion Foundation) has space for 18 youngsters and runs alphabetization courses, basic education courses and courses leading to the extended *Hauptschul* leaving certificate. Those on the programme do two vocational orientation days each week. Almost two thirds of those taking part either enrol to do further training or get a job. One third of those on the main course get their *Hauptschul* leaving certificate.

The adult education project (run in cooperation with the Jobcenter Frankfurt) also has 18 participants each year, is easier to access, and offers two alphabetization courses and a main course. The project aims to teach reading and writing skills, basic German language skills, professional requirements, how to navigate social spaces and transition to work or further training. In 2017, 27% of those taking part went on to find a job. Since January 2018 four places have been allocated to participants who are not eligible for any other state assistance. Both projects place a special focus on the integration of women – in fact supporting girls and women is a specific priority.

The high esteem in which work done in the Roma community is held, the many years of fruitful cooperation, and funding provided by the HMSI and the City of Frankfurt have had a positive effect both in terms of getting both projects firmly established and their success. The many years of commitment on the part of the organization running the projects, the use of staff with Romani as their mother tongue, intensive work with parents and families, the holistic support and its high level of differentiation are hallmarks of the many years of successful work in this area.

Core aspects of the policy applied in both projects include respect for the Roma identity and for each individual's personality and activities undertaken against exclusion, racism and discrimination. Ensuring that it is possible to communicate in Romani is of especial importance, as is work to combat anti-gypsy sentiment through one-to-one support, events, documentation and cooperation projects, like that with the Central Council of German Sinti and Roma and the Hessian Regional Association of German Sinti and Roma, for instance.

The federal state of *Lower Saxony* reports that as well as German Sinti and Roma, some of whom have been resident in Germany for hundreds of years, Germany has been seeing other incoming Roma settling here since the EU's enlargement to the east. Roma have been and are increasingly emigrating from third countries, too. The latter two groups are not members of the ethnic group who are protected under the Framework Agreement on Protected National Minorities. However, advisory centres have been set up in Lower Saxony under the Lower Saxony Directive on Advisory Services for Migrants (*Richtlinie Migrationsberatung*). These centres provide counselling to migrants holding foreign passports or to stateless persons in order to give them quick and one-to-one help and

assistance in their new environment. It cannot be ruled out that German Sinti and Roma also visit these advisory centres.

The federal state of *Saarland* reports that its Ministry for Economic and Labour Affairs, Energy and Transport has been funding the Saarland Advisory Centre for Migrant Labour and Mobile Employees since 2018. It serves people from Central and Eastern European countries who are employed or wish to find employment in Saarland. The advisory services and awareness-raising measures aim to significantly improve the opportunities for development and participation of migrant labourers. In particular, they provide mobile employees and immigrants from Central and Eastern European countries as well as those from third countries with the necessary information and a greater understanding of the legal prerequisites needed to work in Germany and information about the German labour market. The project aims to help the people receiving advice to better recognize and make use of their individual and collective scope for action. It serves to better protect against irregular employment and to provide easier access to regular employment. The Advisory Centre aims at providing low-threshold information, education and advice about labour and social legislation. One of its main concerns is providing on-the-ground outreach advisory and information services. Furthermore, the project also provides general assistance coping with everyday life so as to ensure that people have a safer and more dignified life and working life abroad. Migrant workers can find out about what specialist advisory centres, consumer protection centres etc. can do to help them, for instance. Information is available about the different types of migrant labour, about migrant labourers' labour and social rights, and about the range of possibilities open to multipliers. Specialist meetings are also to be held with multipliers to enable the sharing of experience so that the need for action can be more precisely identified and action points and measures initiated. Another key element of the work of the Advisory Centre is networking with state and civil-society actors.

XII. Article 18

The Advisory Committee encouraged the German authorities to pursue their efforts with respect to regional [cross-border and international] cooperation and regional dialogue. (Nos. 145 – 146)

The *Federal Government* regularly discusses the situation of national minorities, including that of the Sinti and Roma, in its meetings with representatives of foreign countries. As part of its international cooperation on remembrance of the Holocaust, for instance within the International Holocaust Remembrance Alliance, Germany is firmly committed to ensuring that the Sinti and Roma who were murdered under the Nazi regime are worthily commemorated, and Germany is actively involved in international discussions on combating anti-gypsy attitudes. In addition, the Federal Foreign Office supports cross-border projects, including conferences, memorial visits and cultural events, in remembrance of the Holocaust as well as the RomArchive, the international digital archive of the Roma. The Federal Foreign Office also worked hard to ensure that the “*Europäische Roma-Institut für Kunst und Kultur e.V.*” (European Roma-Institute for Art and Culture, ERIAC) opened in Berlin in 2017. The project was initiated by the Council of Europe and the Open Society Foundation. ERIAC is intended to help publicize Roma culture across Europe and thus to effectively combat negative attitudes to the Roma community. Minister of State in the Federal Foreign Office Michael Roth and Parliamentary State Secretary Stephan Mayer in the Federal Ministry of the Interior have observer status on the ERIAC Board. In 2017 and 2018 ERIAC received funding totalling € 180,000 and € 200,000 respectively towards organizing networking and public relations events in six and seven European countries respectively. In September 2018 the Federal Foreign Office helped fund an exhibition and a symposium organized by ERIAC which was held at United Nations Headquarters in New York. This very high-ranking event, which was attended by the Secretary-General of the Council of Europe, Thorbjørn Jagland, by George Soros and Minister of State Michael Roth, presented the concerns of the Roma minority to an international audience.

The *Federal Ministry of the Interior, Building and Community (BMI)* reports that the Frisian ethnic group in Germany has stepped up its regional cooperation with West Frisians living in the Dutch Province of Friesland/Fryslân.

A meeting of the Consultative Committee on Issues Concerning the Frisian Ethnic Group in Germany established in the BMI was held on 28 March 2017. Following this meeting an event was held in the Representation of Schleswig-Holstein in Berlin which was jointly organized by the Commissioner of the Minister-President of Schleswig-Holstein for Matters Related to National Minorities and Ethnic Groups and the Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities. The event dealt with cross-border German-Dutch cooperation on matters relating to the Frisian ethnic group and Frisian culture in Germany and the Netherlands.

The event was attended by members of the Consultative Committee (representatives of the Frisian ethnic group, of the Federal Government and of the *Land* Governments of Lower Saxony and Schleswig-Holstein) as well as by representatives of the Dutch West Frisians in the Dutch Parliament, of the Parliament and Government of the Dutch Province of Friesland and of West Frisian civil-society organizations. Representatives from Germany included members of the German-Dutch Parliamentary Group in the German Bundestag and of the Committee for Matters Relating to the Frisian Ethnic Group in Schleswig-Holstein.

There are plans for one of the next (usually annual) meetings of the Consultative Committee to be held in Leeuwarden in the Dutch Province of Friesland and to then again facilitate information-sharing between members of the Consultative Committee and representatives of the Dutch West Frisians.

Since 2018 a representative of the Inter-Frisian Council has also been a regular member of the Consultative Committee. One representative of the Inter-Frisian Council was invited to attend the meetings of the Consultative Committee as a guest in 2016 and 2017. The Inter-Frisian Council is an alliance between the Frisian Council Section North (which represents North Frisians), the Frisian Council Section East (which represents East Frisians) and the Frisian Council Section West (which represents Dutch West Frisians). The Inter-Frisian Council represents the interests of the Frisian ethnic group as a whole. The Chair rotates every three years between the different Sections.

The BMI also promotes regional (cross-border and international) cooperation by funding projects run by the Federal Union of European Nationalities (FUEN) (minimum funding in 2014: € 60,000; in 2015: € 100,000; since 2016: € 500,000).

This funding was used, firstly, to support cross-border projects which contribute to cooperation and networking between those associations and organizations of autochthonous national minorities in Europe which are members of the FUEN umbrella organization. This includes annual FUEN congresses, projects and meetings of non-independent working groups within the FUEN (e.g. the Working Group of German Minorities, the Working Group of Slavic Minorities and the Working Group of Non-Kin-State Minorities) and other ad hoc projects (e.g. the 2018 “*Politik und Medien für die Minderheiten*” [Politics and Media for National Minorities] project).

Secondly, funding is provided to projects aimed at strengthening cooperation between the German *Länder* and regions in which autochthonous national minorities are settled, for example the Forum of the European Minorities (FEM).

In addition, Germany is actively involved in the Council of Europe’ s language-specific work. For instance, it took part in the working visit of the Ad hoc Committee of Experts on Roma and Traveller Issues (CAHROM) to Graz in March 2017 (“Protection, preservation and teaching of languages spoken by Roma, Sinti and Yenish”). The visit lasted several days.

The federal state of *Baden-Württemberg* reports that it has five mixed government commissions which Serbian, Croatian, Hungarian, Rumanian and Bulgarian nationals are members of and which regularly address issues relating to the Roma ethnic minority.

The EU’ s Strategy for the Danube Region (EUSDR) also includes activities which address the concerns of the Roma community. Baden-Württemberg is particularly active in this regard, although the strategy itself does not address asylum and refugee policy.

Representatives of the German Sinti and Roma in Baden-Württemberg regularly form part of the delegations of the aforementioned government commissions and take part in events within the framework of the EUSDR. They provide the opportunity not only to talk *about*

national minorities but also to talk *with* representatives of those minorities on an equal footing.

The federal state of *Brandenburg* shares experience at working level with the other *Länder* and regions in which national minorities are settled. This often takes the form of direct cooperation with Sorbian/Wendish associations. Examples include the FUEN congresses; the Federal Government' s implementation conferences; contacts with Schleswig-Holstein and Kärnten in Austria; one-off projects such as a 2016 fact-finding mission on language planning issues to Wales which was organized by Domowina (the Federation of Lusatian Sorbs); and taking part, through the mediation of Brandenburg' s Partnership Coordinator for the Centru Region of Romania, in a summer academy in Sighișoara, Romania in 2017 and 2018 which was part of the Proetnica Festival. Most of these activities have a direct reference to issues relating to national minorities.

There is intense cooperation with the Free State of Saxony within the region of Lusatia. That cooperation incorporates issues relevant to the Sorbian/Wendish community and Sorbian/Wendish actors.

The Saxon State Government invites Domowina to participate in appropriate ways in measures to support structural development in the Lusatian region. It is especially in times of economic transformation that a region' s cultural characteristics, and specifically the Sorbian/Wendish identity in the region of Lusatia, can provide a key socio-political anchor.

In its regional and inter-municipal cooperation, regional development in the Free State of *Saxony* uses "soft" planning tools to deliver on the goals and requirements set out in the *Land* development plan and on implementing urban planning guidelines and strategies in Germany. A project launched in 2004 and funded by the Saxon State Ministry of the Interior and the Saxon State Chancellery ("*Zukunftschancen im ländlichen Raum der Modellregion Oberlausitz-Niederschlesien*" [Future Prospects in Rural Regions in the Upper Lusatia-Lower Silesia Region]) was used to develop strategies to mitigate the impact of demographic change. New and creative ways were sought to maintain and improve the quality of life (including the power of culture) in Upper Lusatia/Lower Silesia. The

Sorbian settlement area is located in this region, which is characterized by above-average population decline. A three-year public dialogue process was therefore launched in 2009 to seek new practicable and implementable solutions, especially in regard to infrastructure. Regional actors and citizens were involved in the dialogue process. The Sorbian population's self-governing bodies were key partners. A network which arose out of this process delivered concrete recommendations in 72 subject areas, including healthcare, school and cultural education, and inter-communal cooperation in the region. Further initiatives relating to general economic services in rural regions will continue to be implemented in the Upper Lusatia–Lower Silesia Region even though the pilot project has now ended.

Moreover, the Directive of the Saxon State Ministry of the Interior on Promoting Regional Development is also used to support projects in the Sorbian settlement area. Examples of projects which have received funding since 2013 include: the updated Regional Development Strategy Lusatian Lake Land (Saxony Part) project; the *“Nachhaltige regionale Entwicklung durch den künftigen UNESCO Global Geopark Muskauer Faltenbogen – Errichtung und Betreibung eines Infopunktes in der Stadt Weißwasser”* (Sustainable Regional Development Through the Future UNESCO Global Geopark Muskau, Coal Crescent – Establishing and Operating an Information Point in Weißwasser) project; the *“Erarbeitung einer Sicherheits- und Präventionsstrategie unter Berücksichtigung der demografischen Entwicklung für den Landkreis Görlitz”* (Formulating a Security and Preventive Strategy Taking Account of Demographic Change for the Rural District of Görlitz) project; the *“Radverkehrskonzeption für den Landkreis Bautzen”* (Cycling Strategy for the Rural District of Bautzen) project; the *“Handlungskonzept zur strategischen Weiterentwicklung des Gemeindeverbundes Großdubrau/Radibor zum grundzentralen Verbund Großdubrau/Malschwitz/Radibor”* (Plan of Action for the Strategic Development of the Association of Municipalities of Großdubrau/ Radibor to Form the Association of Municipalities of Großdubrau/Malschwitz/Radibor) project; conducting a feasibility study, including an economic feasibility study, on the *“Objekt extrem. Der Koloss von Knappenrode. Ein Industriedenkmal auf Kurskorrektur”* (Extreme Object. The Colossus of Knappenrode. An Industrial Monument Reimagined) project; and filing an INTERREG project application on the joint, cross-border preservation and marketing of cultural heritage in the Alliance of Six Cities in Upper Lusatia.

Most recently, the Association of the Lusatian Lake Land in Saxony filed an application for funding to implement the Regional Development Strategy for the Lusatian Lake Land. Point 8.2 (Equal Opportunities and Non-Discrimination) of Saxony's two cross-border cooperation programmes with the Czech Republic and Poland also refers to the elimination of inequality and combating of all forms of discrimination as called for by the Advisory Committee. Consideration is given to the horizontal principle of non-discrimination at all stages of planning, implementing, monitoring and evaluating the cooperation projects. This includes equal and non-discriminatory access to the funding measures.

Avoiding discrimination was already included in horizontal goal setting for the two cross-border cooperation projects in the 2007–2013 funding period.

Like all the other *Länder*, the Free State of Saxony is committed to taking appropriate account of the principles of equal opportunities and non-discrimination in its programming for the new funding period. The cross-border cooperation projects being run together with the Czech Republic and Poland will continue to contribute to deepening cross-border dialogue.

Reference is here also made to the fact that the Saxon State Ministry for the Environment is responsible for these two cross-border cooperation project.

The federal state of *Schleswig-Holstein* reports that a Joint Declaration of Intent on regional cooperation between Schleswig-Holstein and the northern Dutch provinces of Groningen, Fryslân and Drenthe was concluded in the Dutch city of Groningen on 11 November 2016. The three Dutch provinces in the north of the Netherlands cooperate at national and international level in the *Samenwerkingsverband Noord-Nederland* (SNN, North Netherlands Alliance). The Joint Declaration of Intent contains the following wording:

"Frisian Culture and Language

"Schleswig-Holstein and the province of Friesland have a common Frisian language history. This unique feature serves as fertile ground for our cooperation. To this end, we intend to promote and safeguard our common Frisian language and culture in our interactions with other regions. This

includes cooperation on language, cultural projects and exhibitions. Furthermore, the minority concerns of the Frisian ethnic group should always be considered in this context. The links to the language communities in North, West and East Friesland date back to the early 20th century and have been closely followed by their respective Frisian councils (Frisian Council, Fryske Rie and Friesenrat) since 1956. To prepare for Leeuwarden as European Capital of Culture in 2018, the province of Friesland expressed great interest in stepping up the existing cooperation and working more closely with Schleswig-Holstein on language-related and cultural projects and at academic level."

Schleswig-Holstein maintains its contacts with the Dutch province of Fryslân to consolidate cultural exchange. For example, the Representation of Schleswig-Holstein in Berlin co-organized the Frisian Cultural Days which took place in the Museum of European Cultures in Berlin between 24 August and 24 September 2017. Between 25 August 2017 and 2 April 2018 the same museum housed an exhibition entitled "InselWesen - InselAlltag/IslandBeing. IslandLife".

At the invitation of the Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities and the Commissioner of the Minister-President of Schleswig-Holstein for Matters Related to National Minorities and Ethnic Groups, an evening event took place in the Representation of Schleswig-Holstein in Berlin on 28 March 2017. The evening was dedicated to cross-border cooperation between Germany and the Netherlands on Frisian matters and Frisian culture in Germany and the Netherlands. Guests included representatives of the Frisian language group from Germany and representatives of the Dutch West Frisians from politics and civil-society organizations.

In March 2017 the Minister-President of Schleswig-Holstein and the Regional Council Chair of the Danish Region of Syddanmark signed a Joint Declaration on Continuing Regional Cooperation. It replaces the 2007 Partnership Agreement in which the two partners agreed the following in regard to "Culture and National Minorities":

"The German and the Danish minority on both sides of the border enrich the border region through the indispensable value they add to all spheres of society. The work of their organizations in mediating between the two cultures is a key element of cross-border cooperation. Both partners wish

to emphasize this by involving these organizations even more in strategically developing that cooperation.”

(www.schleswig-holstein.de/DE/Fachinhalte/D/daenemark_zusammenarbeit/deutsch_daenische_zusammenarbeit_syddanmark.html)

In 2007 the Sønderjylland–Schleswig Region, which was established in 1997 and is largely funded by the local authorities, was aligned after a new Danish region was created following a comprehensive local government and functional reform in Denmark. At the same time a Board was created for the Sønderjylland–Schleswig Region. The associations representing the German and the Danish minority were each given a seat and voting rights on the Board (www.region.de).

F. Comments by the associations

The comments by these organizations are included in the present State Report irrespective of the views held by the Federal Ministry of the Interior, Building and Community, which has editorial responsibility for the report.

Comments by the Danish minority

20 November 2018
Danish Secretariat General

Fifth State Report of the Federal Republic of Germany on the implementation of the Council of Europe Framework Convention for the Protection of National Minorities

Here: Comments by the Danish minority

The Danish minority group, represented by the cultural organization Sydslesvigsk Forening (SSF), SSW and Dansk Skoleforening for Sydslesvig (the Danish Schools Association for South Schleswig), expresses its thanks for the opportunity to comment on the Fifth Report of the Federal Republic of Germany on the Implementation of the Council of Europe Framework Convention for the Protection of National Minorities.

The Danish minority is pleased that after the change in government in May 2017, the new state government made up of CDU, FDP and Bündnis 90/Die Grünen announced that it would continue to pursue the current minority policy of the federal state.

Positive development

It must be noted that in recent years, the minority policy of the Federal Government and the state of Schleswig-Holstein has generally developed well. Schleswig-Holstein's previous coalition government (2012 to 2017), made up of SPD, Bündnis 90/Die Grünen and SSW, corrected the minority policy of the previous CDU/FDP government.

This means that German Sinti and Roma were granted the same rights of protection and promotion as those already granted to the Danish and Frisian minorities since 1990. In addition, on 1 January 2013, the same cost-per-pupil rates were reintroduced for Danish schools, revoking the discriminating reduction to 85%. This systemic equality expresses a political compromise that was laid down in the School Act in January 2014 and enshrined in the state constitution of Schleswig-Holstein in December 2014. Moreover, the reduction of cultural funding adopted in 2010 was also revoked in the 2013 budget.

It is encouraging and progressive that the former Schleswig-Holstein government was committed to promoting minority languages in the federal state. In 2016, for instance, a language policy agenda was adopted to strengthen Danish lessons in German public schools and to give more room to the Danish language in the public space. It should also be recognized that the state parliament adopted an amendment to municipal regulations, so that municipalities and municipal associations can also contribute to the protection and promotion of national minority groups.

Federal State Administration Act (Landesverwaltungsgesetz (LVwg)) - against the intention (Article 10)

Schleswig-Holstein's minority policy has been improved by a number of legislative initiatives which included an amendment of the Federal State Administration Act (section 82b) in 2016 with which the Schleswig-Holstein state parliament made it possible for minorities living in the state to submit applications, petitions, records, deeds or other documents in their own language.

For the Danish language, this is possible in the districts of Nordfriesland, Schleswig-Flensburg and in the urban district of Flensburg as well as in the district of Rendsburg-Eckernförde.

In addition to an amendment to the Federal State Administration Act, the minority council of the four recognized autochthonous minorities and the Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities agreed to examine the possibility of equality for minority languages in legal proceedings (Judicature Act (*Gerichtsverfassungsgesetz*)). It must be ensured that Danish speakers may validly submit a document in Danish to local offices of state and federal authorities, e.g. local courts and tax offices.

Education (Article 12)

The draft act to amend the Continuing Education Act (*Weiterbildungsgesetz*) in Schleswig-Holstein plans to strengthen the teaching of regional and minority languages as well as knowledge about the cultures of the minorities living in Schleswig-Holstein.

We would like to especially highlight the need for pupils and teachers in Germany to be better informed about minorities. Therefore, the curricula of all the German states should be required to include knowledge about minorities especially in the primarily relevant subjects (e.g. history, economics/politics, geography, languages).

In this context, we acknowledge that Schleswig-Holstein has underpinned Frisian and Low German as a "particularly important task area" in its new curricula. As a Danish minority, however, we regret that Danish does not appear to be considered to be just as equal and important.

Furthermore, the way in which the proposals for the new curricula in history and economics/politics include minorities is hardly suitable for imparting knowledge and information about these minorities.

The reform of funding for private schools in 2014 would have led to a considerable reduction in funding for the schools of the Danish minority. Since this was not the political intention, a three-year transitional arrangement was introduced which meant that funding continued to increase, narrowing the gap between private and public schools. The aim of system equality with public schools was not achieved initially so that it was decided to extend the transitional arrangement until 2019 (section 150 of the School Act (*SchulG*)).

Dansk Skoleforening for Sydslesvig e.V. expressly welcomes this move and sees this as a sign of the political will to achieve equality for minority schools. We associate this with the hope that the new state government will continue to pursue this policy.

Media (Article 9)

There is still a need for Danish-language productions for and about the Danish minority. Except for the daily Danish radio news on the private channel RSH of Flensburg Avis, there are still no suitable radio or TV programmes in Danish. The Danish minority, however, generally believes that the regional broadcaster NDR has an obligation to include the minority language of Danish in its programme.

SSF is expecting its own representation on the Broadcasting Council of NDR in order to have the opportunity to represent the interests of the Danish minority. This includes, among other things, that more Danish-language programmes be broadcast by public media. One positive aspect, however, is that since 2015 the minorities have been given the opportunity to represent themselves on the ZDF Television Council.

The greater objective is the continued promotion of the Danish language and we would like to encourage funding for outreach work by the minority groups, for instance, also for Flensburg Avis, the daily newspaper of the Danish minority.

In the reports on the implementation of minority policies in Germany to be regularly submitted to the Council of Europe, the Federal Government mentions the Danish minority newspaper Flensburg Avis. However, it does not mention that the Federal Government is currently not providing Flensburg Avis with any funding.

Although the Danish minority repeatedly pointed this out in its comments on the State Reports to the Council of Europe, the situation has not changed.

While in the German-Danish border region, the daily newspaper Der Nordschleswiger published by the German minority in Denmark is funded by both Germany and Denmark, Flensburg Avis receives funding only from the Danish government.

However, the Federal Government Commissioner for Matters relating to Ethnic German Resettlers and National Minorities, Bernd Fabritius, recently said that the Federal Government, too, is responsible for supporting media work of national minorities in the country. At the FUEN Congress in The Netherlands on 20 June 2018, Mr Fabritius clearly stated:

“The home country must create appropriate framework conditions and ensure adequate funding for promotion measures, in particular for schools, culture and media activities.”
(quoted from <https://www.aussiedlerbeauftragter.de/SharedDocs/Reden/AUSB/DE/rede-63-jahreskongress-fuen.html>)

The Danish minority expressly welcomes this statement and understands it as a sign of goodwill by the Federal Government. The Danish minority therefore expects that these words will translate into action, i.e. binding funding commitments. Adequate means sufficient. So far, the Federal Government provides no funding for the necessary media work. In 2019, Flensburg Avis will celebrate its 150th anniversary. This would be a good opportunity for the Federal Government to actively ensure the future of Flensburg Avis through substantial institutional funding, e.g. by providing the same amount of funding as the Danish government grants to the daily newspaper Der Nordschleswiger.

Comments by the Frisian ethnic group

Fifth Report

of the Federal Republic of Germany on the implementation of the European Framework Convention for the Protection of National Minorities

FORUM: Comments by the Frisian ethnic group (Friesenrat Nord)Working basis of the Frisian ethnic group in Schleswig-Holstein

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 most recently in 2017 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)

In this brochure, the Frisian Council (Friesenrat Nord) 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 long-cherished wish of reliable funding for the Frisian ethnic group is becoming reality at federal state level. While individual target and performance agreements exist, some associations are still waiting for longer-term funding in line with their needs.

We are also pleased that the SPD and SSW parliamentary groups will try to have the Frisian ethnic group mentioned in the Basic Law. The Frisian Council hopes that including the ethnic group in the Basic Law will help overcome persistent problems because solving them is vital for preserving the Frisian language and culture. Based on the frequently mentioned

recommendations of the Council of Europe's Committee of Experts, we are listing the following issues:

- teaching Frisian as an integral part of the curriculum at all schools in Nordfriesland,
- greater coverage in public service broadcasting,
- creating financial frameworks to ensure nursery school education,
- changing project funding into demand-based institutional funding for the work by the Frisian associations,
- long-term funding for the Frisian Council headquarters,
- long-term funding of the Nordfriisk Instituut.

The Frisian Council also points out key requests of the updated Amrum Resolution of 5 November 2017:

2017 Amrum Resolution

The participants of the Thuhuupe conference organized by the Frisian Council in Wittün on Amrum on 3-5 November 2017,

- considering that the Frisian ethnic group has been granted protection and promotion under the Schleswig-Holstein constitution since 1990,
- considering that the Council of Europe's Framework Convention for the Protection of National Minorities has applied to the Frisian ethnic group since 1998,
- considering that the European Charter for Regional or Minority Languages has applied to the North Frisian language since 1999,
- bearing in mind the Act to Promote Frisian in the Public Sphere (Friisk Gesäts) adopted by the Schleswig-Holstein parliament in 2004,
- at federal level request clearly independent management of own federal funds for recognized minorities in Germany, and
- having in mind the coalition agreement between the Schleswig-Holstein CDU, B'90/Grüne and FDP (19th legislative term) they request

for the area of education:

- continuing project funding for multilingual day-care centres,
- offering Frisian teacher training at Flensburg University, independent of the course of study for future teachers of German,
- employing Frisian teachers in the Frisian language area (teachers in training and permanent posts),

- providing housing in the Frisian language area, if necessary,
- introducing Frisian as a regular subject at schools,
- providing sufficient funding for professional teaching materials,

for the area of culture:

- funding Frisian associations and organizations involved in cultural work, following the example of the Sorbian people (e.g. Frisian Foundation),
- carrying out a professional language campaign to make the Frisian language and culture more visible online and among the public,

for the area of media:

- preserving and expanding the diversity of the Frisian media landscape, including local radio stations, the Open Channel, web radio, public service broadcasting (NDR) and printed media,
- funding a media coordinator/newsdesk to pool existing media services and to avoid the “digital language death”,
- putting the funding of Friisk Funk on a different footing (keyword: government, broadcasting licence fees).
possibly financing the aforementioned coordinator from these funds;
- providing more content in Frisian in the programme of Norddeutscher Rundfunk; a monthly half-hour TV show in Frisian on ARD/ZDF.

Comments by Domowina Bund Lausitzer Sorben e.V.



DOMOWINA

15 November 2018

Comments by Domowina - Bund Lausitzer Sorben e.V. [Federation of Lusatian Sorbs] on the Fifth State Report submitted by the Federal Republic of Germany in accordance with Article 25 (2) of the Council of Europe Framework Convention for the Protection of National Minorities

Re preliminary remarks

Domowina is the legally recognized representative of the Sorbian/Wendish people in Brandenburg and Saxony. Since the declaration of the Federal Republic of Germany at the signing of the Framework Convention for the Protection of National Minorities on 11 May 1995, the Sorbian/Wendish people have been one of the four recognized national minorities in Germany.

Regarding the previous Fourth Opinion of the Advisory Committee and the related press release of the Council of Europe entitled "Anti-immigrant sentiment was rising in Germany before refugee influx: Council of Europe committee on national minorities", Domowina asks that in the future, the scope of the Framework Convention be respected in accordance with the legal limits in Germany.

Assessments should focus only on matters directly related to the four recognized national minorities in Germany. This also applies to the contributions of the federal states.

In addition, Domowina notes that in its documents, the Council of Europe does not consistently use the self-denominations of the four national minorities in Germany.

When signing the Framework Convention, the Federal Republic of Germany declared that national minorities in Germany also include the members of the Sorbian people. Please consistently use the self-denomination of the Sorbs, i.e. Sorbian people, instead of the term Sorbian minority.

Re C. - General developments

In spring 2018, members of the SSW and SPD parliamentary groups filed a motion with the Schleswig-Holstein parliament to include minorities and ethnic groups in the Basic Law (*Minderheiten und Volksgruppen in das Grundgesetz aufnehmen*, doc. 19/587 (new)).

During the written consultation of the internal and legal affairs committee and the European affairs committee of the Schleswig-Holstein parliament on 27 April 2018, Domowina was on the list of parties to be heard and on 16 May 2018 made the following comments:

*Comments by DOMOWINA - Bund Lausitzer Sorben on document 19/587 (new)
- motion to include minorities and ethnic groups in the Basic Law*

Domowina as the legally recognized representative of the Sorbian/Wendish people in Brandenburg and Saxony welcomes and supports the motion of the members of the SSW and SPD parliamentary groups of the Schleswig-Holstein parliament to include minorities and ethnic groups in the Basic Law.

The proposed Bundesrat initiative to add an article on minorities to the Basic Law could elevate Germany's undisputable national responsibility to protect the four recognized autochthonous national

minorities to the level of a constitutional requirement. Specifying the responsibility of the Federal Government in addition to the responsibility of the individual federal states would be of great national and international significance with regard to the acceptance and implementation of minority rights. This would also be in line with the obligations as a party to the Council of Europe Framework Convention for the Protection of National Minorities.

Conclusion:

The federal bodies should seriously examine this new initiative to enshrine the protection and possibly promotion of recognized national minorities in Germany in the Basic Law and consider amending the Basic Law accordingly to make unmistakably clear that Germany has a national responsibility also in relation to the Framework Convention discussed here.

Re C 3. Financial support for national minorities

The third joint funding agreement of the Foundation for the Sorbian People was signed in Berlin on 15 February 2016. The agreement provides a sound basis for planning until 2020. The key question during negotiations of the new agreement was whether project funding can be transformed into institutional funding. This would allow for an automatic annual adjustment of funding to compensate for increased costs and salaries. While this was not possible at the time, the issue is still relevant. For example, in a statement on the 2019 draft federal budget, Saxony and Brandenburg proposed that the sentence "This shall be done in the framework of institutional funding." should be added in the context of the amount of funding for the Foundation for the Sorbian People. They provided the following explanation: "In accordance with Section 23 of the Federal Budget Code (*Bundeshaushaltsordnung*, BHO) it is not correct to provide federal funding for the Foundation for the Sorbian People in the form of project funding because the activities do not constitute a single and temporary funding project."

Domowina and the Foundation for the Sorbian People are already discussing their approach for the funding period after 2020. Moreover, it is questionable whether the current funding framework and practice meet the requirement of preserving the language.

Conclusion:

On the basis of the requests and priorities of the Sorbs regarding funding after 2020, the Federal Government, Brandenburg and Saxony should start negotiating the fourth joint agreement on funding from 2021 at the earliest opportunity and find a way to compensate for increased costs and salaries through an automatic annual adjustment of funding and to meet additional institutional and project requirements. For example, in the future, expanding and strengthening public language areas must be at the core of funding policy. In this respect, the expediency and current funding practice must be called into question.

Re D IV. Recommendation 4 - collection and analysis of data on equality

Domowina disapproves of collecting data that might reveal a citizen's membership of a national minority. This would violate the right of individuals to identify themselves as members of a national minority and the related ban on government bodies to verify the number of members. We nevertheless acknowledge the need to collect reliable qualitative and quantitative data to review the effectiveness of language promotion. Indicators can be the number of pupils and other data which represent the development of the language in the

region. In Domowina's view, this does not include ethnic data – which inevitably reveal membership of a national minority – but indicators for an effective school system which help assess the situation of the language in the region.

Conclusion:

The right of individuals to identify themselves as members of a national minority and the related ban on government bodies to verify the number of members should continue to be binding law in Germany. Collecting specific data on well-defined questions, in particular on the language situation, should nevertheless continue to be possible in consultation with the Sorbian people.

Re D VII. Recommendation 7 – minority language in the media

Domowina considers the current Sorbian/Wendish language programmes of the regional broadcasters (MDR and RBB) insufficient. In particular the new digital technologies open up new opportunities for developing programmes. The Sorbs/Wends request that all-day programmes be created in Upper Sorbian and Lower Sorbian/Wendish because the media have a significant influence on the development of language areas and the visibility of the Sorbs/the Sorbian people.

The same applies to audio-visual and new media. The current programmes by no means meet the actual demand.

Moreover, lawmakers fail to exert influence on private media providers. When assigning broadcasting licences, lawmakers or the respective supervisory bodies could require broadcasters to devote airtime to minority languages. Moreover, positive discrimination/funding of such content could be an incentive for broadcasters.

One positive example is the private radio station PSR (Saxony) which once a month broadcasts news on Sorbian Catholic church life in German and Upper Sorbian.

Conclusion:

The government must support efforts to expand airtime in Upper Sorbian and Lower Sorbian/Wendish in a targeted manner.

Re D VIII. Recommendation 8 – minority language in public life

There are several documented cases where the right to use the Sorbian/Wendish language when communicating with local and regional administrative authorities was violated.

Moreover, rules must be defined to ensure that the Sorbian/Wendish language can be equally used also in electronic administrative procedures (E-Amt 24, electronic tax return, etc.).

Finally, large sections of the population are still not aware of the right to use the minority language.

Conclusion:

The cases where the right to use the Sorbian/Wendish language when communicating with administrative authorities was violated must be thoroughly analysed to prevent such situations from happening again.

The governments of Brandenburg and Saxony must better inform about this right.

Re D X. Recommendation 10 – Education

Recruiting new teachers:

The lack of teachers in Saxony and Brandenburg has a much more dramatic effect on the Sorbian people. We depend on alternative education and study models to train the necessary number of teachers.

In 2016, the Saxon government presented its report on the situation of schools and the recruitment of teachers for schools in the Sorbian settlement area (Saxony). It states that 99 new teachers will be needed by 2025 to compensate for those ending their career and to maintain the current school system. We assume that the situation is similar in Brandenburg.

The annex to the report includes a catalogue of measures for the Sorbian school system to promote access to teacher training (by facilitating access to universities, allowing lateral entrants and carrying out advertising campaigns) and to review existing staff capacities. However, the only university offering Sorbian studies is Leipzig University. This means that the *Abitur* university entrance certificate is needed to study Sorbian, which significantly reduces the number of potential students.

Another possibility would be to offer language courses for existing teachers. Moreover, students in teacher training should be offered additional Sorbian language courses to increase their proficiency level. However, the ministries are not offering relevant incentives or programmes.

In Saxony, discussions on setting up a language school are ongoing. Their outcome is still open.

Conclusion:

Only increased efforts to recruit new teachers will ensure that pupils can learn Sorbian/Wendish at school also in the future. More measures are needed.

The proposal to set up a Sorbian language school in Saxony should be implemented as soon as possible.

Re E III. Article 5 (2) Impact of lignite mining on the preservation of the Sorbian language and culture

Since the last report, the situation in the Lusatian lignite mining region has fundamentally changed. These changes in lignite mining and power generation directly affect the members of the Sorbian/Wendish people in their traditional settlement area.

1. After Vattenfall sold its lignite mining branch to the Czech company EPH which continues the business through the new company LEAG, in 2017 a new masterplan was announced entailing drastic changes for the mining region. In the Schleife/Slepo area, the inhabitants of Rowno/Rohne and Mulkwitz/Mulkecy, who had already prepared to resettle, had to once again reorient themselves. These irritations and concerns about catching up on omitted infrastructural measures have a negative impact on the continuous promotion of Sorbian matters. Moreover, the new company drastically reduced donations for Sorbian project work of the regional Domowina associations affected by lignite mining.

Conclusion:

Both the towns no longer affected by lignite mining and the two towns threatened by mining and resettlement should receive government aid, also taking into account Sorbian matters. In addition, the lignite mining plans must be adapted to the new situation to create legal certainty for the affected population.

2. In line with its climate policy goals, Germany is currently preparing to end coal-based power generation. This would have profound implications for the Lusatian region and its

Sorbian/Wendish population. Appropriate government measures are needed to avoid a structural break as after 1990. For the Sorbian people it is vital that young families continue to find adequately paid jobs and good infrastructure so that they can remain and plan their future in the Sorbian/Wendish settlement area in Lusatia.

The Federal Government created a commission on economic growth, structural change and employment (*Kommission Wachstum, Strukturwandel und Beschäftigung*) to address the structural changes in the mining region. Domowina as the legally recognized representative of the Sorbs/Wends neither is a member of nor has a vote in this body which is so important for Lusatia's fate.

However, Domowina is involved in designing a common vision of Lusatia's future at regional level. One example is the conference on structural change in Lusatia "Quo vadis Łužica/Łužyca/Lausitz". The conference took place on 13-14 September 2018 at the initiative of Domowina and in the framework of the *Zukunftswerkstatt Lausitz* project. In addition, at the invitation of the aforementioned federal commission, Domowina presented a position paper at the commission's preparatory meeting in the Lusatian mining region on 11 October 2018. The paper entitled "Łužica/Łužyca/Lausitz - eine Kompetenzregion - viele Chancen" (Lusatia - one competence region - many opportunities) includes approaches and proposals for action from a Sorbian/Wendish perspective.

This is an active contribution from the Sorbian people.

Conclusion:

In the process of structural change and the future structural development of Lusatia, policy-makers at federal level, in Brandenburg and Saxony and at local level are encouraged to take into account the needs of the Sorbian people and to take appropriate measures to support the preservation and development of the Sorbian language and culture in the traditional settlement area, in particular in the Lusatian lignite mining region.

Re E V. Article 9 no. 2. Representation of minorities in media regulatory bodies

Despite many attempts, Domowina was not successful in obtaining a seat and represent the interests of the Sorbian people in the Broadcasting Council of the MDR, which also broadcasts the Sorbian radio and television programmes in Saxony. Neither was Domowina's bid taken into account during the 2015 application procedure. This means that still no seat is guaranteed for the Sorbian people in the MDR Broadcasting Council.

Therefore, there is no Sorbian representative in this body who could directly advocate more airtime for Sorbian radio programmes and the TV programme "Wuhladko" - which is also a request of Domowina - so that people of all ages and interests have access to Sorbian television and radio programmes tailored to their needs.

Conclusion:

The parliaments of Saxony, Thuringia and Saxony-Anhalt should be once again urged to amend the Interstate Broadcasting Treaty and initiate that a representative of the Sorbian people be given a regular seat on the Broadcasting Council of MDR because an open application procedure does not guarantee them such a seat.

This should happen before the new Broadcasting Council convenes in December 2021 for the next six-year term.

Re E VII. Article 11 no. 1. Names and official documents

It is important for the Sorbian/Wendish people to be able to use suffixes specific to gender or, if applicable, a person, for the surnames of girls and women. In this regard, we also refer

to Bundestag document 18/12542 and the task formulated therein by the Bundestag requesting that the Federal Government examine whether the Minorities Name Alteration Act (*Minderheitennamensänderungsgesetz*, MindNamÄndG) can be amended so that female Sorbs can use the specific female form of their surname as is customary in the Sorbian language (as a name determined by the law relating to civil status rather than a common name or pseudonym).

The Parliamentary State Secretary to the Federal Ministry of Justice and Consumer Protection answered a question (no. 7/64 of 3 July 2018) related to this request for examination, stating that the Federal Republic of Germany continues to hold the view that Article 11 of the Framework Convention does not oblige Germany to allow the use of the female form of a name in a minority language. According to the Federal Government, the parties are obliged to recognize the right of members of national minorities to use their surnames in the minority language only according to the modalities provided for in the legal system of the party concerned. However, adapting the surname to the gender is not allowed under German name law.

Nevertheless, the persons concerned can use the female form of the surname in private and business transactions.

Finally, however, the reply indicates that the Federal Ministry of Justice and Consumer Protection and the Federal Ministry of the Interior, Building and Community created a working group on the reform of name law. The working group's task is to examine proposals of liberalizing name law, including the provisions of the MindNamÄndG.

Conclusion:

Regardless of discussions about liberalizing name law, Domowina requests that a proposal on amending the MindNamÄndG be presented that meets the Sorbs/Wends claim for official recognition of the female form of their surnames.

Re E VII. Article 11 no. 2. Place-name signs

Motorway signs and geographic names:

Due to the federal authorities' reluctance, general provisions for bilingual signposting on motorways in the settlement area of Sorbs/Wends is still far off.

The Federal Ministry of Transport and Digital Infrastructure (BMVI) continues to argue that bilingual signposting of places in the Sorbian/Wendish settlement area would excessively distract drivers and therefore affect their security. However, bilingual signs do exist for destinations abroad (e.g. Prag/Praha and Breslau/Wrocław). Towns in the Sorbian/Wendish settlement area have both an official German name and an official Sorbian/Wendish name. In our view, it is therefore discriminating to not indicate these names on motorway signs.

Since both designations are official place names, in its decree of 25 June 2014 the Brandenburg Ministry for Infrastructure and Agriculture therefore also calls for bilingual motorway signs.

In addition, not all signs indicating tourist attractions in the Sorbian/Wendish settlement area are bilingual.

After political intervention by the minority representation, some signs were corrected, and in 2015 Saxony's government asked the state office for road construction and transport in a letter to use bilingual signs in the Sorbian settlement area in the future.

Domowina continues to call for uniform rules on bilingual road signs in Saxony as introduced in Brandenburg by the aforementioned 2014 decree of the responsible ministry.

Not all geographical names (e.g. rivers such as Spree/Sprjewja) in the Sorbian/Wendish settlement area are indicated in both languages.

Conclusion:

Federal authorities must amend the provisions on motorway signs to include a clear obligation to indicate both official names of places in the settlement area of the Sorbs/Wends. Both names must have the same font size.

The same applies to geographical designations.

Saxony should adopt uniform rules on bilingual road signs in the Sorbian settlement area.

Tourist signposting:

In tourist areas of the Sorbian/Wendish settlement area, often only the German version of the official place name is indicated on signs. One example is the current signposting system for bike trails in the Lausitzer Seenland region.

The 2015 Guidelines on Bike Trail Signs in the Free State of Saxony (*Richtlinien zur Radverkehrswegweisung im Freistaat Sachsen, SächsRWW*) – developed by the State Ministry for Economics, Labour and Transport – also do not include provisions addressing the Sorbian settlement area. A member of the state parliament submitted a written question to the Saxon state government asking whether bilingualism in Lusatia will be taken into account when replacing bike trail signs across Saxony in the framework of the *SachsenNetz Rad* strategy. The responsible ministry replied that the signs to be put up next year will all be bilingual in the Sorbian settlement area.

Conclusion:

Guidelines and strategies for tourist signposting must be developed and updated such that they make bilingual place-name signs mandatory in the Sorbian/Wendish settlement area.

Displaying and announcing destinations in public transport:

Destinations are displayed bilingually at all train stations in the Sorbian/Wendish settlement area, although sometimes in different sizes. However, on the trains, destinations in the settlement area of the Sorbs/Wends are not displayed/announced in both languages. Only the replacement bus service Hoyerswerda/Wojerecy-Horka makes bilingual announcements at the initiative of the transport operator Verkehrsgesellschaft Hoyerswerda. As soon as the regular train service resumes operations in December 2018, ODEG should adopt this practice also for its trains.

The majority of bus stops in the Sorbian/Wendish settlement area do not yet have bilingual place or stop names. In Upper and Lower Lusatia, bilingual announcements are made only in public transportation in Hoyerswerda/Wojerecy and Cottbus. Despite many attempts, it was not possible to convince all local and regional transport operators to do so.

Conclusion:

Those responsible for public transport at state and local level, together with transport associations and operators, should work to achieve bilingual stop signs, displays and announcements across the Sorbian/Wendish settlement area as soon as possible.

Re E. X. 2. Sorbian as a teaching subject and language

Since several schools, including Sorbian schools and schools offering Sorbian/Wendish language instruction, have been closed in particular in rural areas, public transport has become essential for pupils to learn the Sorbian/Wendish language. Parents often struggle with authorities to have their rights recognized and perceive this as discrimination.

In addition, more flexible rules on the number of pupils at Sorbian/Wendish schools should be adopted so that all those interested can attend Sorbian/Wendish language instruction close to their home.

Native speakers must be better promoted at schools.

Conclusion:

Both guaranteed school transport and flexible group sizes are needed to ensure that all interested children can learn the Sorbian/Wendish language.

Suitable measures must be taken to promote the language development of native speakers at Sorbian schools in a more targeted manner.

In Domowina's view, the strategies for bilingual instruction in Brandenburg (WITAJ instruction) and Saxony (2plus) must be regularly evaluated. The results must be assessed together with the schools concerned in an open discussion, and conclusions must be drawn on how to increase the pupils' language skills.

Domowina will continue to accompany these processes critically, also with its language centre WITAJ, and play a constructive part in the education policy bodies at state level.

The amendment of the ordinances on Sorbian/Wendish schools in Brandenburg, which has been underway for many years, must be completed as soon as possible.

Conclusion:

The responsible ministries and authorities, together with the schools, the Sorbian/Wendish bodies and the WITAJ language centre, must continue to regularly evaluate the strategies on bilingual instruction and share experience with teachers and parents.

The outdated ordinances on Sorbian/Wendish schools in Brandenburg and Saxony must be replaced by amended legislation.

**Comments by the Central Council of German Sinti and Roma
(Zentralrat deutscher Sinti und Roma)**

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17 August 2018

**Comments by the Central Council of German Sinti and Roma
on the recommendations of the Committee of Ministers and the report of the
Committee of Experts regarding the Fifth Report of the Federal Republic of
Germany in accordance with Article 25 (2) of the Framework Convention for the
Protection of National Minorities**

A. Preliminary remarks

The following comments describe in particular the developments in the period under review from January 2014 to August 2018 regarding the protection and promotion of German Sinti and Roma in accordance with the Framework Convention for the Protection of National Minorities from the perspective of the Central Council of German Sinti and Roma and its affiliated regional and member associations.

**B. Comments by the Central Council of German Sinti and Roma on the
recommendations of the Committee of Ministers of the Council of Europe**

**Resolution CM/ResCMN(2016)4
on the Council of Europe Framework Convention for the Protection of National
Minorities adopted by Germany on 3 February 2016**

Recommendations of the Committee of Ministers

Recommendation 1: General Equal Treatment Act

Review and strengthen the General Equal Treatment Act in order to ensure that it provides effective protection against discrimination; continue supporting efforts to raise awareness of the contents of this Act and the avenues of redress available against discrimination, including when committed by public actors; consider broadening the powers of the Federal Anti-Discrimination Agency and ensure that it has sufficient resources to allow it to carry out its duties effectively;

Since individual action is the only means of legal recourse provided, the financial risk is placed on the shoulders of the plaintiff who has suffered discrimination and is in most cases in a position that is structurally inferior to that of the defendant and/or frequently even dependent on the latter. For this reason the Central Council requests that a right for associations to bring action be included in the General Equal Treatment Act so that anti-discrimination associations, trade unions, works and staff councils and staff representations can bring action on behalf of the individuals concerned, going beyond the options currently available under the General Equal Treatment Act. Currently, this option exists only for individuals whose rights have been infringed and for organizations only in exceptional cases where the rights of the organization itself have been directly affected.

The biggest deficiencies of the General Equal Treatment Act concern public education. This is because the provisions of the General Equal Treatment Act apply only in the field of civil and labour law while the education sector is subject to public law. Furthermore and owing to Germany's federal structure, education is a responsibility of the federal states. The legal framework for the prevention of discrimination in the education sector is defined by the Basic Law. However, the school laws of the federal states do not contain an express and comprehensive ban on discrimination. What is also missing are appropriate protection and complaint mechanisms and appropriate legal recourse (Deutscher Bundestag 2013b: 70). This makes it more difficult to fight the discrimination that children and young people from Sinti and Roma families are confronted with at school. As far as discrimination in the public education system is concerned, the Federal Anti-Discrimination Agency (ADS) has drawn the attention to some deficiencies in anti-discrimination law and called upon the federal states to include appropriate regulations in their respective school laws.

Further shortcomings of the General Equal Treatment Act relate to housing. According to the General Equal Treatment Act, differential treatment is permitted when renting housing space provided that it serves "to create and maintain stable social structures regarding inhabitants and balanced settlement structures, as well as balanced economic, social and cultural conditions" (Section 19 (3) General Equal Treatment Act). This provision can have direct negative impacts for members of ethnic minorities since the owners of flats often refuse to accept tenants with an immigrant background.

Recommendation 2: The status of German Sinti and Roma in society

Actively promote the effective equality of Sinti and Roma in socio-economic life through targeted, evidence-based measures, designed, implemented and evaluated

in full consultation with representatives of Sinti and Roma and based on clear benchmarks; take resolute measures to put an end to discrimination against Sinti and Roma children in the education system, including ending the unjustified placement of Sinti and Roma children in special schools, and to create an inclusive education system;

Comments on Recommendation 2 first sentence

The Central Council welcomes the fact that measures designed to ensure equal participation of Sinti and Roma and combat anti-gypsyism have been expanded over the past five years both at federal and state level. The adoption of the European Framework for National Roma Integration Strategies has contributed to this development. Among other things, municipalities have redesigned their participation, inclusion and integration programmes in order to take into account the needs of socially disadvantaged migrants from Bulgaria and Romania; this is something that benefits also members of the Roma minority from these countries. At the same time, the Federal Government has set up programmes to promote democracy in order to counter right-wing extremist tendencies in society. Some of these programmes also focused on the empowerment of Sinti and Roma and on combating anti-gypsyism.

Access to housing space is one of the social areas where Sinti and Roma, in particular Roma who have migrated to Germany from the new EU member states like Romania and Bulgaria and the Western Balkan countries, experience the most wide-spread discrimination at an individual, institutional and structural level. This concerns both German and foreign Sinti and Roma, albeit to a different extent. In this context, even individuals with a good or even very good income who have or are thought to have a Sinti or Roma background - e. g. Bulgarian and Romanian nationals - are affected by discrimination and marginalization. So far, however, there is no solid analysis regarding the discrimination of Sinti and Roma in the housing market.

At the level of individual discrimination it is in particular migrant Roma who experience hostilities in their neighbourhoods; sometimes these hostilities even result in the establishment of neighbourhood initiatives against the Roma presence.

According to a study commissioned by the ADS, almost 50% of the population reject Sinti and Roma as neighbours.⁶ The individuals affected report that they have been insulted, threatened and even physically attacked.

⁶ Federal Anti-Discrimination Agency (Editor); "Between rejection and indifference - public attitudes towards Sinti and Roma" (Antidiskriminierungsstelle des Bundes (Hg), „Zwischen Ablehnung und Gleichgültigkeit – Bevölkerungseinstellungen gegenüber Sinti und Roma“), Berlin 2014.

Sinti and Roma are faced with a high level of discrimination both on the private and the publicly sponsored housing markets. On the private housing market they are frequently exposed to abuses of general tenancy law and extortionate practices on the part of landlords - e. g. threats to have them evicted and illegal rent increases. It is in particular migrants with a Roma background who are frequently the victims of over-priced offerings on the informal market which are characterized by low standards, overcrowding and exploitative practices such as renting per-capita or per-bed renting.⁷

In the subsidized housing market, too, Sinti and Roma are exposed to a high level of discrimination. The counselling bureaus for German and foreign Sinti and Roma report that there is a noticeable reluctance on the part of housing associations to rent out flats to Sinti and Roma. In some places such as Munich, the city administration is among the shareholders of these housing associations.

The organizations and associations representing the interests of the Sinti and Roma are also affected by discrimination in the real estate market. The Roma association Amaro Foro Berlin and the regional associations of the German Sinti and Roma in Hamburg and Hesse report that they were confronted with anti-gypsy discrimination when they were looking for new space to rent.

Comments on Recommendation 2 second sentence

The Central Council points out that the exercise of the human right to non-discriminatory access to educational institutions which is generally recognized in Germany and the bans on discrimination in the education sector are not fully guaranteed for children and young people from Sinti and Roma families. It is to be noted in particular that the General Equal Treatment Act does not cover the education sector. According to Article 30 of the German Basic Law, education is a matter for the Länder within Germany's federal system and must be dealt with by the federal states and the local authorities. According to a 2013 report of the Federal Anti-Discrimination Agency, "... The school laws of the federal states, however, do not provide comprehensive protection against discrimination [...]. What is lacking are express discrimination bans. Also, legal protection and complaint mechanisms are often not sufficiently defined by law"⁸. This makes it more difficult to counter the

⁷ Dirk Gebhardt, Guillermo Ruiz Torres and Anna Striethorst, Monitoring Civil Society - On the Implementation of the "Integrated Packages of Measures to Promote the Integration and Participation of Sinti and Roma" in Germany 2012 and 2013, (Monitoring der Zivilgesellschaft - zur Umsetzung der „Integrierten Maßnahmenpakete zur Integration und Teilhabe der Sinti und Roma" in Deutschland 2012 und 2013), Decade of Roma Inclusion Secretariat Foundation, Budapest 2014, page 87 seqq.

⁸ Federal Anti-Discrimination Agency (editor), Discrimination in the education sector and at work - Second Joint Report of the Federal Anti-Discrimination Agency and the Relevant Federal Government and Parliamentary Commissioners (Diskriminierung im Bildungsbereich und im Arbeitsleben - Zweiter Gemeinsamer Bericht der Antidiskriminierungsstelle des

direct, institutional and structural discrimination that children and young people from Sinti and Roma families are confronted with at school.

For German Sinti and Roma access to primary and secondary schools is governed by the principle of compulsory school attendance. Nevertheless, in the past and in particular in the first post-war decades, children from German Sinti and Roma families were systematically excluded from school education.⁹ This means that approximately 40 percent of those who are currently 51 years or older have not attended any school. In 2011, this percentage among the 14 to 25 year olds had dropped to just under 10 percent.¹⁰ These figures show that for historical reasons the Sinti and Roma minority are still disadvantaged. The persecution under National Socialism and the subsequent relapse into the aporiae of classical “persecution of the gypsies” in the post-war period (settle down but not here!) created a situation in which members of the minority placed little trust in public institutions. Also, most families were hardly able to provide sufficient support to and help their children at school. The early selection after grade four, i. e. at the end of primary school, therefore represents an institutional discrimination, because time at primary school is too short to compensate this handicap. A solution needs to be found whereby teachers and parents interact to open perspectives for the young people concerned instead of excluding them.

For understandable reasons it is not admissible in Germany to collect statistical data on the ethnic affiliation of persons. For this reason, it is not possible to quantify the extent to which Sinti and Roma children are referred to schools for pupils with special educational needs.¹¹ Individual examples suggest, however, that this option is used to a disproportionate extent. The Hesse Association of German Sinti and Roma reports that in the municipalities of Hanau and Bad Hersfeld in particular it is standard practise to refer children from Sinti and Roma families to schools for pupils with special educational needs (Sonderschulen).

Recently, the case of a young Roma boy from Cologne became public who for no valid reason had to undergo school education at a school for pupils with mental disabilities (Sonderschule). This was a blatant case, since the continuous objections of the pupil concerned went unheard for years. A court finally upheld his claim and ordered the federal state North Rhine-Westphalia to pay damages.¹² This example

Bundes und der in ihrem Zuständigkeitsbereich betroffenen Beauftragten der Bundesregierung und des Deutschen Bundestages), Berlin 2013, page 70

⁹ Peter Widmann, *At the outskirts of the cities (An den Rändern der Städte)*, Berlin Metropol 2001, page 46 among others.

¹⁰ Daniel Strauß (editor), *Study on the current educational situation of German Sinti and Roma (Studie zur aktuellen Bildungssituation deutscher Sinti und Roma)*, Marburg 2011, page 30.

¹¹ A study from the late 1980s found that in Hamburg a disproportionate percentage of children from Sinti and Roma families were referred to schools for pupils with special educational needs: Mareille Krause, *Persecution through education (Verfolgung durch Erziehung)*, Ammersbek b. Hamburg 1989.

¹² Kölner Stadtanzeiger, 19 July 2018.

should be reason enough for reviewing the diagnostic tests that are applied to establish whether a child needs special education and to promote inclusion in education.

At school, Sinti and Roma are exposed to comprehensive discrimination on the part of teachers, fellow-students and their parents. In the framework of its efforts to support the academic training of Sinti and Roma the education department of the Documentation Centre conducted more than fifty interviews with prospective students over the past few years which showed that at some point in their school careers each and every one of them had been affected by direct or indirect discrimination. A related study which dates from 2017 looked at discrimination experiences and countering strategies.¹³ Further aspects of discrimination are reflected in the fact that in the classroom there is ignorance and frequently a lack of information about the history and present-day life of Sinti and Roma and minorities in general. There have also been complaints about a lack of sensitivity on the part of teachers for examples when it comes to using the term “gypsy”.¹⁴ In the 2011 education study, 23.6% of the 14-to-25 year old respondents said that they had not experienced any discrimination, while 60.4% indicated that they had experienced discrimination “occasionally”; 8.5% had experienced discrimination “regularly”, while 5.7% had experienced discrimination “frequently” and 0.9% indicated that they had experienced discrimination “very frequently”.¹⁵

The assumption that anti-gypsy motives on the part of teachers play a role when it comes to educating and assessing the performance of Sinti and Roma is also confirmed by the findings of studies on the opportunities of migrant Roma.¹⁶

Recommendation 3: Combating racism and intolerance

Pursue efforts to combat racism and intolerance and prevent right-wing extremism; take a proactive stance embracing the diversity of German society; review the legal provisions prohibiting incitement to hatred, in particular in the context of election campaigns, and the policy and procedures in place concerning the investigation and prosecution of the dissemination of ideas based on racial superiority, with a view to strengthening their effectiveness;

¹³ Albert Scherr and Lena Sachs, Educational careers of Sinti and Roma (Bildungsbiografien von Sinti und Roma), Weinheim Belz 2017, Chapter 5.

¹⁴ ib.

¹⁵ Daniel Strauß (editor), Study on the current educational situation of German Sinti and Roma (Studie zur aktuellen Bildungssituation deutscher Sinti und Roma), Marburg 2011, page 44.

¹⁶ E.g. Amaro Foro, Documentation of anti-Gypsy and discriminating incidents in Berlin (Dokumentation von antiziganistischen und diskriminierenden Vorfällen in Berlin), Berlin 2016, page 13 et seq.

Comments on Recommendation 3 first and second sentences

a. Plans and Programmes to Counter anti-gypsyism

The Central Council welcomes the fact that the term and phenomenon of anti-gypsyism as a specific form of racism directed against the Sinti and Roma are recognized by the Federal Government and used in the official language. The Federal Government's Strategy to Prevent Extremism and Promote Democracy includes the fight against anti-gypsyism as one of several fields of action to prevent extremist attitudes and activities. The National Plan of Action to Fight Racism dedicates a chapter to combating anti-gypsyism. While the National Plan of Action represents a major step forward on the way towards recognizing the existence of anti-gypsyism, emphasizing the need for the Federal Government to combat this phenomenon, it still has deficiencies in that it fails to present any baseline analyses, to define targets or a time-schedule and indicators and to provide resources for the implementation of specific projects.

At federal level, programmes have been set up to promote equal treatment and empowerment of disadvantaged Sinti and Roma and support the fight against anti-gypsyism. In line with this development the focus topics "Combating anti-gypsyism" and "Sinti and Roma" were introduced in federal programmes and agencies that aim to promote democracy. One of these programmes is the "Living Democracy" programme ("Demokratie leben!") which was developed by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and is scheduled to run from 2015 to 2019. The programme supports projects aimed at preventing radicalization and promoting democracy. According to the Federal Government 40 measures in the field of anti-gypsyism were sponsored in the period between the launch of the programme and September 2017. These measures include 29 individual measures (programme area "partnerships for democracy") and 9 model projects (programme area "selected phenomena of group-focused enmity and strengthening democracy in rural areas"). Furthermore, the Documentation and Cultural Centre of German Sinti and Roma is supported with a view to developing it into a national organization at federal level (programme area "structural development of national organizations").¹⁷ It should be stressed that "Living Democracy" ("Demokratie leben!") is the first federal programme which includes the fight against anti-gypsyism among its goals. At the same time, the Central Council calls upon the Federal Government to include

¹⁷ Federal Government response to the minor interpellation submitted by Ulla Jelpke, Dr André Hahn, Andrej Hunko and other members of the German Bundestag and by the parliamentary group of the Left Party "The development of anti-gypsyism in Germany since 2015" („Die Entwicklung des Antiziganismus in Deutschland ab 2015“) - Deutscher Bundestag, printed paper 19/301 of 20 December 2017, 2017, page 10 seqq.

the fight against anti-gypsyism as a priority target in a follow-up programme once the current funding period has ended.

In Rhineland-Palatinate, the office of a commissioner for the fight against antisemitism who works on an honorary basis was established in 2017. The Rhineland-Palatinate Association of German Sinti and Roma considers it necessary to appoint also a commissioner for the fight against anti-gypsyism in Rhineland-Palatinate.

b. Independent Expert Commission on Anti-gypsyism

In the Federal Government's coalition agreement for the 19th legislative term it was agreed to set up an Independent Expert Commission on Anti-gypsyism. Currently, talks are underway with representatives of the Federal Ministry of the Interior, Building and Community and representatives of the democratic parties represented in the German Bundestag with a view to establishing the Commission in the beginning of 2019. The Commission will be tasked by the Federal Government to submit a report on anti-gypsyism once in each legislative term. The expert commission is expected to issue recommendations for political decision-makers and help develop a strategy for the fight against anti-gypsyism including the relevant measures.

c. Setting up an independent anti-gypsyism monitoring body

There are numerous reports, journalistic features and scientific studies which show that there is structural anti-gypsyism and discrimination directed against Sinti and Roma in Germany. Nevertheless, there is a lack of monitoring tools and structures as well as in-depth case studies to reveal the extent, the multi-faceted nature and complexity of this phenomenon. Although government statistics on "politically motivated crime" now also include data on anti-gypsy hate crime, the Federal Government should set up and fund an independent body tasked with monitoring anti-gypsyism across all sectors. This body should continuously study and document all anti-gypsy incidents and tendencies and thus provide a basis for the systematic registration and assessment across all sectors of public life, even in cases that are not relevant under criminal law.

Comments on Recommendation 3 third sentence

The Central Council considers it necessary in particular in view of racist agitation during election campaigns to create an awareness for the ban on racist activities which is defined in various treaties under international and European law and that

this ban be consistently implemented also in the field of public law and public order law (to have a legal basis for removing relevant posters along streets, for example). In 2015, the Federal Ministry of Justice and Consumer Protection commissioned an expert opinion on whether the UN's International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) can be used to counter racist campaign advertising. The expert, Professor Dr Stefanie Schmahl, concluded that racist campaign posters must be countered by effective threat prevention measures. The human rights enshrined in international law, in particular Article 4 (a) and (b) of the ICERD and Article 20 (2) of the ICCPR, are important when interpreting and applying the criteria of "public security" and "public order" under the general police clause. Also when freedom of opinion and the freedom of political parties are taken into account when interpreting and applying the law, these human rights oblige the government to protect the persons and groups affected by racist campaign posters. The same holds true when the requirement for the freedom of expression is taken into account. Racist campaign posters threaten public security and order.

Although the Central Council welcomes the fact that at the Conference of Justice Ministers in June, the ministers agreed that all legal possibilities must be used to stop hate campaigns against minorities, it notes that various government levels fail to enforce the above mentioned rules in administrative practice which means that racist propaganda is effectively being tolerated on the grounds of "freedom of expression". In our view, awareness-raising is needed in particular at local level because municipalities fail to remove relevant posters although they have the legal means to do so. In the run-up to the 2017 federal elections, the city of Ingolstadt refused to take down posters of the National Democratic Party of Germany (NPD) which featured the slogan: "Money for grandma rather than for Sinti and Roma" ("Geld für die Oma statt für Sinti und Roma"). In this context, the city administration referred to the 2013 decision of the Kassel administrative court whereby the court had referred to the freedom of expression and found the city of Gießen to be at fault, ordering it to put the posters back in place. Since the Central Council did not succeed in convincing the head of the city's legal department of the applicable law, it filed an application for an interim injunction with the administrative court. In the expedited court proceedings, the case of the Central Council was turned down but an action for adjusted declaratory judgement is currently pending before the Munich administrative court. Proceedings for incitement to hatred were discontinued by the Munich public prosecutor's office in accordance with Section 170 of the Code of Criminal Procedure; the general public prosecutor's office did not follow up the complaint either so that a court decision was applied for in accordance with Section 172 of the Code of Criminal Procedure.

The cases mentioned above show that advanced training and administrative guidelines referring explicitly to the UN Convention on the Elimination of All Forms of Racial Discrimination would have guaranteed the protection of the minorities. In cases where there is no national legislation in place it is necessary for the respective authorities to take a clear-cut position based on internal rules. Consistent action against racist election campaigns requires firstly some sensitivity vis-à-vis minorities and secondly knowledge concerning the legal provisions that are relevant with regard to anti-racism/protection of minorities.

Recommendation 4: Collection and analysis of data on equality

Use existing equality data to design measures to promote the full and effective equality of persons belonging to national minorities and seek additional means of gathering reliable quantitative and qualitative equality data with respect to the access to rights of persons belonging to national minorities, while fully respecting international standards on the protection of personal data;

a. General considerations

The Central Council and its affiliated regional and member associations are generally opposed to the collection of ethnic data; this position has been stated repeatedly vis-à-vis the Federal Government and international institutions and reflects also the basic position of the minority council of the four autochthonous national minorities which the Central Council is a member of.

These reservations on the part of the Central Council and its regional and member associations are due to the genocide of the Sinti and Roma committed under the National Socialist regime. The persecution and murdering of the Sinti and Roma in Germany was made possible not only by the fact that the police authorities of the Reich and the German Länder had almost complete records of the Sinti and Roma but also by the ethnic designation which was enforced in all other sectors of public administration ranging from the labour office to the schools. For this reason there are strong reservations on the part of the minority against any form of ethnic data collection regardless of whether the data is gathered on a quantitative or qualitative basis.

Of course it also depends on the purposes for which data is collected. The Central Council rejects any nationwide collection of statistical data concerning, for example, the social and societal situation of the German Sinti and Roma or the size of the community. Nor does it make sense to compile such data since the right of individuals to identify themselves as members of a national minority or not which is

enshrined in the Framework Convention makes it impossible to establish the total minority population. This does, however, not generally preclude data collection based on specific needs at the local level. Such data collection should be based on a participatory approach which means that all parties involved agree beforehand on an equal and common basis on the objectives, the projects and the procedure to be adopted as well as on what is to be done with the results.

b. Interpellations by the Alternative for Germany (AfD - Alternative für Deutschland) party

The Central Council observes with concern that for some time now, the Alternative for Germany party has repeatedly submitted interpellations in various regional parliaments which openly aim to defame and disparage Sinti and Roma. In June 2018, for example, the parliamentary group of the Alternative for Germany in the Saxon Landtag submitted an interpellation to the State Government asking for information about the number of Sinti and Roma living in Saxony and their social situation.¹⁸

The Central Council addressed a letter to the Saxon State Government and the President of the Saxon Landtag expressing its concern about such interpellations and emphasizing that because of their racist nature such inquiries must be answered by stressing that there must be no special registration or record-keeping of Sinti and Roma.¹⁹

The Central Council welcomed the response by the Saxon State Government of 5 July 2018 which stated that the collection of ethnic data is ruled out by Article 3 (2) of the Basic Law in conjunction with Article 18 (3) of the Saxon Constitution.

III Article 5 of the Framework Convention

1. Preserving and promoting the culture of members of national minorities

The Advisory Committee encourages the authorities to continue supporting the preservation and promotion of national minority cultures, in close co-operation with the representatives of these minorities. (No. 48)

Please see our comments on Recommendation 5 of the Committee of Ministers.

¹⁸ "Sinti and Roma in Saxony" („Sinti und Roma in Sachsen“), Minor interpellation by Mr Carsten Hütter (Member of the Landtag - AfD), printed matter no. 6/13730

¹⁹ See also the Central Council's press release of 27 June 2018: <http://zentralrat.sintiundroma.de/fragen-der-afd-nach-sinti-und-roma/> (last call-up 17 August 2018)

The Advisory Committee strongly encourages the authorities at all levels to ensure that public funding arrangements for the preservation and promotion of the Sinti and Roma culture take due account of the diversity within this minority and of the importance of supporting organisations at local level. (No. 49)

The Central Council would be pleased if the minorities' institutions, in particular the work of the state-level associations and member associations of the German Sinti and Roma, were placed on a secure footing and expanded where needed.

After the Central Council of German Sinti and Roma found in 2017 that an anti-Gypsy film like "Nelly's Adventure" ("Nellys Abenteuer") received roughly €935,000 in federal and state funding and the juries of the film promotion institutions which awarded the funding obviously lacked the necessary competence or sensibility, it appears that more participation in these funding institutions by representatives of the Sinti and Roma is needed. This would also make sense in order to lend greater weight to the overall issue of national minorities in the context of film promotion. This applies equally to the production of television and cinematographic films.

IV Article 6 of the Framework Convention

1. Tolerance and intercultural dialogue

The Advisory Committee strongly recommends that the authorities continue their programmes both in schools and vis-a-vis the general public to combat racism and intolerance and prevent right-wing extremism. It urges the authorities to ensure that such programmes do not focus exclusively on right-wing extremism but serve to equip their targets with the knowledge and understanding to identify and combat intolerance and prejudice, whatever the level at which they occur.

The Advisory Committee invites the authorities to review the adequacy of the legal provisions prohibiting incitement to hatred, in particular in the context of election campaigns. (Nos. 60 and 61)

Please see our comments on Recommendation 3 of the Committee of Ministers.

2. Media, the Internet and social media networks

The Advisory Committee calls on the authorities, whilst fully respecting the editorial independence of the media, to take initiatives to encourage both national and regional media outlets to promote more balanced and objective reporting on

issues related to diversity within German society and to strengthen the training of journalists and other media professionals in this regard. (No. 65)

a.) Public broadcasters

The Central Council continues to be extremely critical of the way Sinti and Roma are portrayed on public service television. A good example of anti-Gypsyism which is regarded as “normal” is the children’s film “Nelly’s Adventure” shown on regional television broadcaster SWR and the children’s channel KIKA operated by national broadcasters ARD and ZDF. This film also received roughly €935,000 in funding from several institutions which promote German film. Contrary to the assertions of those responsible, the Central Council finds the film entirely unsuitable as a source of information on the situation of Sinti and Roma in Germany and Romania. On the contrary, the film produces and reproduces all the classic anti-Gypsy stereotypes. This stereotypical portrayal makes the film completely inappropriate, especially for the recommended audience of children and young people.

Public television broadcasters showed the film several times despite criticism from the Central Council. The SWR Broadcasting Board provided no official response to the Central Council’s complaint. Nonetheless, the Central Council’s criticism has led to a positive dialogue with several broadcasters, in particular KIKA, and a few film promotion institutions. During the dialogue, it was repeatedly suggested that Sinti and Roma should be included in existing or new formats.

b.) Reference to minority status in reports on crimes

For a society free of discrimination, responsible communication is essential between public agencies and media representatives who report on information received from government authorities. In this area, representatives of public agencies still need to develop awareness of freedom from discrimination and should not attribute delinquency based on ethnicity.

c.) Anti-Gypsyism on the Internet and in social networks

The Central Council notes a massive increase in hate speech on the Internet directed at the minority in particular following anti-Gypsy reporting on television. Although the Network Enforcement Act (NetzDG) was intended to deal effectively with hate speech on the Internet, it is clear in practice that containing racist incitement on the Internet continues to be an enormous task. Reports and complaints of hate speech often fail to have any effect and are exhausting for online activists. To fight hate

speech online more effectively, it is therefore necessary to advance scientific studies of anti-Gypsy hate speech on the Internet, systematically document the phenomenon and make it an integral element of media critical education.

There is currently no official monitoring of online hate speech and no valid studies on anti-Gypsyism on the Internet. The Central Council has therefore started collaborating with jugendschutz.net to start with monitoring and then train and provide assistance for activists. The capacities of jugendschutz.net are limited, so funding and expanding this organization would be important.

3. Combating racism and hate crimes

The Advisory Committee strongly encourages the authorities to bring to completion as soon as possible the process of amending § 46 of the Criminal Code in order to mention expressly that racist motivations of an offence are to be taken into account as an aggravating circumstance in sentencing. (No. 70)

Please see our comments on Recommendation 6, first sentence of the Committee of Ministers.

4. Conduct of law-enforcement officials

The Advisory Committee urges the authorities to follow up rapidly on the findings of the parliamentary commission of inquiry into the NSU murders as regards the functioning of the criminal justice system. It emphasises in particular in this context the need to ensure that all possible racist elements of criminal offences are systematically taken into account, from the earliest stage of investigations, and that the procedures and structures in place encourage this. The Advisory Committee calls on the authorities to take definitive steps to eradicate ethnic profiling. The possibility of carrying out identity checks for migration control purposes in the absence of any suspicion of wrongdoing should be eliminated and police trained to avoid the use of ethnic origin as a criterion in carrying out such checks.

The Advisory Committee calls on the authorities to take active steps to build trust between persons belonging to minorities and the police. These could include pursuing efforts to increase diversity in the recruitment of police, intensifying the provision of training on cultural diversity and introducing an independent police complaints mechanism. (Nos. 75-77)

Comments on marginal note 75, first sentence

Implementing the recommendations formulated by the first NSU committee of inquiry on reforming the criminal justice system is long overdue. First of all, however, the mistakes made and the failure of the investigating authorities should be acknowledged. Without recognizing the errors encouraged by institutional racism, it will be difficult to achieve structural improvements.

For comments on the marginal notes 75, second sentence and 76 and 77, please see our comments on Recommendation 6 of the Committee of Ministers.

V Article 9 of the Framework Convention

1. Representation of minorities in media regulatory bodies

The Advisory Committee strongly encourages the authorities to support demands for better representation of persons belonging to national minorities in media regulatory bodies, with due regard for the independence and the cultural diversity of the bodies concerned. (No. 88)

Please see our comments on Recommendation 7, second sentence of the Committee of Ministers.

VI Article 12 of the Framework Convention

1. Equal access to education

The Advisory Committee urges the authorities to take resolute measures to put an end to discrimination against Sinti and Roma children in the education system. These should include preventing the unjustified placement of Sinti and Roma children in special schools, boosting efforts to create an inclusive education system, extending measures such as the employment of mediators that have proved successful in encouraging children to remain in the school system, and intensifying efforts to increase awareness of both teachers and other pupils about the history and culture of Sinti and Roma. (No. 107)

As noted in our comments on Recommendation 2, second sentence of the Committee of Ministers, there is no data on the number of Sinti and Roma children in schools for pupils with special needs. The Central Council and state-level associations are dependent on self-reporting by those affected. However, it can be assumed that only

a small number of the affected families seek help from the associations. And few are likely to be willing to have the courts review the identification of special educational needs or placement in special schools, which would put them and their case in the public eye.

The Central Council supports the training and employment of mediators and educational advisers who are members of the minority. However, it is necessary to ensure that these educational advisers are accepted as part of the teaching staff and are not forced into the role of representing the interests of the educational institutions. The nationwide task force created in 2013 by the EVZ foundation has produced recommendations for the employment of educational advisers which deserve attention.²⁰

In 2016, the Hesse Association of German Sinti and Roma discussed with the responsible state education office in Bebra a model project for an educational adviser who is a member of the minority. Although the state education office welcomed the project in principle, neither it nor the district have so far provided any financial support for it.

2. Intercultural education

The Advisory Committee strongly encourages the authorities to step up their efforts to ensure that teachers and pupils throughout Germany have better knowledge of the culture and history of national minorities as an integral part of German society. It again calls on the authorities to develop further projects designed to impart awareness of Sinti and Roma history and culture.

The Advisory Committee invites the authorities to ensure that teachers are adequately trained to create and promote a classroom environment in which diversity is welcomed and accepted, to include intercultural elements effectively in their classwork, and to address current manifestations of xenophobia and related intolerance. (Nos. 111 and 112)

Regarding marginal note 111, please see our comments on Recommendation 9 of the Committee of Ministers.

Comment on marginal note 112

²⁰ Stiftung EVZ (editor), *Gemeinsam für eine bessere Bildung. Empfehlungen zur gleichberechtigten Bildungsteilnahme von Sinti und Roma in Deutschland* (Working together to improve education. Recommendations on the equal participation in education of Sinti and Roma in Germany), Berlin, 2nd edition, 2016, p. 36 ff.

Including intercultural elements in the curriculum may be desirable and useful in general. However, the Central Council and the education division of the Documentation Centre believe that, in the case of the autochthonous minorities, diversity approaches in teaching which emphasize the differences between groups in a positive way may be problematic. Our aim is for Sinti and Roma to be regarded as German citizens with a long history as members of German society. The view that Sinti and Roma are a “foreign element” is still widespread. We hope to overcome this stigma by pointing out our shared history and cultural achievements.

VII Article 14 of the Framework Convention

3. Teaching in/of Romani

The Advisory Committee again encourages the authorities concerned to monitor and review regularly the demand for teaching Romani, as well as Romani language teaching projects and their impact on academic achievement by Roma children, in the interests of furthering good practice in this field. The authorities should ensure the effective participation of representatives of the Roma community in these monitoring and evaluation procedures. They should also identify means by which to place successful projects in this field on a sustainable footing. (No. 131)

Regarding the need for teaching in/of the Romani language, please see our comments on Recommendation 5 of the Committee of Ministers.

The Central Council notes once again that, for the historical reasons given above, teaching in/of the Romani language must be undertaken only by Sinti/Roma for Sinti/Roma. This can be done at school outside of normal teaching hours. The Central Council and the education division of the Documentation Centre believe that whether and to what extent such language teaching improves educational attainment should not be the subject of monitoring and assessment by the authorities. Such monitoring and assessment would require individuals to identify themselves as members of the minority; according to the Framework Convention, doing so is up to the individual. We also do not want Sinti and Roma to be singled out as a “problem group” and presented as such to the rest of the school.

The Central Council recommends the use of minority educational advisers as mentioned above (see comments on Recommendation 107) who can plan and if necessary provide language teaching and document the children’s educational attainment. It should be noted that noticing and taking action to counter anti-Gypsy

and discriminatory attitudes and behaviours can improve the overall school climate and thus the achievement not only of Sinti and Roma children.

VIII Article 15 of the Framework Convention

1. Participation in public affairs

The Advisory Committee calls on the authorities to take more resolute steps to promote effective participation of Roma and Sinti in public life, in particular at political level. In the *Länder* where this has not yet been done, the Advisory Committee also recommends that the authorities establish, in close co-operation with Sinti and Roma representatives, mechanisms allowing for the effective participation of Sinti and Roma in decision-making on issues of concern to them. (No. 140)

Please see our comments on Recommendation 11 of the Committee of Ministers.

2. Participation of Sinti and Roma in socio-economic life

The Advisory Committee calls on the authorities to strengthen their efforts to promote the equality of Sinti and Roma in socio-economic terms, particularly as regards access to employment and housing. Measures taken in this respect should be based on a thorough evaluation of the situation of Sinti and Roma in this field. (No. 144)

Please see our comments on Recommendation 2 of the Committee of Ministers.

Comments by the Minority Council



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Comments by the Minority Council on the Fifth State Report of the Federal Republic of Germany on the implementation of the Council of Europe Framework Convention for the Protection of National Minorities

Gathering of data on ethnic origin/census

Certain political parties in various federal states have recently submitted minor interpellations requesting a census or current, reliable numbers of the autochthonous national minorities and ethnic groups in Germany. The Advisory Committee on the Framework Convention for the Protection of National Minorities also criticized the lack of statistics in its last report of 15 March 2015.

Germany's Minority Council has therefore repeatedly expressed its opposition to nationwide statistics on the size of autochthonous national minorities and ethnic groups in Germany. We seriously doubt that collecting data helps develop specific effective measures for the minority.

Collecting data on ethnicity would violate Germany's Constitution. Repeated requests for such data by certain political parties at state level are implicitly racist and clearly indicate that these parties do not feel bound by our Constitution.

However, we are not generally opposed to participatory research and projects in which stakeholders and minority members equally and jointly agree on goals, initiatives and research approaches as well as on how to handle the results and then develop specific measures. This is already being done at local and state level. There are also indicators at regional and local level (such as numbers of pupils and teachers, numbers of members of minority organizations) which can be used as the basis for specific measures.

Research is needed – and is already being carried out in various ways – to improve the minorities' current situation, in particular in education. In this context, "special categories of personal data" may be collected and used only for the specific research project and must not be stored or shared for other purposes. So surveys to collect statistics on ethnicity are unnecessary to ensure minorities' equal access to rights and to design targeted policies to promote their full and effective equality.

National and European data protection rules set clear limits for collecting, processing and storing personal data that must be respected also and in particular when collecting data on ethnicity.

Germany's Minority Council emphasizes the peoples' right to self-determination, invoking one of the basic principles of the Charter of the autochthonous, national minorities/ethnic groups in Europe which are organized under the umbrella of the Federal Union of European Nationalities (FUEN):

"We, the autochthonous, national minorities/ethnic groups, underline the principle according to which declared membership of a national minority is a matter of individual freedom and not subject to official scrutiny."

Educating the public

The Advisory Committee and the Committee of Ministers recommended that the German authorities take new measures to improve the general public's awareness of the language and the culture of persons belonging to national minorities, in particular outside the traditional areas of minority settlement.

The Minority Council and its Secretariat for Minorities are repeatedly reminded that there is very little public awareness in Germany of the four national minorities. Significant support from federal agencies and from all 16 federal states is needed.

The Minority Council is pleased that the German Bundestag has welcomed the idea of holding an annual event coordinated by the umbrella associations of the national minorities to promote awareness of the Charter languages and the autochthonous national minorities, and of creating an interactive travelling exhibition to inform the public about the autochthonous national minorities and Charter languages in Germany (see Bundestag printed document 18/12542, *25 Jahre Europäische Charta der Regional- oder Minderheitensprachen – Gemeinsamer Auftrag* (The European Charter for Regional or Minority Languages 25 years on: A shared task)). These ideas now need support in order to be implemented.

The publications of the Federal Agency for Civic Education (in print and online, for children and young people, teaching materials, dictionaries) should also be mentioned as an additional example. These are less than satisfactory, for example with regard to information on the four national minorities.

All those responsible at federal and state level must work together with representatives of the national minorities.

The Minority Council therefore advocates the following measures:

- implementing the measures in Bundestag document 18/12542
- updating and revising the information on the four national minorities in the publications of the Federal Agency for Civic Education
- providing information in further training for staff of public institutions (in the

education sector, government agencies, police, elected officials) in Germany on cultural and linguistic diversity to teach them about the culture and history of the national minorities

- developing voting advice tools at federal and state level using regional and minority languages

Minorities and the media

The Advisory Committee calls on the authorities, whilst fully respecting the editorial independence of the media, to take initiatives to encourage both national and regional media outlets to promote more balanced and objective reporting on issues related to diversity within German society and to strengthen the training of journalists and other media professionals in this regard.

The Advisory Committee strongly encourages the authorities to support demands for better representation of persons belonging to national minorities in media regulatory bodies, with due regard for the independence and the cultural diversity of the bodies concerned.

The Minority Council welcomes these recommendations of the Advisory Committee concerning the media. All four national minorities would like stronger initiatives and support from the federal and state levels to expand minority participation in the media sector. The Federal Government's statements concerning the need for independent media are not convincing, as federal and state government representatives are members of the existing media bodies. The Minority Council only asks that representatives of the national minorities be taken into account as well. This is the case so far only in the ZDF Television Council, at the initiative of the federal state of Schleswig-Holstein, and in various regional media councils (e.g. RBB and SWR).

Participation of minorities in public affairs

The Committee of Ministers recommended that the German authorities maintain the approach of encouraging persons belonging to national minorities to participate more actively in public life, through institutional arrangements provided at federal level; take steps to ensure that consultation procedures set up at regional and local level enable persons belonging to national minorities to participate effectively in public affairs.

The Minority Council advocates expanding the participation of the national minorities in political and social life. This should start with expanding political participation at federal level and extend to all areas of public life, including areas not related to minorities, down to the regional and local level.

The Minority Council would like to see the federal level take a proactive approach in order to keep alive the historically rooted cultural and linguistic diversity in



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Federalism / federal responsibility

The Minority Council encourages the federal authorities to make full use of their right to exercise oversight over the actions of the federal states and issue regulations in order to ensure that the rights of persons belonging to national minorities are properly implemented everywhere in Germany, not only in their traditional settlement areas.

According to the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter of Regional and Minority Languages, minority policy is not only an obligation of the federal states. The ratification of the Convention and the Charter has made it clearer that the Federal Republic shares responsibility for minority policy and is obligated to formulate an overarching policy on national minorities. The Minority Council believes this requires a more intensive dialogue: between the Federal Government and the minorities, between the minorities and the German Bundestag, and between the Federation and the 16 federal states. There is much room for improvement in this regard.

Self-denomination of the national minorities

The Minority Council notes that in its documents, the Council of Europe does not consistently use the self-denominations of the four national minorities in Germany.

The following are recognized as national minorities in Germany: **the Danish minority, the Frisian ethnic group, the Sorbian people and the German Sinti and Roma.**

When signing the Framework Convention, the Federal Government provided the following statement: *"The national minorities in the Federal Republic of Germany are the Danes of German citizenship and the members of the Sorbian people with German citizenship. The Framework Convention will also apply to members of the ethnic groups traditionally resident in Germany, the Frisians of German citizenship and the Sinti and Roma of German citizenship."*

The Minority Council asks that this be noted.

Scope of application of the Framework Convention

The Advisory Committee encourages the authorities to pursue an active, open and dialogue-based approach in their relations with persons and groups having expressed an interest in benefiting from the protection of the Framework Convention, such as persons of Polish origin, language or culture and persons identifying with the East Frisian group. In addition, it invites the authorities to review the impact in practice of the application of the citizenship



criterion as regards access to minority rights.

The Minority Council of the four autochthonous minorities and ethnic groups in Germany also comments on this statement, referring once again to the FUEN Charter jointly adopted by Europe's minorities.

The autochthonous, national minorities/ethnic groups have developed a self-conception and definition of themselves:

"To the autochthonous, national minorities/ethnic groups belong the minorities that came into being as a result of developments in European history, as a result of the changes of state borders and other historical events. To the autochthonous, national minorities/ethnic groups also the peoples of Europe belong who have never established a state and who live as a minority in the territory of a state.

An autochthonous national minority/ethnic group should be understood as a community

- that is resident in an area of a state territory or scattered around

a state territory,

- that is of smaller number than the rest of the state population,

- the members of which are citizens of that state,

- the members of which have been resident in the area in question

for generations,

- that is distinguishable from the state's other citizens by reason of

their ethnic, linguistic or cultural characteristics and who wish to

preserve these characteristics."

Germany's Minority Council reaffirms this definition. The autochthonous, national minorities/ethnic groups need special protection and promotion. Important goals include protection from threats, preservation of their identity, protection of their existence, protection from assimilation and discrimination as well as preservation and promotion of natural bi- and multilingualism.

The criteria defining autochthonous, national minorities/ethnic groups should continue to be fulfilled.

However, it is true that other groups and persons (even if they are not German citizens) need special protection as well. The Minority Council is committed to diversity in Europe and to the inalienable values and intellectual heritage of our continent, in particular respecting and promoting linguistic and cultural diversity.

This requires a clear German strategy which aims at preserving the diversity of languages and cultures in Europe.

Berlin, 12 November 2018





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Recommendation no. 5 – Preserving cultural heritage

Continue, in close co-operation with the representatives of national minorities, to support the preservation and promotion of their cultures, paying particular attention to their long-term needs, the necessity of sustainable action, and the diversity existing within minority cultures

- a. Preservation of grave sites of Sinti and Roma who suffered Nazi persecution as memorial sites for their families and as public places of learning

The long-term preservation of grave sites of family members persecuted by the Nazis and honouring the memory of the dead are central to the cultural identity of German Sinti and Roma. The Central Council therefore welcomes the [decision that the grave sites of Sinti and Roma persecuted under the Nazi regime are to be protected](#) taken on 8 December 2016 by the Federal Government and the federal states during the conference of the heads of the federal state governments in Berlin. This decision provides a response to a matter that has been on the agenda for a number of years for the Central Council and its affiliated regional and member associations; since 2004, these organizations have lobbied the Federal Government, the federal states and the municipalities for these graves to be granted state protection so that they can be long-term family memorial sites and public places of learning.²¹ It is now important that the specific details of the national provisions, which according to the decision of the Conference of Minister-Presidents should have come into force in 2007, reflect the spirit of the original decision. The Central Council is in close discussion with all stakeholders involved in drawing up the draft.

During the reporting period, Baden-Württemberg, Bavaria and Hesse passed transitional provisions at federal state level to protect grave sites. These include payment of costs, setting a positive example in the field of protection of minorities.

- b. Preservation and promotion of languages

The preservation and promotion of languages is an important element of the language policy agenda, particularly as German Romani is not a codified language. Romani is an integral part of the identity of the Sinti and Roma. In light of the experiences with the National Socialist dictatorship, this subject has to be addressed

²¹See this publication by the Central Council for more information on the topic: <http://zentralrat.sintiundroma.de/dauerhafter-erhalt-der-grabstaetten-ns-verfolgter-sinti-und-roma/> (Last viewed 4 July 2018)

with utmost sensitivity in every respect. The so-called race researchers of the Third Reich misused the language to set up genealogies and “race reports” forming the basis for persecution, mass deportation and ultimately genocide.

Taking into account the historical facts as well as the special situation, the Education department of the Documentation and Cultural Centre of German Sinti and Roma has dealt with the possibilities of promoting and maintaining the language since it was founded in 2001. One of the major tasks of the department is to raise awareness within the minority of the significance of its own language. The department works to carry out projects of this nature and provides support for them.

The focus to date has mainly been on creating a platform within the minority to concentrate on the development of the language and its use in a number of thematic areas. The publication of a translation of classic poems into Romani marks a new chapter.²²

Another aspect is Romani lessons. Numerous cities like Cologne, Hamburg and Berlin provide language classes mainly for migrant Roma. These take place on school premises outside of normal teaching hours.

Local associations such as the Sinti and Roma Working Group in Ingolstadt and the German Sinti Association in Minden also provide language classes for German Sinti and Roma children and adults. Lessons are given by volunteers and time constraints often make it difficult to provide continuity. The Central Council would welcome funding for this work.

In a paper reporting to the Federal Republic on the European Charter for Regional or Minority Languages, the Rhineland-Palatinate Association of German Sinti and Roma pointed out that if cultural and intercultural education work to promote Romani is to continue, then funding is needed for a full-time policy officer.

c. European Roma Institute for Art and Culture (ERIAC)

The [European Roma Institute for Arts and Culture](#) was opened at Germany’s Federal Foreign Office in Berlin on 8 June 2016. The Institute was founded jointly by the Council of Europe, the Open Society Foundation and an alliance of Sinti and Roma activists including Romani Rose, the Central Council, and the Documentation and Cultural Centre of German Sinti and Roma. The Central Council is a member of the institute's Barvalipe Academy board, which aims to document the contribution of Sinti and Roma to the culture of their respective home countries and to European culture, and to organize projects throughout Europe to break down prejudices

²²Working title: Reinhold Lagrene (Publisher) "Djiparmissa – Lyrik" (Poetry). Classic German poetry in Romani. Published in autumn 2018 by the Wunderhorn publishing company, Heidelberg.

against Sinti and Roma. The institute is based in Berlin. The documentation centre is currently working on a European exhibition project in collaboration with ERIAC.

d. RomArchive

RomArchive is devised as an international digital archive for the arts of Sinti and Roma – a constantly growing collection of art of all types, complemented by historical documents and scholarly texts.²³ While “hegemonic” archives have almost exclusively portrayed Roma and Sinti in stereotypical ways, RomArchive focuses on their self-representation.

New narratives will emerge, reflecting the heterogeneity of diverse national and cultural identities of Roma. The wealth of Romani artistic and cultural production – tightly interwoven with that of Europe as a whole, centuries old, lively and varied to this very day – will become visible and publicly accessible. This way, the project seeks to counter persistent stereotypes and deep-seated prejudices. RomArchive is thus addressed not only to Europe’s largest minority, but also to Europe’s social majorities.

Roma shape the archive in all positions of responsibility – as curators, artists, scholars, and members of the project’s advisory board. The curators determine the contents of the archive and select and gather works of art for the archive sections on film, visual arts, photography, dance, music and literature. The advisory board then agrees to the curators’ suggestions, or requests changes.

The German Federal Cultural Foundation supports RomArchive with 3.75 million euros in funding. The fact that a German federal institution embraces such a project is of further significance in view of Nazi Germany’s genocide of the Sinti and Roma, which claimed 500,000 of their lives. Following a critical assessment of the original concept, the Central Council of German Sinti and Roma supports the project and is on the advisory council with other representatives and scholars.

Recommendation no. 6 – Targeted improvement of police structures

Ensure that racist elements of criminal offences are systematically taken into account; eradicate the practice of ethnic profiling and take active steps to build trust between persons belonging to minorities and the police

Comments on Recommendation 6 first and second sentences

²³More details are available here: <http://zentralrat.sintiundroma.de/romarchive/> (last visited on 18 June 2018) and here: https://blog.romarchive.eu/?page_id=237 (last visited on 18 June 2018)

Anti-Gypsy crimes have been recorded as a separate statistic under the topic of “hate crime” since 1 January 2017 based on the guideline agreed between the Federal Government and the federal states for the Criminal Police Reporting Service for politically motivated crime. Prior to this, crimes with anti-Gypsy motives were not recorded separately within the category of crimes recorded as having “racist” motives. It can be assumed that the anti-Gypsy crimes recorded to date represent a small fraction of the actual number, given that public prosecution authorities do not classify anti-Gypsy motives for crimes as such.

Article 13 (5) of the Rules for Criminal Proceedings and Administrative Fine Proceedings (*Richtlinien für das Straf- und das Bußgeldverfahren, RistBV*) must nevertheless be amended. The current version reads: “Suspects may be asked about their religious faith only if the circumstances justify such a question.” This should be revised to read as follows: “Suspects may be asked about their religious faith or ethnicity only if the circumstances justify such a question.”

A national regulation stating that the police force is only permitted to refer to ethnicity in police press releases or during searches if there is a reason for this and that contextualization is also only permitted if there is a reason to do so was discussed at the Conference of Interior Ministers in 2007, but has not yet been agreed. Individual federal states are committed by guidelines that they have put in place themselves to provide explicit protection in this regard. However, day-to-day experience shows that there is a huge need for education and awareness-raising on this topic, as police authorities repeatedly refer to the (assumed) ethnic background of suspects when reporting on crimes, for example in public press conferences and search warnings. The Central Council frequently has to lodge complaints about this and hold awareness-raising talks.

It is therefore important that trainee police officers, but also police officers who are already in active service, receive regular training on the topic of protection of minorities during their basic and advanced training. The Central Council has signed a cooperation agreement with the relevant department at the Federal University of Applied Administrative Sciences in Thuringia and close cooperation has been agreed with the Federal Police Academy. In Mecklenburg-Western Pomerania, the topic of anti-Gypsyism is taught as part of the Police History syllabus in conjunction with National Socialist persecution and with the racist riots in Rostock’s Lichterhagen district in 1992. In Bavaria, the most recent results from expert centres looking at extremism are incorporated into police training and the role of the police in the National Socialist period is also tackled. In June 2016, the Hesse Association of German Sinti and Roma held workshops on the topic of anti-Gypsyism at the Hesse University of Applied Administrative Sciences and Police Academy in Wiesbaden.



The exhibition “Hornhaut auf der Seele” (“Calluses forming on the soul”) on the genocide of Sinti and Roma was shown. In addition, an anti-racism workshop and an event looking at civil rights work were held with police trainees.

The Central Council would welcome the provision of long-term structures and resources in this area. It would be counterproductive to enact laws that stir up resentment, such as the federal state of Bavaria’s Act on the Responsibilities and Powers of the Police, which is also planned at federal level. The unrestricted legalization of extended use of DNA analysis as a preventive measure in police work, which is to permit the examination of DNA material for features of appearance and for the “biogeographical origin” of the suspect, discriminates in particular against minorities, because the likelihood of identifying a particular genetic feature is increased only for members of minority groups, while genetic features of the majority population apply by nature to almost all members of the majority. The example of the Phantom of Heilbronn, a case in which Sinti and Roma were collectively placed under suspicion and criminalized for many years due to DNA traces found at a crime scene, shows that ascertaining biogeographical origin by DNA testing is prone to errors and is not a reliable tool for solving crimes.

Comments on Recommendation 6 third sentence

To rebuild trust in the rule of law for minorities who have been stigmatized and discriminated against by the police both in the past and in the present, cases in which racially discriminatory investigation methods were used must be reappraised. For example, the issues brought up by the murder of police officer Michèle Kiesewetter by the “National Socialist Underground” group have never been tackled from this perspective. The investigating officers openly expressed suspicion of Sinti and Roma as perpetrators, while a political motive for the murder was never considered and indications that this crime was potentially linked with nine murders of persons of immigrant origin were ignored. Structural racist assumptions therefore also affected the attitude of the public prosecution authorities in the case of the police officer’s death, preventing an investigation of all possible angles. The police openly stated that they were seeking a “woman of gypsy background”. Official figures say that 800 Sinti and Roma were subject to mass examinations by means of a saliva sample; it is possible that the real figure is more than 3,000. The state authorities have never apologized for this or made any attempt to repair the damage done to the minority in the public eye.

Recommendation 7 – Minority language in the media



Increase support to media in minority languages and support the development of locally produced radio and television programming in minority languages; support improved representation of persons belonging to national minorities in media regulatory bodies

Comment on Recommendation 7 first sentence

The federal states have no influence on the programming on public broadcasting channels. However, these channels should be encouraged to broadcast minority programmes (including programmes in Romani) throughout the federal states, pointing out the obligations set out in the European Charter for Regional or Minority Languages. Offers could be extended to associations of Sinti and Roma for the production of programmes and the provision of airtime.

Programmes are already available in Romani on online video portals, while written Romani of multiple dialects is often used in forums, chatrooms etc.

Comments on Recommendation 7 second sentence

For many years, the Central Council has been calling for representatives of self-governing Sinti and Roma organizations to be appointed to broadcasting councils and regional media authorities. The appointment of Sinti and Roma to the control bodies of private and public media is an explicit social, political and legal obligation emerging from the recognition of Sinti and Roma as an autochthonous national minority in Germany. By ratifying the Framework Convention for the Protection of National Minorities, the Federal Republic of Germany has made a commitment to including Sinti and Roma in social and political life. To date, this commitment has only been honoured in Rhineland-Palatinate, where the Rhineland-Palatinate Association of German Sinti and Roma has both a seat on the media board of the broadcaster SWR and on the LMK, the federal media authority for private media. There is a great deal of catching up to do in this regard, all the more so given that even today the reality of Sinti and Roma in Germany is often characterized in a range of ways by discrimination that is reinforced and multiplied by negative stereotypes in television and film reporting, images accompanying the news that encourage prejudice, and entertainment films that are in some cases racist. The inclusion of Sinti and Roma representatives in broadcasting councils and regional media authorities could help raise awareness among the people and bodies responsible for programming of discriminatory reporting and discriminatory programmes, and

prevent the broadcast of these in future by developing appropriate programming guidelines.

Recommendation 8 – Minority language in public life

Implement fully the legislation in place to promote the use of minority languages in contacts with local and regional administrative authorities; adopt effective measures to create an environment conducive to their use in this context; take the necessary steps to bring German legislation concerning the use of minority names fully in conformity with Article 11 of the Framework Convention and ensure that names in minority languages can be correctly represented in electronic registers; promote the installation of bilingual topographical signs in minority languages

Cf. the comments in No. 5 (b).

Recommendation 9 – Knowledge of national minorities in schools

Step up efforts to ensure that teachers and pupils throughout Germany have better knowledge of the culture and history of national minorities, including Sinti and Roma, as an integral part of German society; ensure that teachers are adequately trained for intercultural education

The teaching of the history and the present-day life of Sinti and Roma in the classroom is currently more comprehensive than it was ten years ago, but there is a need to improve the quality and to anchor this teaching more firmly in our educational institutions. The education department of the Documentation Centre reached an agreement on the curriculum with the Regional Centres for Civic Education in 2011. Following this discussion, a work was published in 2015 on Sinti and Roma that illustrates the breadth of past and present topics.²⁴ The websites of several Regional Centres for Civic Education, as well as that of the Federal Agency for Civic Education, now provide material and lesson plans on this topic.

The continuous inspection of school books in the education department has shown that the inclusion of the topic in some current works has improved significantly from edition to edition. This applies in particular to the topic of persecution in National Socialist Germany, but important background information on the more than 600 years of history of the minority in Germany is missing. Incorporating this into a general history of minorities would be desirable, but there have not as yet been any

²⁴ Oliver von Mengersen (Pub.), "Sinti und Roma. Eine Deutsche Minderheit zwischen Diskriminierung und Emanzipation" (Sinti and Roma: A German minority between discrimination and emancipation), Federal Agency for Civic Education, 2015

attempts to do this. The books reflect the core curriculum of the topics of history and social studies. On most syllabuses, the topic is confined to lower secondary level. The Central Council shares the recommendations on teaching about Sinti and Roma that were issued by a national working group aimed at improving participation in education.²⁵

The commitment among ministries of education and cultural affairs to place a stronger focus on the topic in lessons by providing teacher training workshops is currently high, due not least to the state treaties and framework agreements with the regional associations of Sinti and Roma. In Baden-Württemberg, a several-day training event is planned for December 2018, in cooperation with the education department of the Documentation Centre and employees of other institutions. This event is to take place at least once every two years. The question of whether to incorporate relevant lesson materials from colleges of education and teacher training institutions is currently under consideration.

The Hesse Association of German Sinti and Roma reports that in early 2016, a recommendation was published on behalf of the Hesse Ministry of Education and Cultural Affairs in collaboration with the association on the topic of Sinti and Roma in Germany and the role of anti-Gypsyism. This recommendation was sent out to all schools in Hesse, with a cover letter from the association offering to hold school project days on the topic of anti-Gypsyism. Thanks to the commitment of individual teachers, numerous project days were carried out at schools in Hesse by the regional association. Advanced training efforts on the part of the Hesse Ministry of Education and Cultural Affairs have been limited up to now to organizing a conference on the recommendations in April 2008, which was postponed indefinitely due to an insufficient number of participants.

Moreover, if it were not for a small number of seminars given by temporary lecturers, the topic of anti-Gypsyism would not be tackled at universities in Hesse at all. The regional association is of the opinion that the topic must be reflected more in research and teaching at university level.

The North Rhine-Westphalia Association of German Sinti and Roma reports that the history of the minority is still not an obligatory topic on the school curriculum, which means that the presence of the topic in schools depends on personal commitment on the part of the teacher. However, restrictive curricula and a lack of teaching materials mean there is little scope for teachers to include the topic. Numerous schools looked at the topic of minorities and cultural diversity, including Sinti and Roma, during special project days. The regional associations are also in favour of this type of event.

²⁵ Stiftung EVZ (publisher), "Gemeinsam für eine bessere Bildung. Empfehlungen zur gleichberechtigten Bildungsteilnahme von Sinti und Roma in Deutschland" (Working together to improve education. Recommendations on the equal participation in education of Sinti and Roma in Germany), Berlin, 2nd edition, 2016, p. 45 et seq.

Recommendation 10 – Education

Pursue and intensify efforts to increase the availability of teachers qualified to teach in minority languages at all levels of the education system; take positive measures to promote their appointment to areas where such skills are needed; step up the support provided to teaching in and of Frisian and Sorbian in order to place such teaching on a sustainable footing

Cf. the comments in No. 5.

Recommendation 11 - Promote the effective participation of the German Sinti and Roma

Actively promote the effective participation of Sinti and Roma in public life, in particular at the political level; establish, in the Länder where this has not yet been done and in close co-operation with Sinti and Roma representatives, mechanisms allowing for the effective participation of Sinti and Roma in decision making on issues of concern to them

The Central Committee welcomes the establishment of a Consultative Committee on Issues Concerning the German Sinti and Roma under the auspices of the Federal Ministry of the Interior, which has worked since 2015 to improve dialogue with the Federal Government, the Deutsche Bundestag, and the governments of the federal states on matters and concerns affecting the minority. It is important that alongside this committee, which only meets once each year, there is ongoing dialogue with policy-makers and urgent policy matters are not delayed until the committee meetings.

In addition, a permanent working group should be set up within the Standing Conference of Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany with the task of establishing education standards in regard to the history and culture of Sinti and Roma and the other national minorities and monitoring and assessing their implementation. The recognized representatives of the minority organizations must be involved in these working groups on an equal footing.

The Central Council also calls for the appropriate representation of members of the Sinti and Roma minority on media regulatory bodies (c.f. comment on Recommendation No. 7, second sentence of the Committee of Ministers).



RECOMMENDATIONS FROM THE ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

Fourth Opinion on Germany, adopted on 19 March 2015, ACFC/OP/IV(2015)003

The recommendations of the Committee of Ministers are based on the observations of the Advisory Committee. The following comments refer to the individual recommendations of the Advisory Committee where these refer to the German Sinti and Roma or are of importance to the German Sinti and Roma. Where comments have already been made on specific recommendations in the recommendations of the Committee of Ministers, reference will be made thereto.

I Article 3 of the Framework Convention

1. Scope of application of the Framework Convention

The Advisory Committee encourages the authorities to pursue an active, open and dialogue-based approach in their relations with persons and groups having expressed an interest in benefiting from the protection of the Framework Convention, such as persons of Polish origin, language or culture and persons identifying with the East Frisian group. In addition, it invites the authorities to review the impact in practice of the application of the citizenship criterion as regards access to minority rights. (No. 19)

The Framework Convention for the Protection of National Minorities is the first international treaty to set out binding national obligations for the protection of minorities at international level and to oblige state governments to implement protection and promotion measures. The Central Council's view is that in this sense, it does not constitute a general human rights instrument for all population groups that differ from the majority population in one or more ways.

Maintaining this specific nature of the Framework Convention is essential for autochthonous national minorities who as minorities traditionally resident in Germany have a particular need for protection and promotion, including in particular the protection of their own identity, the protection and promotion of natural bilingual and multilingualism, and protection against threats and discrimination.

The tendency that has been visible for some time of the Advisory Council to wish to extend the scope of application of the Framework Convention step by step to other

population groups is therefore under close observation by the Central Council. It is key that the original thinking behind the convention, the protection of traditional autochthonous minorities, remains the focus for the Council of Europe. The minority status of other groups must be decided on a case-by-case basis. The same applies to nationality and access to minority rights.

2. Self-identification of Sinti and Roma

The Advisory Committee encourages the authorities to pursue constructive dialogue with Sinti and Roma on the protection of their rights under the Framework Convention, while fully respecting the right to free self-identification. (No. 21)

The German Sinti and the German Roma have been legally recognized as a national minority pursuant to the Council of Europe's Framework Convention, and as such, enjoy the rights derived from the Framework Convention. Although in certain areas there is still more to be done to implement the Framework Convention in regard to the German Sinti and Roma, the concerns of the Advisory Committee that progress in implementing the minority rights of those affected has been slowed down due to the recognition of "a single minority of German Sinti and Roma" are implausible. Both the German Sinti and the German Roma are explicitly listed in the scope of application of the Framework Convention within the Federal Republic of Germany. This means that not only is the scope of application of the Framework Convention clearly defined, but the "self-identification" and feeling of national identity of members of minorities in Germany which the Advisory Committee mentions are also reflected. The demand from different camps to revoke the recognition of Sinti and Roma as *one* national minority aims to divide the political representation of the minority, diluting their political self-determination, which would in turn lead to the weakening of the Framework Convention.

In other countries in Europe, and in particular in official business within international organizations such as the EU, the Council of Europe, the OSCE and the UN, the term "Roma" is used in consultation with the Roma representatives as the collective term for the minority. Official decisions and comments generally include a note that this term also applies to those minority groups that use another term to identify themselves, and in particular that those groups are explicitly not excluded from the scope of application of the Framework Convention. In Romania alone, for example, this term encompasses more than 60 different groups that are recognized as *one* national minority in their home country.

The Central Council points out in particular that Sinti and Roma in Europe were indiscriminately the victims of the extermination plans and the race policy of the National Socialists. Since it was founded in 1982, the Central Council has processed some 4,000 compensation cases for Holocaust survivors among German Sinti and Roma, without distinction between the two groups. According to estimates by the European Union, Sinti and Roma are the minority in Europe subject to the most discrimination and stigma. The European Parliament has labelled anti-Gypsyism a specific form of racism. This affects German Sinti and Roma without distinction, just as in recent decades it affected immigrant Roma from the countries of southern Europe, and we must all work together to eradicate it.

II Article 4 of the Framework Convention

1. Legislative and institutional framework against discrimination

The Advisory Committee calls on the German authorities to review the impact in practice of the General Equal Treatment Act with a view to strengthening it in order to ensure that it provides effective protection against discrimination. Such a review should encompass inter alia the fields of law covered by the Act, the actors subject to its provisions, the impact of exceptions on its effectiveness in practice, and the representation of victims in court, including the possibility of bringing representative or collective actions.

The Advisory Committee strongly encourages the authorities to continue supporting efforts to raise the awareness both of the general public and of legal professionals to the contents of the General Equal Treatment Act and the avenues of redress available to victims of discrimination, including when such discrimination was committed by public actors.

The Advisory Committee reiterates its call on the authorities to consider broadening the powers of the Federal Anti-Discrimination Agency so that it can act more effectively against discrimination. It also calls on them to ensure that the Agency has sufficient resources to allow it to carry out its duties effectively. (Nos. 26 - 28)

The fight against discrimination against Sinti and Roma is on two levels: victim counselling and support, and awareness-raising and public relations work. The Federal Anti-Discrimination Agency is the coordinating body for this. There are also structures in place at federal state level.

It must be pointed out that the tools provided by these agencies intended to protect

Sinti and Roma from discrimination are not sufficient. Complaints and claims of discrimination are seldom submitted. The anti-discrimination offices recognize the problem of anti-Gypsy discrimination, but have little contact with everyday forms of anti-Gypsyism, which makes it difficult for them to develop proactive measures aimed at preventing and fighting anti-Gypsy discrimination. There is a lack of effective cooperation between the independent counselling services that are closer to the individuals affected and the government anti-discrimination agencies. Contact and cooperation is often limited to organizing events or workshops to raise awareness of anti-Gypsyism. There is little or no cooperation to fight anti-Gypsy discrimination at individual case level.

Most counselling services are lacking sensitivity, which means that even recognizing and acting in cases of discrimination can only take place on a limited basis. The focus of funding for counselling services and anti-discrimination offices also means that the emphasis is currently on reactive measures for the social integration of EU migrants, while measures aimed at preventing discrimination are neglected.

Despite many campaigns raising awareness of the existence of the anti-discrimination offices, the reality is that the vast majority of the population does not know that these offices exist. In addition, there is a lack of knowledge not just among laypeople, but also among legal experts of the protection options derived from the General Equal Treatment Act. Not only should the General Equal Treatment Act play a more prominent role in the core syllabus for legal professionals (degree courses and legal training); staff of public authorities should also be provided with more information on the topic in training courses.

2. Equality data

The Advisory Committee encourages the authorities to make appropriate use of existing data to assist them in designing measures to promote the full and effective equality of persons belonging to national minorities. It further invites them to seek additional means of gathering reliable quantitative and qualitative equality data with respect to the access to rights of persons belonging to national minorities, while fully respecting international standards on the protection of personal data. (No. 32)

Reference is made to the comments in Recommendation 4 of the Committee of Ministers.

3. Institutional and legal framework for the protection and promotion of



minority rights

The Advisory Committee welcomes recent efforts made by certain Länder to provide a clearer and more secure legal framework for their work on issues of concern to Sinti and Roma. It notes with interest in this regard the Treaty signed in November 2013 between the authorities of the Land of Baden-Württemberg and the Baden-Württemberg Association of German Sinti and Roma, which came into effect in January 2014. It also notes with interest the signing in March 2014 of a framework agreement between the government of Hesse and the Hesse Association of German Sinti and Roma.

The Advisory Committee encourages the authorities to ensure that where minorities are granted constitutional recognition, this is done without arbitrary distinctions. German Sinti and Roma should in particular be recognized on an equal footing with other national minorities. (Nos. 35 and 37)

[Comment on margin note 35:

The Central Council welcomes the fact that the implementation of the obligations resulting from the ratification of the Framework Convention has resulted in the signing of state treaties, framework agreements and joint declarations between numerous federal states and regional associations of German Sinti and Roma. On 2 May 2017, Minister-President Bodo Ramelow and the chairman of the Central Council of German Sinti and Roma, Romani Rose, signed a joint declaration on cooperation between the federal state government and the Central Council of German Sinti and Roma. If a Thuringia Association of German Sinti and Roma is established, this joint declaration is to be renewed to include this association. On 22 November 2017 the Hesse state parliament signed a state treaty with the Hesse Association of German Sinti and Roma for the first time. This transferred the preceding framework agreement between the regional association and the Hesse state parliament, signed on 12 March 2014, into a state treaty. The annual institutional funding of the Hesse Association of German Sinti and Roma by the federal state of Hesse was increased from €200,000 to €300,000. The state treaty also includes the establishment of a joint committee with representatives of the Hesse state government and the regional association, with the task of evaluating the implementation of the targets of the state treaty and discussing current issues affecting the minority and the majority population. A state treaty was also signed on 20 February 2018 between the Free State of Bavaria and the Bavarian Association of German Sinti and Roma which replaced the joint

declaration in place until then. Signing the treaty puts the benefits so far provided by the Free State voluntarily on a legally binding footing, and adjusts these benefits to meet actual needs.

The Central Council welcomes the fact that the federal state of Brandenburg signed a joint declaration on confronting the past, remembrance and cooperation with the Berlin-Brandenburg Association of German Sinti and Roma on 1 October 2018. The agreement implements the motion "Sinti und Roma – Gedenken und Handeln gegen Diskriminierung" (Commemorating Sinti and Roma and fighting discrimination) tabled by the SPD (Social Democratic Party of Germany), DIE LINKE (The Left) and Bündnis 90/DIE GRÜNEN (Alliance 90/The Greens) parliamentary groups which was passed unanimously in the Brandenburg regional parliament in September 2017. Negotiations are currently under way in Berlin for a state treaty aimed at protecting the rights of Sinti and Roma more effectively. The basis for this is the coalition agreement between SPD, DIE LINKE and Bündnis 90/DIE GRÜNEN for 2016–2021. The regulation is to encompass both the national minority of German Sinti and Roma and the immigrant Roma population in Berlin. The Berlin Senate requested the Central Council of German Sinti and Roma to coordinate the negotiations on what an agreement would be required to include on the part of the organizations involved, and to chair the process.

The Hamburg Sinti Association reports that the topic was in the public eye due to a debate in the Hamburg Parliament on 26 April 2016 resulting from a major interpellation by the DIE LINKE parliamentary group on the topic of confronting the discrimination against Sinti and Roma in Hamburg since 1945. There has been no concrete result as yet. The regional association regrets this and continues to work towards a state treaty. The work of the Hamburg regional association has as yet received no institutional funding. It is financed exclusively with ESF project subsidies and therefore enjoys no long-term security.

The Rhineland-Palatinate Association of German Sinti and Roma is working towards signing a state treaty based on the framework agreement signed with the state parliament in 2005, with the aim of making the implementation of the framework agreement in Rhineland-Palatinate more binding. The association notes that this is particularly necessary in regard to education, both in terms of information and education work with the majority population and its institutions, and for cultural promotion within the minority.

The North Rhine-Westphalia Association of German Sinti and Roma is also lobbying its state parliament to enter into an agreement under public law on this topic. To this end, the regional association contacted the Minister-President of North Rhine-Westphalia and the CDU (Christian Democratic Union of Germany), SPD (Social



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Democratic Party of Germany), FDP (Free Democratic Party) and DIE GRÜNEN (the Greens) with a new initiative.

Comment on margin note 37

The Central Council regrets that when inserting the anti-racism clause in the constitution of the federal state of Brandenburg at the end of 2013, which was explicitly welcomed by the chairman of the Central Council of German Sinti and Roma, Romani Rose, during the public hearing on the bill, no constitutional recognition of Sinti and Roma, who have lived in Brandenburg for centuries, was included, and that Brandenburg continues only to recognize explicitly the rights of the Sorbian minority.

Generally, the Central Council calls for the protection of national minorities to be anchored in the constitution, irrespective of international or European agreements and provisions. The Central Council considers the initiative by the SPD parliamentary group and SSW (South Schleswig Voters' Association) deputies to work towards a Bundesrat initiative for the addition to the Basic Law of an article to protect the four autochthonous minorities living in the Federal Republic of Germany to be an important step towards ensuring the collective protection of the four autochthonous minorities. In times when minority protection is increasingly called into question, the state must acknowledge this as a task for society as a whole and therefore a constitutional requirement. Racist discrimination, which already spurred on the Central Council to call for the constitutional guarantee of minority rights in the 1990s, continues to exist, which means that it is necessary to create further possibilities for effective legal protection.

4. Promotion of full and effective equality of Sinti and Roma

The Advisory Committee urges the authorities to ensure that efforts to promote the effective equality of Sinti and Roma take an evidence-based approach focusing on targeted measures to overcome barriers to equality. Benchmarks enabling the impact of measures taken to be evaluated should be set and the measures to be adjusted as necessary on the basis of such evaluations, in full consultation with representatives of Sinti and Roma. (No. 42)

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



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E. Concluding remarks

The competent authorities at federal and federal state level will look into the critical comments expressed by the representatives of the national minorities and will report on further progress in the next Report. Continued efforts will be made to further implement the Framework Convention.