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

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**OPINION ON GERMANY  
ADOPTED ON 1 MARCH 2002**

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## EXECUTIVE SUMMARY

Following the receipt of the initial State Report of Germany on 24 February 2000 (due on 1 February 1999), the Advisory Committee commenced the examination of the State Report at its 7<sup>th</sup> meeting on 6-9 June 2000. In the context of this examination, a delegation of the Advisory Committee visited Germany from 26 to 29 June 2001 in order to seek further information on the implementation of the Framework Convention from representatives of the Government as well as from NGOs and other independent sources. The Advisory Committee adopted its opinion on Germany at its 13<sup>th</sup> meeting on 1 March 2002.

As concerns the implementation of the Framework Convention, the Advisory Committee considers that Germany has made commendable efforts to support national minorities and their cultures, notably through the financial support provided by the Federal authorities and the various measures taken by the *Länder* in the fields of education, media and cultural affairs.

The Advisory Committee finds that there is scope for improvement in the media sector, in particular concerning the development of radio and television programmes for both the Danish and the Frisian minorities. The use of minority languages in relations with administrative authorities appears rather limited and there remain shortcomings in the practical implementation of existing provisions in this respect, notably in areas traditionally settled by the Sorbs.

Despite legal requirements to display topographical indications in the Sorbian language in areas traditionally inhabited by the Sorbs, the rate of changing monolingual to bilingual signs is progressing too slowly.

In the field of education, the Advisory Committee considers that the persisting threat of closure of schools providing full education in Sorbian needs to be given serious consideration so as to secure the long-term future of the historic network of Sorbian schools. The current situation of the Frisian language in the educational system also merits being reviewed in order to reinforce it.

There is deep concern about the forced dissolution of a municipality with a Sorbian identity in order to allow lignite quarrying to continue. The forced dissolution is likely to make the preservation of the Sorbian minority identity more difficult due to the population displacement involved.

Despite valuable efforts, the implementation of the Framework Convention has not been fully successful for the Roma/Sinti. It is important that the *Länder's* various methods of collecting criminal data of an ethnic nature are reviewed to ensure full compliance with the principles laid down in Article 3 of the Framework Convention. Problems persist with regard to attitudes of rejection or hostility towards persons belonging to the Roma/Sinti minority and substantial efforts are needed to ensure the effective participation of this minority particularly in cultural, social and economic life.

The Advisory Committee is of the opinion that additional efforts are needed in terms of the integration policy for immigrants, inter alia in the field of equality of opportunity in education and language promotion. It notes that children of Roma/Sinti, migrants and immigrants are over-represented at lower secondary schools and special schools for under-achievers and correspondingly under-represented at intermediate and grammar schools. The Advisory Committee is concerned by this state of affairs and considers that this merits close attention in order to ensure that effective measures are taken to tackle these problems.

## **I. PREPARATION OF THE CURRENT OPINION**

1. Germany's initial State Report (hereinafter: the State Report), due on 1 February 1999, was received on 24 February 2000. The Advisory Committee commenced examination of the State Report at its 7<sup>th</sup> meeting, on 6 - 9 June 2000.
2. In the context of this examination the Advisory Committee identified a number of points on which it wished to obtain fuller information. A questionnaire was therefore sent to the German authorities on 23 January 2001. The Government's reply to this questionnaire was received on 19 March 2001.
3. Further to an invitation from the German Government, and in accordance with rule 32 of Committee of Ministers Resolution (97) 10, a delegation of the Advisory Committee visited Germany from 26 to 29 June 2001 in order to obtain supplementary information from representatives of the Government, NGOs and other independent sources on the implementation of the Framework Convention. In preparing this opinion the Advisory Committee also consulted a range of written materials from various Council of Europe bodies, other international organisations, NGOs and other independent sources.
4. The Advisory Committee subsequently adopted this opinion at its 13<sup>th</sup> meeting on 1 March 2002 and decided to transmit it to the Committee of Ministers<sup>1</sup>.
5. The present opinion is submitted pursuant to Article 26 (1) of the Framework Convention, according to which, in evaluating the adequacy of the measures taken by the Parties to give effect to the principles of the Framework Convention, "the Committee of Ministers shall be assisted by an advisory committee", as well as pursuant to Rule 23 of Resolution (97) 10 of the Committee of Ministers, according to which the "Advisory Committee shall consider the state reports and shall transmit its opinion to the Committee of Ministers".

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<sup>1</sup> The Advisory Committee decided, at its 12<sup>th</sup> meeting on 30 November 2001, to introduce certain changes to the structure of its opinions. It decided to discontinue the practice of submitting "Proposals for conclusions and recommendations by the Committee of Ministers" (Section V of the earlier opinions) and to introduce a new section IV, entitled "Main findings of the Advisory Committee". The Advisory Committee also decided to submit its "Concluding remarks" in Section V instead of Section IV. These changes are effective as from 30 November 2001 and they apply to all subsequent opinions adopted in the first monitoring cycle. These changes have been made in the light of the first country-specific decisions on the implementation of the Framework Convention adopted by the Committee of Ministers in October 2001.

## II. GENERAL REMARKS

6. While pointing out that the State Report was submitted approximately one year late, the Advisory Committee commends the great care taken by the German authorities to include information not only on legislation but also on relevant practice. The Advisory Committee also appreciates the fact that the State Report gives details of the differences that exist between the *Länder* in respect of legislation and practice relating to national minorities, although few figures are given on financial support provided by the Federal State and the *Länder* to organisations representing minorities.

7. The Advisory Committee obtained a fuller and clearer picture of the situation from the Government's written reply to the questionnaire and from the numerous meetings organised during the above-mentioned visit to Germany - including in the *Land* of Brandenburg and in the Free State of Saxony - particularly with representatives of national minorities. The Advisory Committee considers that the visit organised at the invitation of the German Government provided an excellent opportunity to strike up a direct dialogue with representatives of various sources.

8. The Advisory Committee welcomes the German Government's consultation of *Länder* and representatives of national minorities during the preparation of the State report and takes note of the co-operative spirit in which Germany participated in the process leading to the adoption of the present opinion. The Advisory Committee warmly welcomes the German Government's decision to organise periodical conferences with representatives of national minorities on the implementation of the Framework Convention and encourages it to continue its efforts to improve awareness of the Framework Convention, its explanatory report and the rules concerning its monitoring at the international level, including through publication and dissemination of the State Report and other relevant documents.

9. In the following part of the opinion, it is stated in respect of a number of articles that, based on the information currently at its disposal, the Advisory Committee considers that implementation of the article at issue does not give rise to any specific observations. This does not mean that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Indeed, the Advisory Committee considers that the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may, in the light of the recent entry into force of the Framework Convention, be considered acceptable at this stage but that need not necessarily be so in further monitoring cycles. Finally, it may be the case that issues that appear at this stage to be of relatively minor concern, prove over time to have been underestimated.

### **III. SPECIFIC COMMENTS IN RESPECT OF ARTICLES 1-19**

#### **Article 1**

10. The Advisory Committee notes that Germany has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

#### **Article 2**

11. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

#### **Article 3**

12. The Advisory Committee notes that upon signing the Framework Convention Germany made the following declaration and subsequently renewed it in the instrument of ratification: "The Framework Convention contains no definition of the notion of national minorities. It is therefore up to the individual Contracting Parties to determine the groups to which it shall apply after ratification. 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 be applied to members of the ethnic groups traditionally resident in Germany, the Frisians of German citizenship and the Sinti and Roma of German citizenship".

13. The Advisory Committee underlines that in the absence of a definition in the Framework Convention itself, the Parties must examine the personal scope of application to be given to the Framework Convention within their country. The position of the German Government is therefore deemed to be the outcome of this examination.

14. Whereas the Advisory Committee notes on the one hand that Parties have a margin of appreciation in this respect in order to take the specific circumstances prevailing in their country into account, it notes on the other hand that this must be exercised in accordance with general principles of international law and the fundamental principles set out in Article 3. In particular, it stresses that the implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions.

15. For this reason the Advisory Committee considers that it is part of its duty to examine the personal scope given to the implementation of the Framework Convention in order to verify that no arbitrary or unjustified distinctions have been made. Furthermore, it considers that it must verify the proper application of the fundamental principles set out in Article 3.

16. The German authorities consider that members of a national minority who live outside the minority's traditional settlement area are also entitled in principle to protection under the Framework Convention. The Advisory Committee agrees with and welcomes this approach.

17. Apart from the groups identified by the German authorities as being covered by the Framework Convention, in their reply to the questionnaire and in the course of interviews with

the Advisory Committee, the German authorities reported the existence of other groups that they do not consider, at this stage, to be covered by the Framework Convention<sup>2</sup>. In this context they referred in particular to the large number of groups living in Germany and indicated that “about 7.49 million persons are non-citizens”. In particular, the Advisory Committee notes that, according to official statistics, several groups of non-citizens made up of hundreds of thousands of people were residing in Germany on 31 December 1999<sup>3</sup>. While noting that there was little knowledge of the Framework Convention among groups that are not considered to be covered by this instrument, the Advisory Committee received no claims by any other group, including citizens and non-citizens, to be considered a national minority under the Framework Convention.

18. The Advisory Committee is of the opinion that it would be possible to consider the inclusion of persons belonging to other groups, including citizens and non-citizens as appropriate, in the application of the Framework Convention on an article-by-article basis. It takes the view that the German authorities should consider this issue in consultation with those concerned at some appropriate time in the future. This has particular significance in the context of the citizenship legislation (see related comments under Article 6, in paragraph 40 below).

19. The Advisory Committee notes that in principle the *Länder* have stopped mentioning ethnic characteristics in criminal investigation procedures and that Bavarian authorities have very recently decided to replace the personal description form they have been using until now. The Bavarian police have used a personal description form<sup>4</sup> of the suspect containing such details as “*Ostpreussisch*” (East Prussian), “*Westpreussisch*” (West Prussian) or “*Negroid*” (negroid). Such a description form also included physical qualifications such as “full breasted”. Another heading read “*Sinti/Rom*” and the police were trained to fill in these details based solely on the suspect’s physical appearance, without the suspect having a say in the matter and without his or her consent being requested. While all the other *Länder* had stopped using this form, the Bavarian authorities took the view, until recently, that crime prevention constraints obliged them to maintain “*Sinti/Rom*” in their data base as a classification for those charged with a criminal offence. The Advisory Committee notes, however, that in one respect, the *Land* of Bavaria did cease, in 1998, its systematic regional collection of data concerning Roma/Sinti, namely in relation to the movements of vagrants<sup>5</sup>.

20. The Federal Government points out that criminal data recording techniques differ from one *Land* to another because crime prevention is the responsibility of the *Länder*.

21. It is to be noted that under Article 3 of the Framework Convention every person belonging to a national minority has the right freely to choose to be treated or not to be treated as such, and no disadvantage must result from that choice. The Advisory Committee is deeply concerned by the fact that police practice in Bavaria regarding the use of a personal description form, has permitted any suspect questioned by the police to be classified as belonging to an ethnic group without the person’s permission and without them even being informed, which

<sup>2</sup> In this context, the Advisory Committee notes the historical presence of certain groups in Germany, including a group of Poles.

<sup>3</sup> According to the latest statistics provided by the Federal Ministry of the Interior, there were 1,856,000 citizens from EU States, 2,053,000 Turkish citizens, 737,000 citizens of the Federal Republic of Yugoslavia, 291,000 Polish citizens, 214,000 Croat citizens as well as a number of other less large groups of non-citizens residing in Germany on 31 December 1999. In the context of this opinion, the term “non-citizens” is used to designate persons not holding German citizenship, without implying that these persons do not hold any other citizenship.

<sup>4</sup> “*Beschreibungsblatt*”

<sup>5</sup> « *Information Landfahrerbewegung –ILAN* »

does not guarantee the above-mentioned freedom of choice. The Advisory Committee notes that several representatives of Roma/Sinti in Germany clearly opposed this police practice in Bavaria and the Advisory Committee considers that such a practice is not compatible with Article 3 of the Framework Convention. Such a practice raised questions from the point of discrimination (see related comments under Article 4) as it seems to have mainly focussed on Roma/Sinti. The Advisory Committee therefore notes with satisfaction the information made available to it by the Federal Ministry of Interior after its visit to Germany, according to which the Bavarian authorities very recently decided to completely revise the personal description form at issue, including by removing the qualification “*Sinti/Rom*” from it, and to make the revised form available to Bavarian police as soon as possible. More generally, the Advisory Committee considers that the Federal and *Länder* authorities should review the *Länders*’ various methods of collecting criminal data of an ethnic nature in order to ensure that they are fully compliant with the principles laid down in Article 3 of the Framework Convention.

#### Article 4

22. The Advisory Committee notes that the principles of equality and non-discrimination are guaranteed in all the *Länder* through Article 3 of the Basic Law, which stipulates in particular that nobody should be discriminated against or privileged because of their gender, descent, race, language, national or social origin or religious or political beliefs. In certain *Länder*, additional constitutional provisions have been included to strengthen the prohibition of discrimination. Furthermore, the German Criminal Code contains numerous provisions penalising incitement to racial hatred or xenophobia, insults to religious convictions or the dissemination of propaganda by unconstitutional organisations. The principle of non-discrimination is also contained in different laws and regulations dealing with specific aspects of civil and administrative law; however, as ECRI points out in its second report on Germany, there is a lack of legislative provisions at the Federal level against racial discrimination in key areas of public life, such as housing, education, health, employment and the provision of goods and services.<sup>6</sup> In this respect the Advisory Committee welcomes the fact that the German authorities stated in their reply to its questionnaire that transposing the European Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin was one of their preoccupations and that comprehensive national anti-discrimination legislation, covering the civil and labour law fields in particular, was already on the drawing board. The Advisory Committee hopes that this work will be successfully completed in the near future. It also hopes that it will open up a wide public debate on combating all forms of discrimination, by public authorities or private entities and lead to the adoption of further measures to fight discrimination (see related comments under Article 6).

23. The Advisory Committee notes that in Germany official statistical data on the ethnic and linguistic breakdown of the population have not been collected since the second world war. It notes that there is a broad consensus in the country against the keeping of ethnic data. This is the result of the misuse of ethnic data during the Nazi period that facilitated the Holocaust. When it comes to estimating the number of members of a national minority the German authorities can base their estimations on various factors, such as the number of persons who are members of organisations representing minorities, or the number of pupils attending schools for minorities. In the absence of reliable statistics on national minorities and in spite of the fact that the figures used by the Government are not particularly challenged by the national minorities themselves, it

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<sup>6</sup> See the second report on Germany of the European Commission against Racism and Intolerance (ECRI), adopted on 15 December 2000, paragraph 12.



can sometimes be difficult for the German authorities to monitor and take effective measures and for international monitoring bodies to ensure that Germany is honouring its commitments under the Framework Convention. The Advisory Committee therefore considers that the Government should seek means of obtaining more reliable statistics on national minorities<sup>7</sup>. If, in view of the historical context and the particularly sensitive nature of this information for persons belonging to national minorities, exhaustive statistical data pertaining to national minorities cannot be collected, other methods should be used, with the co-operation of the national minorities, such as estimates based on *ad hoc* studies, special surveys, polls or any other scientifically sound method (see also comments under Article 15). This data should be broken down by age, gender and location.

24. The lack of good statistical data makes it difficult for the German authorities to ensure that the full and effective equality of national minorities is promoted effectively. One example is where the German authorities state that they have no statistical data enabling them to evaluate the unemployment rate for each national minority or more elaborately broken down by age, gender, or geographical differentials. The authorities assume that, in principle, membership of a national minority has no impact on a person's economic, social or cultural status. The Advisory Committee notes, however, that evidence presented to it indicates that members of the Roma/Sinti minority, in particular, find it significantly more difficult than the rest of the population to find work. In view of the preceding paragraph, the Advisory Committee considers that the German authorities should seek better to evaluate the socio-economic situation of persons belonging to this minority and, as appropriate, undertake measures in their favour to promote full and effective equality in the socio-economic field.

## Article 5

25. The Advisory Committee notes that support for national minorities in Germany, mainly in the fields of education and cultural affairs, is primarily the responsibility of the *Länder*. The Federal authorities, however, have special responsibility for the Sorbs under the agreements concluded at the time of the country's reunification, and for the Roma/Sinti, who are scattered all over the country. In principle the financial support granted to persons belonging to national minorities or their associations reflects this division of responsibilities, as the Federal authorities' commitment to the Sorbs and Roma/Sinti is far greater than to other national minorities. Since 2000 the Federal authorities have also provided financial support to the Frisian minority, and from 2001 have supported the Danish minority. In addition to these Federal subsidies the Danes, the Sorbs, the Frisians and the Roma/Sinti receive funds from the different *Länder* in which they reside.

26. The Advisory Committee welcomes the Federal State's substantial financial commitment in favour of the Sorbian minority, notes its smaller financial contribution in favour of the Roma/Sinti minority, and welcomes the new Federal subsidies allocated to the Danish and Frisian minorities. It hopes that the financial contributions of the Federal authorities and the *Länder* will not be reduced in the future. It notes that the financial support granted to the Sorbs is paid through the Sorbian People's Foundation<sup>8</sup>, whose budget is provided jointly by the Federal authorities, the *Land* of Brandenburg and the Free State of Saxony. The role of the Foundation is to support measures or projects to foster the Sorbian language and culture. The Advisory Committee considers that this institution, which it will be referring to again in

<sup>7</sup> See in this context also the second report on Germany of the European Commission against Racism and Intolerance (ECRI), adopted on 15 December 2000, paragraph 32.

<sup>8</sup> "Stiftung für das sorbische Volk"

connection with Article 15, is an interesting solution insofar as it clearly exemplifies co-operation in this field between the Federal authorities and the *Länder*, while at the same time providing a principal partner to whom Sorbian associations seeking to finance their projects can turn.

27. Although it is aware of the division of responsibility in this field between the Federal authorities and the *Länder*, the Advisory Committee points out that representatives of several national minorities informed it that they found the present financial support system very complicated because of the large number of authorities involved. This applies in particular to the North Frisians and the Frisians of the Saterland, who are organised into several associations and traditionally reside in the *Länder* of Schleswig-Holstein and Lower Saxony, while the Roma/Sinti, who are scattered all over Germany, have to deal with a multitude of contacts at the level of the *Länder*, which makes it harder to develop a coherent support policy. The Advisory Committee considers that the German authorities should seek, in co-operation with the national minorities concerned, to simplify and clarify the financial support systems for minority languages and cultures, for example by taking inspiration from the Sorbian People's Foundation.

28. With regard to the support given by the Federal authorities to the Roma/Sinti, the Advisory Committee is of the opinion that the German Government should make sure that all financial requests made by the different organisations representing persons belonging to this minority group are given careful consideration.

29. The main lignite mines in the *Land* of Brandenburg are located in Lower Lusatia, the traditional home of the Sorbs. In the past the populations of certain villages there were forced to leave their homes to make way for lignite quarries, so a large number of Sorbs were affected by these measures. Their resettlement and dispersal made it more difficult to preserve their traditional identity, and social pressure in favour of their assimilation increased.

30. In this context, the Advisory Committee is deeply concerned at current population displacement, triggered by the dissolution of the municipality of Horno, approximately a third of whose population belong to the Sorbian minority. The displacement of this population and the demolition of houses, church and school of this community is aimed at allowing lignite quarrying to continue in the region. According to the information acquired by the Advisory Committee by the Federal authorities and the *Land* of Brandenburg, the proposed displacement is imminent.

31. The Advisory Committee notes that, in a decision dated 25 May 2000, the European Court of Human Rights declared inadmissible an application lodged by several Sorbian inhabitants of the municipality of Horno who objected to its dissolution to allow lignite quarrying to continue. The Court did, however, note the serious nature of the impugned interference in the lives of the Sorbs of Horno and expressly emphasised the need for special protection of persons belonging to this minority, as stated in Article 25 of the Constitution of the *Land* of Brandenburg, which establishes the right of the Sorbian people to the protection, preservation and maintenance of their national identity and their original settlement area.

32. The Advisory Committee recalls that Article 5 of the Framework Convention requires the Parties to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity. As the forced dissolution of municipalities in which members of national minorities traditionally reside is undeniably likely to make the preservation of their identity more difficult, it is essential,

for such an action to be compatible with Article 5 of the Framework Convention, that it is taken only as a last resort, when there is no alternative. In the case of the municipality of Horno, where all the legal channels - national and international - have been exhausted, the Advisory Committee considers it to be indispensable that the German authorities make sure that the Sorbian inhabitants concerned can continue to enjoy the rights and facilities they have enjoyed thus far in the cultural and linguistic field. It is also essential that the Sorbian character and culture is clearly visible in the municipality of Forst where the majority of the inhabitants will be resettled. In order to avoid such situations in the future, the Advisory Committee expects that the German authorities will pay due heed to Article 5 of the Framework Convention when weighing any public interest against the legitimate aspirations of the Sorbian people to maintain their culture and preserve their identity.

## Article 6

33. In the light of what it was told during its visit to Germany and the information it received, the Advisory Committee considers that, in general, persons belonging to the Danish, Frisian and Sorbian minorities live in good harmony with their fellow citizens and are considered as fully-fledged members of the German population. The representatives of the Roma/Sinti minority, on the other hand, still report attitudes of rejection or hostility towards them, on the part of certain authorities and of the population in general. In order to remedy this situation, the Advisory Committee considers that the German authorities should intensify their efforts to enhance awareness of minority cultures in numerous areas, particularly in education.

34. In the media field the Advisory Committee notes the continued presentation of news in a manner likely to reinforce the stereotypes associated with the Roma/Sinti. It is true that the German Media Authority strengthened its rules in 1994 by undertaking not to mention that suspects belong to a particular religious or ethnic minority unless that information is reasonably necessary to the understanding of the case. It seems, however, in the light of credible information provided by Roma/Sinti representatives, that self-regulation in the German media does not prevent certain newspapers, when reporting on criminal offences, from mentioning suspects' ethnic origin when they belong to the Roma/Sinti community, thereby contributing to the prevailing clichés. The Advisory Committee notes with concern that in some cases the information on ethnic origin actually comes directly from police sources, which merely encourages the newspapers to use it. As mentioned in the State Report, however, the authorities in the *Länder* have ordered all reference to membership of a particular population group to be omitted from official press releases, except in cases where this would hinder public understanding of the facts reported. The Advisory Committee considers that the German authorities should make sure that this rule is applied in practice. They should also encourage the media to follow their own rules of professional ethics to the letter<sup>9</sup> and to review the effectiveness of complaints procedures they have established.

35. The Advisory Committee notes that there exists limited state support for media intended for other groups, including non-citizens, and encourages the authorities to consider any further support and development of these facilities.

36. The Advisory Committee recognises that funding is provided for cultural and educational facilities for many groups, including non-citizens. The Advisory Committee, nevertheless, notes

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<sup>9</sup> See in particular restrictions to the diffusion of information pertaining to ethnic origin of persons under suspicion as provided for by Directive 12.1 on protection from discrimination as amended in September 1994

that children of Roma/Sinti, migrants and immigrants are over-represented at lower secondary schools and special schools for under-achievers and correspondingly under-represented at intermediate and grammar schools. The Advisory Committee is concerned by this state of affairs which merits close attention, in order to ensure that effective measures are taken to tackle these problems.

37. Information from various sources refer to cases of discrimination in the field of housing, difficulties in access to employment as well as discriminatory practices with respect to rates of remuneration in certain sectors, notably in the construction industry. Non-citizens and migrant workers are most often the victims of such discrimination. In this context, the Advisory Committee refers to its earlier comments on the necessity to set up a complete legislative framework to fight against all forms of discrimination, as well as effective remedies to obtain compensation for damages (see related comments under Article 4).

38. The Advisory Committee notes that in their reply to the questionnaire the German authorities report a marked increase in the number of crimes of an extremist, xenophobic and anti-Semitic nature in 2000 compared with the previous year. These crimes are primarily targeted at non-citizens of non-European origin who live in Germany, but sometimes also at certain Roma/Sinti.

39. The Advisory Committee notes with satisfaction the fact that the authorities openly recognise the importance of the problem. Whereas this development can be explained in part by increased public awareness of such acts, greater confidence in reporting crimes and the introduction of new criminal law provisions on racist propaganda on the Internet, the problem is nevertheless particularly worrying and requires a vigorous response from the authorities. The Advisory Committee welcomes the determination displayed by the German Government to continue to make the battle against these offences a priority, and encourages it to pursue and even strengthen its strategy of counter-measures, including an additional effort in its integration policy. The Advisory Committee considers it important that the authorities step up their integration policy and deploy the necessary means to implement the measures they announced in the field of equality of opportunity in education for immigrants, or language promotion, for as they themselves acknowledge, integration measures are essential in order to combat racism, xenophobia and discrimination effectively.

40. In the context of enhancing integration measures, the Advisory Committee welcomes the improvements offered by the new Act amending citizenship law, which entered into force on 1 January 2001. This new act provides for children born in Germany of foreign parents to acquire German nationality and substantially shortens the minimum length of residence required before non-citizens can be naturalised. These more flexible provisions can but facilitate the integration into German society and therefore to contribute to the aims of Article 6 of the Framework Convention. However, it seems that naturalisation rates remain significantly less than expected (the requirement that dual citizenship is in principle not permitted, alongside a number of other criteria, may still constitute major obstacles to acquiring German citizenship). In this context the Advisory Committee encourages the German authorities to analyse the reasons that may discourage people from making greater use of the possibilities under the new act and encourages the authorities to take whatever measures may be appropriate. The lack of citizenship may constitute a real obstacle to fuller integration, including participation in political life. It should be noted that not all non-citizens wish to obtain German citizenship, in particular citizens from EU states, and a number of non-citizens are not in a position to obtain it. Nevertheless, the Advisory Committee considers that by remedying the reasons discouraging people from making

greater use of the new above-mentioned possibilities, the German authorities would enhance the prospect for a higher number of non-citizens to be granted German citizenship over time and notes that this future evolution needs to be taken into account (see related comments under Article 3, in paragraph 18 above).

#### **Article 7**

41. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

#### **Article 8**

42. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

#### **Article 9**

43. While the Danish minority has its own bilingual daily newspaper and the Sorbian minority several publications in Sorbian, it would seem that very few news publications in Frisian carry articles for the Frisians of the Saterland and the North Frisians. Whereas publications in the Roma language run contrary to the approaches of the Sinti, certain Roma organisations publish information through circulars in Roma.

44. In the State Report the German authorities point out that the *Länder* are responsible for regulating broadcasting and that the use made of the media by persons belonging to national minorities is proportional to their number and their economic and practical possibilities. The Advisory Committee notes, however, that in the electronic media the situation of each of the four national minorities is quite different, and that the differences are not explained solely by the numbers and the economic and practical possibilities of the groups concerned.

45. The Advisory Committee is aware of the constitutional and legal limits that prevent the Federal authorities from directly financing programmes specially for national minorities. It notes, however, that the Sorbian People's Foundation can support Sorbian media, which means that the Federal authorities and the *Länder* concerned also contribute directly through their general subsidies to the Foundation. The Advisory Committee considers that similar solutions are worth examining for the other national minorities.

46. While public radio and television seem to offer a wide range of programmes in Sorbian for the Sorbs in their traditional settlement areas, the same cannot be said of the Danish minority. It is true that television programmes broadcast in Denmark can be received in part of the *Land* of Schleswig-Holstein, and that they occasionally deal with subjects of interest to the Danish minority living in Germany. However, apart from a pilot project, no television programmes are produced in Germany for the Danish minority, and only one private radio in Schleswig-Holstein broadcasts a daily news programme in Danish. The Advisory Committee notes that there is keen interest in such programmes among the Danish minority, who consider the programmes produced in Denmark insufficient to cover their needs. The Commissioner responsible for minority issues to the Minister-President of the *Land* of Schleswig-Holstein supports this request from the Danish minority, which she considers justified. The Advisory Committee therefore considers that the competent authorities should re-examine the needs of

persons belonging to the Danish minority in terms of radio and television programmes and the possibility of supporting the creation of programmes aimed specially at this minority.

47. For the Frisians there are at present no television programmes in Frisian and the public radio *Norddeutscher Rundfunk* broadcasts only one three-minute programme per week in North Frisian. The Advisory Committee notes that the representatives of the Frisian minority expressed the desire to have more radio and television programmes in their language. As many Frisians do not speak Frisian as their first language, they feel that Frisian needs to be given a higher profile in the media in order to strengthen the language and prevent its decline. The Advisory Committee is therefore of the opinion that the German authorities should envisage the possibility of increasing the presence of Frisian in the media.

#### **Article 10**

48. As concerns Article 10 paragraph 2, the Advisory Committee notes that the use of minority languages in relations with administrative authorities is rather limited. The German authorities explain in the State Report that this state of affairs is often due, *inter alia*, to the relatively small percentage of persons belonging to national minorities in administrative districts where they reside traditionally. However, the Advisory Committee observes that Article 10 paragraph 2 also applies to such situations provided persons belonging to national minorities traditionally inhabit the areas concerned, if there is a request by such persons and if such a request corresponds to a real need.

49. The Advisory Committee notes that the Danes, the Frisians and the Sorbs are keen in developing the use of minority languages in official dealings. In this respect the fact that persons belonging to national minorities also have a command of the German language is not decisive as the effective use of minority languages remains essential to consolidate the presence of those languages in the public sphere.

50. The Advisory Committee therefore welcomes the decision taken by the Parliament of the *Land* of Schleswig-Holstein in October 2000. According to this decision, efforts in recruiting civil servants at *Land* and local level must primarily focus on those proficient in minority languages when this is deemed necessary for the performance of their concrete duties and municipalities are encouraged to put up signs “Danish and/or Frisian spoken” on the office doors of their employees. Similar measures could certainly be envisaged in other *Länder*.

51. In the German-Sorbian areas, both German and Sorbian are allowed in relations with the administrations of the *Land* and local authorities under Sections 9 and 11 of the Saxon Sorbs Act and Section 23 of the Administrative Procedure Act of the *Land* of Brandenburg. However, credible reports made to the Advisory Committee reveal shortcomings in the practical implementation of these provisions, in particular in areas traditionally settled by the Sorbs in the Land of *Brandenburg* where linguistic skills would very often be overlooked in public competitions and recruitment of civil servants. In this context, it seems for instance that Employment Offices do not take account of Sorbian proficiency when it comes to drawing up the profile of unemployed people they have to place. Under these circumstances, the Advisory Committee is of the opinion that the German authorities should make sure that existing legal provisions concerning the use of Sorbian in official dealings are properly implemented in practice and remedy any shortcoming in this field.

## Article 11

52. Regarding Article 11 paragraph 3, the Advisory Committee notes that both Section 10 of the Saxon Sorbs Act and Section 1, paragraph 11 of the Act establishing the rights of Sorbs in the *Land* of Brandenburg, provide that topographical indications must be displayed in the Sorbian language in areas traditionally inhabited by Sorbians. In view of various submissions made to the Advisory Committee during its visit to Germany and in the light of other information made available, it appears that the aforementioned legal provisions have not yet been entirely put into practice, particularly by the local authorities. The situation seems less satisfactory in the *Land* of Brandenburg where the Advisory Committee's attention was drawn to the fact that monolingual signs were only being replaced by bilingual ones at a very slow rate and that the whole operation could take several more years.

53. The Advisory Committee notes that the authorities stated that the main reason for the reluctance of certain municipalities to adopt bilingual signposting is a financial one since it is up to each of the public authorities concerned (Federal authorities, *Land* or municipality) to cover the costs of replacing signposts on sites for which they have responsibility. The Advisory Committee was informed by the authorities that the financial implications of bilingual signposting might at least partly explain the reluctance of some of the municipalities in the *Land* of Brandenburg to declare themselves a part of the area traditionally inhabited by Sorbians in accordance with Section 1, paragraph 3 of the Act establishing the rights of Sorbians in the *Land* of Brandenburg. However the Advisory Committee does not accept this financial argument as appropriate and considers that the German authorities should ensure the full implementation of the legal provisions on bilingual signposting in areas traditionally inhabited by Sorbians.

54. Bilingual signposting for North Frisians in the *Land* of Schleswig-Holstein already seems to be well advanced. The Advisory Committee hopes that it will be completed as quickly as possible wherever it is still necessary.

## Article 12

55. As mentioned above (see the comments on Article 5), education is mainly the responsibility of the *Länder* and so it is largely up to them to promote the culture, history, language and religion of national minorities. The German authorities acknowledge that the culture and language of national minorities is given considerably more exposure in the areas traditionally inhabited by these minorities than in other German regions. The Advisory Committee hopes that the authorities will continue in their efforts to extend the multicultural and multi-ethnic content of school curricula, even in areas outside those traditionally inhabited by national minorities.

## Article 13

56. In the *Land* of Schleswig-Holstein, the education system for the Danish minority is totally private. It comprises a network of schools of varying levels, all managed by the Association of Danish Schools of southern Schleswig. The Advisory Committee welcomes the fact that the *Land* pays, for each child belonging to the Danish minority, a contribution equal to the costs that the child would have incurred in a state school the previous year. The Advisory Committee hopes that this commendable practice will continue. The Advisory Committee notes that this form of financial support by the *Land* authorities for private education may also be used to benefit other national minorities.

57. The Advisory Committee notes however that fears have been expressed that the freeze on the *Land's* financial contribution – said to be warranted in part by the new financial support granted to the Danish minority by the Federal authorities – intended to the Danish minority may threaten the existence of certain Danish primary schools despite the extra subsidies provided by Denmark. In this respect the Danish minority points out that, because of the smaller numbers of pupils, the average cost of a Danish minority class is higher than that of a class in an ordinary state school. The Advisory Committee therefore encourages the authorities to maintain a dialogue with the Danish minority to find an appropriate solution to the problem of funding its education system.

#### **Article 14**

58. Regarding the implementation of Article 14 paragraph 2, the Advisory Committee notes that, in the Free State of Saxony, it is possible to learn Upper Sorbian as a native tongue, a secondary language or a foreign language. In the *Land* of Brandenburg, where fewer people speak Sorbian, Lower Sorbian is taught as a second language or a foreign language.

59. The Advisory Committee notes that a network of schools providing a full education in Sorbian has existed for many decades and, in some schools, for over a hundred years. In the past this network comprised 12 schools but now there are only six as a result of the closures ordered by the authorities in the past. In view of their historical significance, these schools not only have an educational function but also contribute to the expression of Sorbian identity in the areas traditionally inhabited by this minority. Accordingly, the Advisory Committee believes that there are reasons for considerable concern at the decision taken by the Ministry of Education and Culture of the Free State of Saxony to close the 5<sup>th</sup> class of a Sorbian-language secondary school in the municipality of Crostwitz from the beginning of the 2001-2002 school year. It seems that the reason given for the decision was that no more than 17 pupils had enrolled, below the minimum number of 20 pupils required to continue to run a class elsewhere in the Free State of Saxony.

60. The Advisory Committee considers that the minimum requirement of 20 pupils to continue to run a class offering minority language teaching is very high from the point of Article 14 of the Framework Convention. Apart from the fact that the municipality of Crostwitz lies in an area “traditionally” inhabited by Sorbians in the meaning of this provision, it should be stressed that, as well as the parents of the children concerned, the Sorbian Council of the Saxon Parliament, certain municipal authorities and the umbrella association of Sorbians, among others, have expressed strong opposition to the closure, showing that there is sufficient demand for the class to be kept open. In view of these circumstances, the Advisory Committee considers that, in close consultation with representatives of the Sorbian minority, the authorities should urgently review the possibility of keeping the 5<sup>th</sup> class of Crostwitz’s secondary school open. More generally the competent authorities should agree on policies, programmes and resources in conformity with the Framework Convention to secure the long-term future of the historic network of Sorbian schools in the area traditionally inhabited by this minority.

61. Training for teachers required to give teaching of Sorbian language or instruction in Sorbian also seems to pose certain practical problems. This appears to be a particular problem at the Lower Sorbian upper secondary school in Cottbus where only a very small proportion of the teaching staff have a good knowledge of Lower Sorbian. The Advisory Committee welcomes the efforts already made by the authorities in the *Land* of Brandenburg to provide increased in-



service training for teachers and calls for these measures to continue. It also notes that the authorities of the *Land* of Brandenburg and the Free State of Saxony have agreed to centralise further training at the University of Leipzig from 2002 onwards and hence to end the existing further training at Potsdam University. While it welcomes the authorities' desire to co-ordinate their further training, the Advisory Committee feels nonetheless that it is important to take account of the concerns expressed by certain representatives of the Sorbian minority concerning the clear need for Leipzig University to provide adequate training in Lower Sorbian as well.

62. As regards the teaching of Frisian, the Advisory Committee notes that the representatives of this minority consider that the current situation is unsatisfactory. It seems that there are no Frisian schools and that the few hours of Frisian that are taught in state schools are mainly due to the initiative of volunteers. The Advisory Committee considers therefore that the authorities should examine, in consultation with representatives of the Frisian minority, ways of developing and financing more teaching hours of the Frisian language, also at levels beyond primary school.

### Article 15

63. Noting significant differences between national minorities in this respect, the Advisory Committee nevertheless welcomes the various institutional mechanisms intended to facilitate the effective participation of persons belonging to national minorities in public affairs. This is the case *inter alia* of the exemption, for political parties representing national minorities, from the 5% threshold applied in elections to the *Bundestag* and to the parliaments of the *Länder* of Brandenburg and Schleswig-Holstein. Although the Danish minority no longer has a member in the *Bundestag*, the Advisory Committee is pleased to note that a consultative committee for Danes has been set up to offset this lack of direct parliamentary representation. This committee enables the Danish minority to maintain direct links with the Federal authorities.

64. Steps such as the setting up of councils for Sorbian affairs elected from the parliaments of the *Land* of Brandenburg and the Free State of Saxony for the full term of the parliament also contribute to increased participation by national minorities. The same applies for the appointment of a Commissioner for the border region of the *Land* of Schleswig-Holstein, who gives advice to the Minister-President of the *Land* on all matters relating to the Danish minority, the Frisians and the Roma/Sinti. Commissioners for Sorbian affairs have also been appointed by several municipalities in the areas traditionally inhabited by Sorbians and some of these even work on a voluntary basis. The role of these Commissioners is crucial and it is important that the authorities provide them with all the support they need to carry out their duties properly.

65. The Advisory Committee notes that the Sorbian minority has a specific body which helps it to enhance its participation in cultural, social and economic life. Funding for this institution, called the Foundation for Sorbian people, is provided jointly by the Federal state, the *Land* of Brandenburg and the Free State of Saxony. The Advisory Committee considers that this institution makes a highly positive contribution in that it provides a fine example of good co-operation between the Federal authorities and the *Länder* for the benefit of national minorities (see also the comments under Article 5). Seen in this light, it could provide a worthwhile model for other minorities who do not as yet have such a body. The Advisory Committee notes nonetheless that only 6 of the 15 members of the Foundation's governing board are representatives of the Sorbian minority – the others belong to the majority. The Sorbian members therefore represent less than half of the board and have no right of veto, even on fundamental issues. The Advisory Committee considers that the authorities could examine ways

of strengthening the representation of the Sorbian minority in the functioning of the Foundation and in other fora.

66. The Advisory Committee is concerned that substantial efforts need to be made to ensure the effective participation of the Roma/Sinti minority, particularly in economic, social and cultural life and that these measures are carefully monitored with the collection of relevant data for their impact in bringing full and effective equality (see also comments under Article 4). Numerous institutional means of participation have been set up for the Danish, Sorbian and Frisian minorities but this is not yet the case for the Roma/Sinti, although one of their organisations receives Federal funding. Although the Roma/Sinti minority is more geographically scattered than the others, the Advisory Committee is of the opinion that the German authorities should review this matter and consider how to set up much more appropriate structures by which the Roma/Sinti can be regularly consulted in all parts of the Federal State on matters concerning them.

#### **Article 16**

67. The Advisory Committee's attention was drawn to the population displacement triggered by the dissolution of the municipality of Horno, inhabited in part by Sorbs, to allow lignite quarrying to continue in the region. This issue has been dealt with in the comments under Article 5.

#### **Article 17**

68. The Advisory Committee notes a desire, on the part of the Danish minority for the many workers who cross the borders daily, for administrative formalities to be simplified and encourages the German authorities to review this matter.

69. Concerning artists resident in Denmark who perform for events organised by the Danish minority in Germany, the attention of the Advisory Committee was drawn by the Danish minority to some practical taxation difficulties. The Advisory Committee notes that the German authorities are aware of these difficulties and encourages them to continue talks with the Danish minority to solve them.

#### **Article 18**

70. The Advisory Committee welcomes the fact that Germany has concluded bilateral agreements with many countries. The Advisory Committee also notes that Germany has encouraged regional cross-border co-operation as a means of increasing the protection of persons belonging to national minorities.

#### **Article 19**

71. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

#### IV. MAIN FINDINGS AND COMMENTS OF THE ADVISORY COMMITTEE

72. The Advisory Committee believes that the main findings and comments contained below could be helpful in a continuing dialogue between the Government and national minorities, to which the Advisory Committee stands ready to contribute.

##### **In respect of Article 3**

73. The Advisory Committee *finds* that it would be possible to consider the inclusion of persons belonging to other groups in the scope of the Framework Convention on an article-by-article basis and *considers* that Germany should consider the question in consultation with those concerned.

74. The Advisory Committee *finds* that there is reason for concern about the fact that police practice in Bavaria has permitted, until a recent decision, any suspect questioned by the police to be classified as belonging to an ethnic group without the person's permission and without this person even being informed, and that such a practice is not compatible with Article 3 of the Framework Convention. In general it *considers* that the Federal and *Länder* authorities should review the various methods of collecting criminal data of an ethnic nature in order to ensure that they are fully compliant with the principles laid down in Article 3 of the Framework Convention.

##### **In respect of Article 4**

75. The Advisory Committee *finds* that the lack of good statistical data makes it difficult for the German authorities to ensure that the full and effective equality of national minorities is promoted effectively, including as concerns the situation of the Roma/Sinti on the labour market. It *considers* that the authorities should seek means of obtaining more reliable statistical data on persons belonging to national minorities broken down by age, gender and location and in particular seek better to evaluate the socio-economic situation of the Roma/Sinti and, as appropriate, undertake measures in their favour to promote full and effective equality in the socio-economic field.

##### **In respect of Article 5**

76. The Advisory Committee *finds* that the present financial support system is perceived as very complicated by representatives of several national minorities because of the large number of authorities it involves. The Advisory Committee *considers* that Germany should seek, in co-operation with the national minorities concerned, to simplify and clarify the financial support system for minority languages and cultures.

77. The Advisory Committee *finds* that there is reason for deep concern about the forced dissolution of a municipality with Sorbian character aimed at allowing lignite quarrying to continue as such measures are likely to make the preservation of the Sorbian minority identity more difficult due to the population displacement involved. It *considers* that the German authorities should pay due heed to Article 5 of the Framework Convention when weighing any public interest against the legitimate aspirations of the Sorbian people to maintain their culture and preserve their identity so as to avoid such situations in the future.

### **In respect of Article 6**

78. The Advisory Committee *finds* that in general, with the exception of the Roma/Sinti who still report attitudes of rejection or hostility towards them, persons belonging to the Danish, Frisian and Sorbian minorities live in good harmony with their fellow citizens. It *considers* that the German authorities should intensify their efforts to enhance awareness of minority cultures in numerous areas, particularly in education.

79. The Advisory Committee *finds* that self-regulation in the German media does not seem to prevent certain newspapers, when reporting on criminal offences, from mentioning suspects' ethnic origin when they belong to the Roma/Sinti community, this information coming in some cases directly from police sources. The Advisory Committee *considers* that Germany should make sure the existing rules in this field are applied in practice by the competent authorities and encourage the media to follow their own rules of professional ethics and to review the effectiveness of complaints procedures they have established.

80. The Advisory Committee *finds* that children of Roma/Sinti, migrants and immigrants are over-represented at lower secondary schools and special schools for under-achievers and correspondingly under-represented at intermediate and grammar schools. It *considers* that this state of affairs merits close attention, in order to ensure that effective measures are taken to tackle these problems.

81. The Advisory Committee *finds* that the German authorities openly recognise the importance of the problem caused by the marked increase in the number of crimes of an extremist, xenophobic and anti-Semitic nature in 2000 compared with the previous year, those phenomena being apparently primarily targeted at non-citizens of non-European origin who live in Germany but sometimes also at certain Roma/Sinti. The Advisory Committee *considers* that the German Government should pursue and even strengthen its strategy of counter-measures.

82. The Advisory Committee *finds* that additional efforts are needed in terms of the integration policy for immigrants, *inter alia* in the field of equality of opportunity in education and language promotion. It *considers* that the German authorities should pay particular attention to analysing the reasons that may discourage some non-citizens from making greater use of the new possibilities of naturalisation, as the lack of German citizenship may constitute an obstacle to their fuller integration, including their participation in political life.

### **In respect of Article 9**

83. The Advisory Committee *finds* that apart from a pilot project, no television programmes are produced in Germany for the Danish minority, and only one private radio in Schleswig-Holstein broadcasts a daily news programme in Danish, although there is keen interest in such programmes among the Danish community. It therefore *considers* that the competent authorities should re-examine the Danish minority's needs in terms of radio and television programmes and the possibility of supporting the creation of programmes aimed specially at this minority.

84. The Advisory Committee *finds* that there are at present no television programmes in Frisian and the public radio *Norddeutscher Rundfunk* broadcasts only one three-minute programme per week in North Frisian, although the representatives of the Frisian minority expressed the desire to have more radio and television programmes in their language. The

Advisory Committee *considers* that the German authorities should envisage the possibility of increasing the presence of Frisian in the media.

#### **In respect of Article 10**

85. The Advisory Committee *finds* that in the German-Sorbian areas, both German and Sorbian are allowed in relations with the administrations of the *Land* and local authorities but there appears to be shortcomings in the practical implementation of the relevant legal provisions, in particular in areas traditionally settled by the Sorbs in the Land of *Brandenburg*. The Advisory Committee *considers* that the German authorities should make sure that existing legal provisions concerning the use of Sorbian in official dealings are properly implemented in practice and remedy any shortcoming in this field.

#### **In respect of Article 11**

86. The Advisory Committee *finds* that despite legal requirements to display topographical indications in the Sorbian language in areas traditionally inhabited by Sorbians, notably in the Land of *Brandenburg*, monolingual signs are only being replaced by bilingual ones at a very slow rate so that the whole operation could take several more years. The Advisory Committee *considers* that the German authorities should step up their efforts to speed up the full implementation of the legal provisions on bilingual signposting in areas traditionally inhabited by Sorbians.

#### **In respect of Article 14**

87. The Advisory Committee *finds* that there are reasons for considerable concern at the decision taken by the Ministry of Education and Culture of the Free State of Saxony to close the 5<sup>th</sup> class of a Sorbian-language secondary school in the municipality of Crostwitz from the beginning of the 2001-2002 school year. It *considers* that the authorities should urgently review the possibility of keeping the 5<sup>th</sup> class of Crostwitz's secondary school open. More generally the competent authorities should agree on policies, programmes and resources in conformity with the Framework Convention to secure the long-term future of the historic network of Sorbian schools in the area traditionally inhabited by this minority.

88. The Advisory Committee *finds* that there appear to be no Frisian schools and only a few hours of Frisian taught in state schools, mainly due to the initiative of volunteers. The Advisory Committee *considers* that the authorities should examine, in consultation with representatives of the Frisian minority, ways of developing and financing more teaching hours of the Frisian language, also at levels beyond primary school.

#### **In respect of Article 15**

89. The Advisory Committee *finds* that the Sorbian minority has a specific body - called the Foundation for Sorbian people - which helps it to enhance its participation in cultural, social and economic life and but notes that only 6 of the 15 members of the Foundation's governing board are representatives of the Sorbian minority, without any veto right. It *considers* that the authorities should examine ways of strengthening the representation of the Sorbian minority in the functioning of the Foundation and in other fora.

90. The Advisory Committee *finds* that substantial efforts need to be made to ensure the effective participation of the Roma/Sinti minority, particularly in economic, social and cultural life. It *considers* that the German authorities should review this matter and consider how to set up much more appropriate structures by which the Roma/Sinti can be regularly consulted in all parts of the Federal State on matters concerning them.

## V. CONCLUDING REMARKS

91. The Advisory Committee considers that the concluding remarks below reflect the main thrust of the present opinion and that they could therefore serve as the basis for the corresponding conclusions and recommendations to be adopted by the Committee of Ministers.

92. As concerns the implementation of the Framework Convention, the Advisory Committee considers that Germany has made commendable efforts to support national minorities and their cultures, notably through the financial support provided by the Federal authorities and the various measures taken by the *Länder* in the fields of education, media and cultural affairs.

93. The Advisory Committee finds that there is scope for improvement in the media sector, in particular concerning the development of radio and television programmes for both the Danish and the Frisian minorities. The use of minority languages in relations with administrative authorities appears rather limited and there remain shortcomings in the practical implementation of existing provisions in this respect, notably in areas traditionally settled by the Sorbs.

94. Despite legal requirements to display topographical indications in the Sorbian language in areas traditionally inhabited by the Sorbs, the rate of changing monolingual to bilingual signs is progressing too slowly.

95. In the field of education, the Advisory Committee considers that the persisting threat of closure of schools providing full education in Sorbian needs to be given serious consideration so as to secure the long-term future of the historic network of Sorbian schools. The current situation of the Frisian language in the educational system also merits being reviewed in order to reinforce it.

96. There is deep concern about the forced dissolution of a municipality with a Sorbian identity in order to allow lignite quarrying to continue. The forced dissolution is likely to make the preservation of the Sorbian minority identity more difficult due to the population displacement involved.

97. Despite valuable efforts, the implementation of the Framework Convention has not been fully successful for the Roma/Sinti. It is important that the *Länder's* various methods of collecting criminal data of an ethnic nature are reviewed to ensure full compliance with the principles laid down in Article 3 of the Framework Convention. Problems persist with regard to attitudes of rejection or hostility towards persons belonging to the Roma/Sinti minority and substantial efforts are needed to ensure the effective participation of this minority particularly in cultural, social and economic life. There is reason for concern about the over-representation of children of Roma/Sinti, as well as children of migrants and immigrants, at lower secondary schools and special schools for under-achievers, a state of affairs which merits close attention and the implementation of effective remedial measures.

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