



Strasbourg, 11 March 2014

ACFC/SR/IV(2014)004

**FOURTH REPORT SUBMITTED BY GERMANY  
PURSUANT TO ARTICLE 25, PARAGRAPH 2  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

Received on 11 March 2014



Bundesministerium  
des Innern

## **Fourth 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

**2014**



## Table of contents

A.	Introduction.....	5
B.	Accompanying measures .....	6
C.	Recommendations of the Committee of Ministers .....	7
I.	General Equal Treatment Act (recommendation 1).....	7
II.	Fight against racism (recommendation 2).....	10
III.	The situation of German Sinti and Roma (recommendation 3) .....	23
IV.	Statistical data (recommendation 4).....	32
V.	Extending the scope of the Framework Convention (recommendation 5).....	33
VI.	Preserving the cultural heritage (recommendation 6) .....	34
VII.	Distribution of responsibilities (recommendation 7).....	35
VIII.	Lignite mining operations (recommendation 8) .....	36
IX.	Measures to improve the general public's awareness (recommendation 9)..	38
X.	Minority Languages in the Media (recommendation 10) .....	43
XI.	Legislation concerning minority names (recommendation 11) .....	46
XII.	Minority languages in public life (recommendation 12) .....	48
XIII.	Educational system (recommendation 13).....	51
XIV.	Participation in public life (recommendation 14) .....	55
D.	Recommendations of the Advisory Committee .....	58
I.	Article 3.....	58
	Scope of application of the Framework Convention.....	58
II.	Article 4.....	60
	Combating discrimination .....	60
	Gathering of data on ethnic origin.....	61
	Gathering of data by the police .....	61
III.	Article 5.....	61
	Support for the preservation and development of national minority languages and cultures.....	61
	Institutional framework of support policies for national minorities .....	61
	Impact of lignite mining on the preservation of Sorbian language and culture.....	62
IV.	Article 6.....	62
	Promotion of tolerance and intercultural dialogue.....	62
	Fight against racism.....	63

The media and the fight against racism .....	63
V. Article 9 .....	64
Access of persons belonging to the Danish minority to the media .....	64
Access of persons belonging to the Frisian minority to the media .....	65
Representation of minorities in media regulatory bodies .....	66
VI. Article 10 .....	67
Using Sorbian in dealings with local administrative authorities .....	67
Using Danish in dealings with local administrative authorities .....	68
Using Frisian in dealings with local administrative authorities .....	68
VII. Article 11 .....	68
Use of minority languages for surnames .....	68
Bilingual topographical signposting and indications .....	68
VIII. Article 12 .....	70
Roma and Sinti in the education system .....	70
Teacher training and school curricula .....	72
IX. Article 13 .....	77
Network of Danish minority schools .....	77
X. Article 14 .....	78
Teaching in Sorbian .....	78
Teaching of Frisian .....	79
Teaching of Romani .....	81
XI. Article 15 .....	83
Participation in social and economic life by the Roma and Sinti .....	83
Consultation of national minorities at federal level .....	84
XII. Article 18 .....	84
Cooperation with neighbouring countries .....	84
<i>E. Comments by the associations</i> .....	86
<i>F. Concluding remarks</i> .....	113

**A. Introduction**

The Fourth Report of the Federal Republic of Germany in accordance with Article 25 (2) of the Framework Convention for the Protection of National Minorities was prepared by the Federal Ministry of the Interior in cooperation with other federal agencies and the responsible state authorities, and in consultation with the associations of the national minorities protected by the Framework Convention. The associations were invited to share their views about the implementation of the Framework Convention in Germany, which are not necessarily in line with those of the authorities. Their written comments are included in Chapter E. of the present report. This report covers the period from February 2009 to December 2013.

The German original and an English translation of the three preceding reports of the Federal Republic of Germany in accordance with Article 25 (2) of the Framework Convention, the subsequent comments of the Advisory Committee and the comments of the Federal Government are available on the website of the Council of Europe.

## ***B. Accompanying measures***

In order to draw the attention of a broad audience to national minorities and their languages, the *Federal Ministry of the Interior* published a new brochure on national minorities and the languages spoken by them in 2013. Since December 2012, an electronic version of this brochure can be downloaded from the Federal Interior Ministry's website. The printed version was made available in February 2013.

Every year in early May *Schleswig-Holstein* hosts the European Week of Regions and Cities, in which the Minister-President's Commissioner for National Minorities and Ethnic Groups, Border Area Work and Low German attends events where national minority policy issues and the interaction between minority-related conventions and legislation at European, national and regional level are discussed. The Commissioner also informs students, scholarship recipients and junior police and administrative staff about Schleswig-Holstein's government minority policy.

In its report Schleswig-Holstein also mentioned an international expert conference, which was open to the public, and an expert workshop with the title "Shaping the Frame across the Cycles" which were organized by the European Centre for Minority Issues (ECMI) in Flensburg on 5 and 6 July. The conference focused on academic and practical aspects of reporting in accordance with the Framework Convention.

With a view to optimizing Sorbian language classes, especially bilingual instruction in *Brandenburg*, it is intended to commission a scientific study on Sorbian language classes and bilingual instruction at primary school level. Based on the results of this study, classes and framework conditions could hopefully be improved. The authorities expect that such an evaluation and improvement of education opportunities and classes held in Sorbian will also raise awareness among the broader public.

A similar effect is expected of the re-enactment of the Act Amending the Regulations on the Rights of Sorbs in Brandenburg planned by the Landtag. The government believes that this amendment process will also raise public awareness of the Sorbian minority and their language.

### **C. Recommendations of the Committee of Ministers**

In response to the Third Report of the Federal Republic of Germany in accordance with Article 25 (2) of the Framework Convention and based on the 2010 Report of the Advisory Committee for the Framework Convention, the Committee of Ministers adopted the Resolution CM/ResCMN(2011)10 on 15 June 2011. Germany comments on the recommendations set out therein as follows:

#### **I. General Equal Treatment Act (recommendation 1)**

The Committee of Ministers recommended that the German authorities should intensify measures to raise public awareness of the General Equal Treatment Act, and ensure that compliance with the Act is regularly monitored. In addition measures should be taken to ensure that persons most vulnerable to discrimination be fully informed of the legal remedies available to them. The Committee of Ministers criticized that the Federal Anti-Discrimination Office was limited to providing advice to potential victims and does not have regional or local offices. The Committee also criticized that the Anti-Discrimination Office did not have regional or local offices and must be funded adequately.

The *Federal Anti-Discrimination Office (ADO)* welcomes the request of the Committee of Ministers to expand its powers and provide it with sufficient financial resources.

In 2013 and 2014 the ADO has been carrying out a study on the population's attitude towards Sinti and Roma<sup>1</sup>. The study is carried out by the Centre for Research on anti-Semitism at the university Technische Universität Berlin and the Institute for Research on Prejudices and Conflicts. For 2014, the ADO is planning a special project against racial discrimination and deprivation on grounds of ethnic background. The project aims at raising awareness among the broader public, especially actors in the fields of policy-making, administration, business and society, and people who have experienced discrimination and deprivation, and looks into possibilities for reducing and improving protection against discrimination. In addition, several publications on the Act on Equal Treatment and on the various activities of the ADO are available from the Anti-Discrimination Office. Further information is provided on the ADO's multilingual website. The 2014 project will also include a study on the population's attitude towards Sinti and Roma.

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<sup>1</sup> Note: Sinti and Roma understand themselves not as a single, but as two different ethnic groups.



Within the framework of the project "Networks against discrimination", the ADO provided funds for setting up ten counselling networks in nine federal states in the last legislative period, in order to offer people concerned the best possible local counselling and support services.

*Hamburg* police staff are familiar with the Act on Equal Treatment and in their daily work feel obliged to act in accordance with the provisions set out therein. The Act on Equal Treatment is annexed to the Police Service Instructions and is available for download or as printed version for every police officer. Moreover, in their first year of training, junior police staff hear a lecture on the Act of equal treatment and subsequently discuss it in their classes with the equal opportunity officers of the Hamburg police force.

Where discrimination becomes relevant in terms of criminal law, during police investigations victims are provided comprehensive information, in both oral and written form, about the legal remedies available to them. A fact sheet about the rights of victims in criminal proceedings, which is available in 22 languages, is handed out to them.

In *Baden-Württemberg*, the Ministry for Integration is the central contact point for people who were discriminated against because of their ethnic origin. There, victims can get information about their rights under the Act on Equal Treatment, the legal remedies available to them and the relevant deadlines in force. In addition, it is planned to set up an anti-discrimination network of existing initiatives.

The Baden-Württemberg Association of German Sinti and Roma, which is funded by the state government, also serves as a contact point for people who were or are being discriminated against because they belong to the national minority of Sinti and Roma.

In 2012, the *Rhineland-Palatinate* government established the Rhineland Palatinate Anti-Discrimination Agency to coordinate measures and projects of the state government's ministries carried out under the overarching approach of the Act on Equal Treatment, i.e. measures and projects aimed at fighting discrimination on the grounds set out in the Act, and at promoting tolerance and diversity. The Rhineland-Palatinate Anti-Discrimination Agency also has the task to support and promote the network "Rhineland Palatinate without discrimination". It focuses mainly on informing (potential) victims of discrimination, helping victims find the right counselling service and on giving advice to counsellors. The two interest groups of the Sinti and Roma in Rhineland-Palatinate, the Verband der Deutschen Sinti und Roma and the Landesverband Rheinland-Pfalz e.V., and the Sinti Union of Rhineland-Palatinate will participate in the network from the beginning. An

inter-ministerial working group of the state government under the lead of the Anti-Discrimination Office will develop strategies on how best to shape and benefit from diversity. Public relations work will be facilitated by the new website [www.antidiskriminierungsstelle.rlp.de](http://www.antidiskriminierungsstelle.rlp.de).

In *Lower Saxony*, the justice ministry has taken the following precautions and preventive measures under Section 12 (1) and (2) of the Act on Equal Treatment: hand out an instruction sheet to all staff members who must confirm receipt with their signature; provide employers with guidelines; display information in appropriate places, including notice boards; use staff meetings to raise awareness; seminars on the Act on equal treatment carried out by the Studieninstitut des Landes Niedersachsen; include the Act on Equal Treatment into legal training curricula. The Act itself and information regarding the competent offices of complaints (Section 12 (5) of the Act) is either displayed in appropriate places or distributed through common information and communications technology, e.g. by electronic mail delivery of all documentation, including the fact sheets upon request. Claims based on the Act on Equal Treatment can be enforced in court; the number of this kind of proceedings is not statistically recorded. As far as the justice ministry of Lower Saxony is informed, there is no lack of information concerning the Act on Equal Treatment in judicial practice.

In 2013, Lower Saxony joined the "Coalition against discrimination" and, in an official ceremony, signed the contract with the Federal Anti-Discrimination Office. The general public was informed about the state government's commitment to taking vigorous action against discrimination. Over the long term, it is planned to revise the Anti-Discrimination Office's website to provide more information about anti-discrimination measures. In Lower Saxony, there are anti-discrimination networks and contact points, such as the Lower-Saxony Anti-Discrimination Network (sub-project management: IBIS Intercultural bureau for research, documentation, education and counselling, Oldenburg).

In its coalition agreement the state government of Lower Saxony has agreed to adopt its own anti-discrimination legislation, starting with a pilot project to test anonymized job applications. The interior ministry of Lower Saxony will take up work on this project soon.

In addition, since 1983, Lower Saxony's government has provided € 220,000 annually as institutional funding for a counselling bureau for Sinti and Roma (Niedersächsische Beratungsstelle für Sinti und Roma e.V.). The aim is to promote the social integration of Sinti and Roma and provide support in matters relating to compensation for wrongs suffered 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 Mi-

norities. Its tasks also include taking action against discrimination and stereotyping, particularly in media reporting, in schools (e. g. by preventing that children are transferred to schools for pupils with learning difficulties or disabilities too quickly) and on the housing market.

The *Hesse* government and the Hesse Association of Sinti and Roma (Landesverband Hessen des Verbandes Deutscher Sinti und Roma) are planning the conclusion of a framework agreement in order to effectively fight discrimination and marginalization.

In January 2013, the Anti-Discrimination Office at the *Schleswig-Holstein* Landtag took up work. Its tasks include education and public relations work, awareness-raising among the broader public and preventive measures. It will also serve as a direct contact point for people in need of help and provide them with advice and information, including about the relevant legislation, and transfer them to specialized counselling services. This function was assigned to the so-called Ombudsman (*Bürgerbeauftragte*) for social matters.

## **II. Fight against racism (recommendation 2)**

The Committee of Ministers invited the German authorities to continue resolutely to combat racism in its many dimensions and manifestations; adopt targeted measures to prevent the spread of prejudice and racist language through certain media, on the Internet, and in sports stadiums; adopt specific legislation that expressly punishes racist motivation as an aggravating factor of any offence.

The Federal Republic of Germany sees itself as a cosmopolitan and tolerant country in the heart of Europe. Owing to its history and legal system, but also its conception of oneself as a modern and internationally networked society, Germany is committed to giving utmost priority to fighting xenophobia, racism and other forms of intolerance. There is broad consensus in Germany about this aim both in society at large as well as among policy makers. However, the Federal Government is well aware of the fact that racial prejudices, racist attitudes and behaviours still exist to various extents in certain parts of society and that differentiation is necessary in politics to develop adequate approaches to find a long-term solution for this problem.

To this end, the Federal Government has pursued a comprehensive approach towards fighting racism, xenophobia and anti-Semitism aimed at every level of society and including both preventive and repressive measures. Prevention affects all areas of

society and already starts in early childhood. This approach also includes observing extremist organizations by the offices for the protection of the constitution and initiating "drop-out" programmes for right-wing extremists.

In its prevention efforts, the Federal Government relies on programmes and measures of political education aimed at strengthening and maintaining social cohesion.

The following is a list of the main elements of the Federal Government's policy approach:

- The Federal Government provides € 6 million every year for a programme initiated by the Federal Ministry of the Interior to encourage cohesion through participation ("Zusammenhalt durch Teilhabe") which was launched on 3 September 2010 and has been prolonged until 2016. Within the framework of this programme, funding is provided for projects promoting democratic participation and fighting racism and extremism in eastern Germany and for educating "democracy trainers" in selected regional sports and fire service associations in western Germany.

This policy aims at implementing an inclusive and comprehensive funding approach to promote democratic participation in clubs, associations and local communities. The programme is intended to help prevent extremist threats and promote peaceful co-existence without violence based on the principle of equality.

- A regular task of the Federal Agency for Civic Education is providing a variety of measures of civic education in particular to prevent extremism. These range from publications and online dossiers to funding for prevention efforts, model projects, handbooks and networks for multipliers. These measures include work with young people at risk of right-wing extremist indoctrination and funding for relevant organizations.

The BpB largely concentrates on countering right-wing extremist and racist attitudes and organizations with the help of civic education. The focus is to prevent extremist, racist and biased attitudes and slogans from gaining a foothold and provide the civil society with specific assistance in dealing with extremist, racist and xenophobic attitudes.

In order to provide even greater support for these efforts, the BpB will receive an additional €2 million per year from 2013 to 2016. This funding is intended to enable the BpB to further develop its emphasis on preventing right-wing extremism and to reinforce the efforts by non-governmental organizations.

- Since its creation in 2000, the Alliance for Democracy and Tolerance – Against Extremism and Violence (initiated by the Federal Ministries of the Interior and of Justice) has actively fought against every form of politically motivated extremism and racism and has provided annual funding of € 1 million to support civic engagement in this area.
- The programmes funded by other federal ministries (e.g. Federal Ministries for Family Affairs, Senior Citizens, Women and Youth, and of Labour and Social Affairs) place different weight on the direct fight against right-wing extremism. The federal programme "*Toleranz fördern - Kompetenz stärken*" to promote tolerance and improve skills (funded with €24 million each year) and the XENOS special programme "Quitting for a new start" (*Xenos-Sonderprogramm "Ausstieg zum Einstieg"*) (funded with €1.5 million each year) focus explicitly on the fight against right-wing extremism. The programme to promote tolerance and improve skills concentrates mainly on strengthening democratic education and community engagement, tolerance and open-mindedness, fighting all forms of extremism, particularly right-wing extremism, racism and anti-Semitism.
- The XENOS programme to promote integration and diversity ("*Xenos - Integration and Vielfalt*"), which was initiated by the Federal Ministry for Labour and Social Affairs, received funding of €132 million in a first funding cycle until 31 December 2012 and is being funded with €102 million in a second funding cycle until 31 December 2014, has other objectives: It concentrates on measures to prevent exclusion and discrimination in the labour market and society as a whole. The XENOS programme is aimed at fighting discrimination affecting equal opportunities for access to education and employment. In addition, there are interministerial measures in place for coordinating and presenting federal programmes, such as the website "We support democracy" ("*Wir für Demokratie*").
- A federal anti-right-wing extremism information network of excellence (*BKInetz-Präventionsnetz*) took up work on 4 January 2013 with an online database and a service hotline. So far, the BKInetz has received two million euros in funding from the Federal Minister for Family Affairs, Senior Citizens, Women and Youth.
- The dialogue between governments and non-governmental organizations that was initiated during the European Year against Racism in 1997 has been continued and further developed in the Forum Against Racism ("*Forum gegen Rassismus*"), initiated by the Federal Ministry of the Interior). Founded in March 1998, the forum encom-

passes some 80 organizations, including some 55 NGOs working at national and regional level to overcome xenophobia, racism and violence. The forum usually meets twice a year; the open dialogue between the NGOs and the government focuses on current issues relevant to fighting racism, racial discrimination, xenophobia, anti-Semitism and related intolerance.

- "Sport and politics united against right-wing extremism" ("*Sport und Politik verein(t) gegen Rechtsextremismus*") is a joint campaign of government and sport. Campaign sponsors include actors from government and sport at federal, state and local level, e.g. the Federal Ministry of the Interior, the Federal Minister for Family Affairs, Senior Citizens, Women and Youth, the conference of state sport ministers, the German Association of Cities, the German Olympic Sports Confederation and the German Football Association. The main aims of this campaign include encouraging sport clubs to take a clear stance against right-wing extremism and discrimination, ensuring that a sufficient number of information and education opportunities and contact persons are available in sport and building up networks between government and sport at all levels. The campaign is supported by top-level athletes and top-level politicians at federal and state level, who are seen as role models by wide sections of the population and as such can raise awareness more easily. In order to push ahead with the work of the campaign, an advisory network comprising all campaign sponsors and additional experts was formed which is coordinated by the Federal Ministry of the Interior. Special advertising material (TV clips, posters, banners, postcards) and information about the campaign and the subject matter are available free of charge from the website [www.vereint-gegen-rechtsextremismus.de](http://www.vereint-gegen-rechtsextremismus.de).

The Federal Government takes the problem of right-wing extremists inciting hatred and violence through the Internet very seriously. In February 2012 the competent divisions at the Federal Ministry of the Interior organized a meeting of representatives of the Central Council of German Sinti and Roma, Google Inc., eBay Inc. and jugendschutz.net to discuss this issue. A second meeting was held in Berlin in December 2012, attended by an IT expert from the Federal Office for Information Security (BSI) who informed the meeting about the technical possibilities of fighting hate crime on the Internet.

The Free and Hanseatic City of *Hamburg* is currently drawing up a programme for promoting democratic culture and for preventing and fighting right-wing extremism. It is intended to help strengthen and perpetuate successful approaches but also define new

priorities, such as preventing group-related misanthropy or promoting the protection of victims and counselling for victims.

Based on the Directive on Democracy and Tolerance of 3 March 2009, *Lower Saxony* has passed measures to fight discrimination and xenophobia and to send a clear signal against right-wing extremism, racism and anti-Semitism and for democracy and tolerance. Funding is focused on projects aimed at raising awareness among young people for democratic values and at teaching them a tolerant and open-minded approach to diversity. Such measures may include information events, school projects and youth conferences, as well as role-model projects or projects of regional importance.

For many years, *North Rhine-Westphalia* has funded various projects and specific measures in the field of fighting racism and discrimination. Many ministries of the state government are involved in these projects and activities. The following list of measures is not exhaustive and is meant only to show the diversity of efforts to prevent right-wing extremism and racism:

- 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.
- In North Rhine-Westphalia, anti-discrimination work is treated as an integral part of integration policy. Since 2009, for example, the North Rhine-Westphalian Ministry of Labour, Integration and Social Affairs 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. There are five 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. These integration agencies are at the service of the people, they offer advice and counselling services and help victims get protection. They also have an educational role and seek to raise awareness among the broader public for the subject. The list of their activities to prevent extremism in North Rhine-Westphalia is long, including advanced training seminars and workshops at schools, participation in political demonstrations and campaigns against right-wing extremism. In addition, funding is provided for the media library in Siegen, which is specialized on anti-racism and anti-discrimination media and which provides schools and out-of-school educational institutions with information material.

- North Rhine-Westphalia is contributing to the federal programme “Schools Without Racism – Schools With Courage”.
- With the network Democracy and Courage (NDC), North Rhine-Westphalia is supporting the implementation of the federal initiative at regional level, which is coordinated by the *Landesjugendring* in the field of children and youths. 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.
- The state government also provides funding for the project "Time for outrage, get involved!" ("*Empört euch, engagiert euch!*") of the youth branch of the German Confederation of Trade Unions; this project was launched in 2012 and will run for an initial period of two years. The aim is to raise awareness among pupils and teachers and their interest groups for democracy and civil courage and to support activities against racism and intolerance.
- Within the framework of the federal programme "*Toleranz fördern - Kompetenz stärken*" to promote tolerance and improve skills, the anti-right-wing extremism coordination office of North Rhine-Westphalia supports the five mobile anti-right-wing-extremism counselling teams.
- These mobile counselling teams also receive funding from the state government. The project "Structural improvements for more democracy and against right-wing extremism and racism" is aimed at enabling local and regional institutions, organizations and facilities to take more effective action against right-wing extremism and racism.
- Since 2011, North Rhine-Westphalia has funded the two counselling offices for victims of racist violence in Rhineland and Westfalen-Lippe. This counselling service supports people who were threatened or attacked by right-wing extremists for racist motives.
- In 2012, the Network against right-wing extremism in North-Rhine Westphalia was established, in which various actors from governmental and non-governmental organizations have been working together since then. The network sees itself as a forum of actors who are united in their aim of strengthening a society based on human rights and democracy.

In addition, the state government has promoted several other projects. In order to coordinate and streamline the various activities of the state government, a project group was set up at the Ministry for Family Affairs, Children, Youth and Sport. Its task is to develop an integrated plan of action for fighting right-wing extremism and racism in North Rhine-Westphalia. Civil society actors and those active at community level are getting involved in this process.



Addressing the topics of racism, xenophobia and discrimination is an ongoing task of political educational work in North Rhine-Westphalia. The state Agency for Political Education has made a great number of publications and online-media available, and offers education and information events, such as

- the advanced training series "Have the courage of your convictions! Act against violence and anti-Semitism. A module-based education programme for schools in North Rhine-Westphalia" carried out in cooperation with the Buber-Rosenzweig Foundation of the Associations for Christian–Jewish Cooperation and the Ministry of Schools and Further Education; and
- the so-called "prevention days" "For democracy – against right-wing extremism" (workshops for pupils from 9th grade), in cooperation with the Interior Ministry and the Ministry of Schools and Further Education of North-Rhine Westphalia.

On 22 November 2013 the *Brandenburg* Landtag, i.e. the state parliament, unanimously adopted the amended state constitution. A new Article 7a was introduced requiring the state government to protect the peaceful coexistence of people in Brandenburg and take action against the dissemination of racist and xenophobic ideology. Article 12 (2) of the state constitution, which contains a ban on discrimination, was amended and now stipulates that no one may be disadvantaged or favoured on the basis of race.

Before the amendments were adopted several experts had been heard in the main committee of the Landtag who, over all, expected the proposed amendments to have positive effects. For example, as a consequence of restricting the discretion of decision-making, police involvement is required and permitted in almost every case of racial discrimination.

These amendments ensure comprehensive protection of minorities, including of Sinti and Roma. Therefore, there is no need for special provisions for the protection and promotion of Sinti and Roma.

*Baden-Württemberg* promotes prevention efforts at schools. This includes, for example, the network "Schools Without Racism – Schools With Courage" where pupils themselves take action at their schools to fight racism and discrimination. All ideas and activities are proposed by pupils, while teachers merely play an advisory role. Within the framework of the "Children's media state Baden-Württemberg" ("*Initiative Kindermedienland Baden-Württemberg*") events and workshops, e.g. on right-wing extremism on the Internet, are carried out at schools which are intended to improve the media literacy of pupils, teachers and parents. The aim is to raise awareness among participants for right-wing extrem-

ist propaganda on the Internet which often is masqueraded as a harmless posting or video in social networks.

The Ministry for Integration also supports a networking and contact point for associations, federations and organizations at community level which are active in the field of fighting racism, discrimination and right-wing extremism.

In *Rhineland-Palatinate*, fighting racism, xenophobia, right-wing extremism and anti-Semitism is an ongoing task which is given utmost priority and involves all ministries. The strategy is focused on preventive measures, but if necessary, law enforcement authorities are prepared to take decisive action against anti-democratic and racist violence. At the same time, assistance is offered to potential drop-outs. The following is a non-exhaustive list of examples of the diverse preventive measures:

- Initiation and support of projects, networks and local plans of action for teaching children and young people the principles and values of democracy and tolerance (e.g. "Learn and live democracy"; Network for Democracy and Courage, local plans of action under the federal programme "Promote Tolerance and Improve Skills"; "Schools Without Racism - Schools With Courage");
- events organized by the State Agency for Civic Education (e.g. seminar on how to respond to cheap populism; information events on xenophobia and right-wing extremism).
- commemoration at the concentration camp memorial sites Osthofen and Hinzert;
- awareness-raising by officials from the office for the protection of the constitution, police and judicial authorities (e.g. communications platform against right-wing extremism, information brochure „*Recht gegen Extremisten - Was jeder gegen Extremisten tun kann*");
- measures in the framework of the police crime prevention programme, such as information events on right-wing extremism, training of civil courage trainers);
- programme for drop-outs "*(R)Auswege*" and accompanying measures.

With a view to intensifying and coordinating prevention efforts on a permanent basis, the Ministry of the Interior, Sport and Infrastructure of Rhineland-Palatinate set up a prevention agency against right-wing extremism which took up work in 2008.

The Rhineland-Palatinate Association of German Sinti and Roma and the Sinti Union Rhineland Palatinate are involved in projects and networks for the fight against racism and right-wing extremism.

On the occasion of the day of the liberation of Auschwitz, which is commemorated in Germany as the Holocaust Memorial Day on 27 January, the Rhineland-Palatinate Landtag held a memorial session on 27 January 2012 which was devoted, in particular, to the Sinti and Roma victims of the Nazi regime. Around the memorial day, numerous events took place which focused on the Sinti and Roma victims of the Holocaust.

In 2011, the pastoral care service for police officers of the Protestant Church in Hesse and Nassau, in cooperation with the Rhineland-Palatinate Association of German Sinti and Roma, organized two special seminars for police officers on the culture of the Sinti and Roma. As part of the seminars, participants visited the permanent exhibition in the documentation and cultural centre of German Sinti and Roma in Heidelberg. Duty officers and the head of the police station 2 in Ludwigshafen also visited the documentation and cultural centre of German Sinti and Roma in Heidelberg on 13 March 2013 at the invitation of the Rhineland-Palatinate Association of German Sinti and Roma.

The Rhineland-Palatinate Criminal Police Office, the state police academy and the crime prevention command and control centre at the Ministry of the Interior, Sport and Infrastructure organized a nation-wide expert conference on "Hate crime: A challenge to government and society" from 28 to 30 November 2012. Contributions from scientists and practitioners and lively plenary discussions showed that an interministerial approach to this topic involving many actors from the civil society is an appropriate policy. Only by pursuing an integrated approach will it be possible to encourage civil engagement against hate crime and to enable the civil society to oppose this phenomenon.

In autumn 2012, the crime prevention command and control centre at the Ministry of the Interior, Sport and Infrastructure organized the first day of action at state level under the motto "Football for diversity" ("*Fußball für ein buntes Miteinander - Gegen Rassismus und Diskriminierung*"). The event took place in seven stadiums and involved teams from the premier league to the fourth league. The aim was to encourage players and fans alike to speak up against racism. With this project, the state government wants to join efforts with police, fans and clubs to fight racism, xenophobia and discrimination in football. As part of the project, an interactive DVD was produced which contains comprehensive information and recommendation for action. The main target group includes trainers and coaches, to ensure broad dissemination of the ideas.

Preventing and investigating racially motivated crimes or criminal offences intended to incite hatred during professional and amateur football matches in Rhineland-Palatinate are a permanent elements of police security strategies for such operations.

Advanced training courses on the topic of hate crime are frequently available for staff members of the judicial authorities of Rhineland-Palatinate. Judges and public prosecutors are invited to attend regular events organized by the German Judicial Academy (*Deutsche Richterakademie*) on the topics of political extremism and right-wing extremism and neo-Nazism. In addition, in 2014 the state training programme for public employees includes a special course for judges and public prosecutors.

Officials of the Rhineland-Palatinate law enforcement authorities are also regularly invited twice a year to attend advanced training courses on right-wing extremism, in addition to other internal advanced training measures offered by various penal institutions.

Based on the Directive on promoting supplementary and extracurricular activities at schools in the Free State of *Thuringia* public funding is provided for extra-curricular activities at schools and supplementary activities to enhance classroom learning to teach children and young people tolerant ways of thinking and behaviour, to educate them on violence, xenophobia, extremist group dynamics, and to strengthen their reasoning skills, their ability to judge situations based on the principles of democracy and to enable them to find democratic solutions in conflict situations. Funding is also provided under the Thuringian programme for democracy, tolerance and openness to the world.

The *Saarland* has participated in the federal programmes against racism, xenophobia and anti-Semitism since 2007. The counselling network against right-wing extremism promotes the respectful coexistence of people of different social, ethnic, cultural and religious backgrounds and the upholding of human rights in a democratic society. To prevent and stand up against anti-democratic attitudes the counselling and advisory network supports and develops effective strategies against right-wing extremism, racism, anti-Semitism and hostility to Islam and related forms of sexism, homophobia and the denigration of persons with disabilities and socially-disadvantaged groups.

Within the framework of the federal programme "*Toleranz fördern - Kompetenz stärken*", in particular under the chapter on counselling and advisory networks against right-wing extremism, a counselling service for victims of discrimination and right-wing violence was set up on a permanent basis on 1 August 2009. Since then, the counsellor has worked on the structural organization and networking of the service, has offered individual counselling for victims, which is free of charge and can also be provided at victims' homes. The counselling service for victims of discrimination and right-wing extremist violence is contacted by people and groups of people who were discriminated against, attacked or abused because of their race, religion, belief, age, sex or sexuality.

Partners of the network "Schools Without Racism – Schools With Courage" include also various schools of Saarland.

The *Hessian* Agency for Civic Education is also committed to fighting racism. For example, the agency vigorously addressed the issue of prejudices against Sinti and Roma, Jews and others in advanced training courses and exhibitions, such as the 2008 exhibition "Ideas about Gypsies pertaining in schools and classroom teaching" organized in cooperation with the Land Association of German Sinti and Roma in Darmstadt; advanced training for teachers on anti-Semitism organized together with the youth centre "Anne Frank" in Frankfurt/Main in January 2013. Other examples include the advanced training seminar on how to respond to cheap populism organized in Marburg in April 2010, the movie project "Violence and racism - not with us" in the Schwalm-Eder district in 2012/2013 and the advanced training seminar "*Courage zeigen!*" (to have the courage of one's convictions) which was held in Kassel in April 2013. Another successful series of events promoting tolerance and fair play in sport and every-day life was the "Balance Hessen" project.

A manual for teachers setting out lower secondary school education standards and guidelines on dealing with the topic of "Sinti and Roma in Germany and the role of anti-gypsyism", funded by the Culture Ministry of Hesse, was published in autumn of 2013.

The following measures for fighting racism are currently being carried out in *Schleswig-Holstein*:

- The state coordination office against right-wing extremism is implementing the federal programme to promote and improve skills ("*Toleranz fördern – Kompetenz stärken*") and has set up an advisory and counselling network against right-wing extremism. Within the framework of this programme, the Workers' Welfare Association (*Arbeiterwohlfahrt*) drafted a brochure on "Everyday discrimination against people with an immigrant background in Schleswig-Holstein in 2012". In addition, a conference with the title "Understanding everyday racism - reasons, manifestations and counter-strategies" ("*Alltagsrasismus - Ursachen, Erscheinungsformen und Gegenstrategien*") was organized at the Fachhochschule Kiel in May 2013.
- The state coordination office against right-wing extremism has also been implementing a state-funded programme to fight right-wing extremism focused on prevention and teaching democracy.
- A Mobile Counselling Team offers assistance and support to victims of racism and discrimination.

- The Antidiskriminierungsverband Schleswig-Holstein offers legal advice free of charge under Section 23 of the Act on Equal Treatment particularly to people who feel disadvantaged because of their ethnic origin or religion.
- A public anti-discrimination office was set up at the office of the Ombudsman of the Landtag, which has already taken up work.
- A nationwide Intercultural Week with the motto "Racism starts in the mind. Openness too" was launched with an event in Kiel in 2013.
- The Schleswig-Holstein police authority, together with the state coordination office against right-wing extremism, is currently redesigning its basic and advanced training programme in order to raise awareness and improve the skills of police officers in dealing with persons of immigrant background.
- In addition, a total of 24 schools in Schleswig-Holstein participate in the programme "Schools Without Racism / Schools With Courage". At the same time, a collection of educational materials including about the culture of the Sinti and Roma has been set up which is available to all schools free of charge.

The *Federal Ministry of Justice and Consumer Protection* would like to comment as follows on the matter of aggravation of sentence: While German criminal law does not explicitly refer to racist motives as an aggravating factor, the applicable law ensures that such motives are taken into account as aggravating circumstances. Section 46 of the German Criminal Code (Strafgesetzbuch, StGB) provides that, in sentencing, the court must take into account "the motives and aims of the offender" and "the attitude reflected in the offence". This wording also covers racist and xenophobic motives in particular, allowing these to be taken into account as aggravating factors in the individual case. This is also recognised in practice, as shown by an empirical legal study and relevant court decisions.

In the area of homicide offences, the Federal Court of Justice ruled in 1962 that racial hatred was to be considered as a base motive within the meaning of the definition of murder pursuant to section 211 of the Criminal Code.

On the procedural level, efforts are currently being made, together with the federal states, to amend the Guidelines for Criminal Proceedings and Proceedings to Impose a Regulatory Fine (Richtlinien für das Strafverfahren und das Bußgeldverfahren, RiStBV) in order that racist motives are afforded special weight in several respects (determining the course of investigation/establishing public interest in criminal prosecution).

The current coalition agreement between the CDU, CSU and SPD, as published, contains the following remarks on this subject: "Since victims of racist, xenophobic or other

crimes showing contempt for humanity merit special protection by the state, we want to ensure that such motives are explicitly taken into account in determining the sentence.”

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.

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 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".

Combating hate crime of all kinds is also one of the inherent tasks 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 professional life, 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 Federation and the Länder and regularly offers seminars on this complex topic, i.e. the conferences "Right-wing radicalism and neo-Nazism: recent tendencies" or "Political extremism: a challenge for society and the judiciary". 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.

With reference to legal policy, the states of *Lower Saxony* and *North Rhine-Westphalia* emphasized that the conference of justice ministers on 12/13 June 2013 had acknowledged the need for amending the sentencing criteria and introducing a new provision stipulating that offenders' motives showing contempt for human life should be taken into account as an aggravating circumstance. The ministers of justice welcomed the initiative by the state governments of Saarland, Hamburg, North Rhine-Westphalia, Saxony Anhalt and Thuringia to present a legal proposal to this effect. This legislative initiative is taken in response to the concerns expressed by the Advisory Committee which encouraged the German authorities to adopt specific legislation which expressly punishes racist motivation as an aggravating circumstance in any offence. It remains to be seen whether this legislative initiative will be further pursued in the next legislative term. We refer to the Coalition Agreement between CDU, CSU and SPD.

### **III. The situation of German Sinti and Roma (recommendation 3)**

Finally, the Committee of Ministers recommended that the German authorities take measures to bring about a significant increase in participation in public life by the Roma and Sinti, with due regard for the cultural diversity found within these groups. The Committee of Ministers further recommended that the German authorities promote and sup-



port projects and initiatives which will contribute to improving their participation in social and political life, and take resolute action without delay to end the unjustified placing of Roma and Sinti pupils in 'special' schools. Moreover, the Committee of Ministers referred to "persistent allegations of ethnic profiling by the police."

With regard to promoting the participation of Sinti and Roma in public life, the following should be noted:

As part of the Federal Government's institutional support for culture in 2013, the *Federal Government Commissioner for Culture and the Media (BKM)* provided € 506,000 in funding for the Central Council of German Sinti and Roma and € 1,336,000 for the Documentation and Cultural Centre of German Sinti and Roma.

These institutions have initiated numerous activities which help improve the participation of Sinti and Roma in social and economic life and fighting prejudices and discrimination. On 24 October 2012, the Memorial for the Sinti and Roma of Europe Murdered in National Socialism was opened in Berlin in a ceremony attended by highest-ranking representatives of the Federal Republic of Germany, among them the Federal President, the President of the German Bundestag and the Federal Chancellor. In her address during the opening ceremony, Chancellor Merkel reminded the living of their duty never to forget the suffering of the victims. The memorial was designed by the Israeli artist Dani Karavan who wanted to create a place providing appropriate opportunity for contemplation and for honouring those who were murdered.

The Free and Hanseatic City of *Hamburg* referred to the following projects:

- "Sinti and Roma: Active in employment" ("*Beruflich aktiv mit Sinti und Roma*"), project term: January 2010 - December 2013.

The target group includes school-leavers, young people and their parents from Roma and Sinti families in the region of Hamburg Nordwest (Lurup, Osdorf, Eidelstedt, Stellingen, Bahrenfeld) and other family members.

The aim of the project is to establish an advisory office for Roma and Sinti families to help the children of those families get access to vocational training or employment while involving the parents/relatives in this process. The intention is to enable young people, in particular, to get a school-leaving qualification. The project intends to help them find a training position and support them during their training to make sure they complete their training and get a certificate. To this end, it is intended to involve parents in the counselling and education process to encourage them to become active

and take care for their own education and that of their children and enable them to support the integration process of the whole family.

Staff members of this project who belong to the Sinti minority themselves have received special training and are now working in schools with the target groups on behalf of the authority for schools and vocational training.

- "Advisory and counselling office for Sinti and Roma in Wilhelmsburg", project term: July 2011 to December 2013.

The target groups of this project are long-term unemployed Sinti or Roma, particularly young people. The aim of the advisory and counselling service is to improve the social and employment situation of the Roma and Sinti by advising them on every-day life, social law, education and training opportunities.

The core idea of the advice concept is to take account of the whole environment of the youths. The projects aims at: reducing the number of school dropouts, improving their integration into the labour market or training measures, developing prospects for economic independence, giving assistance to their parents.

The following projects of the Free and Hanseatic City of Hamburg have already been completed:

"Qualification modules for Roma" ("Qualifizierungsbausteine für Roma"), project term: 1 March 2009 to 28 February 2011.

The measure had aimed at providing vocational training to Roma youths in the computer and metal industry. The Chamber of Industry and Commerce had developed special qualification modules including a certification exam based on which participants could apply with temporary employment agencies for a job as a metalworker. These qualification modules helped shorten the duration of special training measures and thus compensated for waiting times before vocational training. Overall, these qualification modules helped improve participants' chances on the labour market or for independent employment in various fields.

Information: [www.laenderaktiv.de/laenderdb/index.php?action=bbj\\_detail&id\\_offer=569](http://www.laenderaktiv.de/laenderdb/index.php?action=bbj_detail&id_offer=569)

"From the margins to the centre - Young Sinti and Roma in Hamburg-Mitte" ("Vom Rand in die Mitte - junge Sinti and Roma in Hamburg-Mitte") project term: 1 March 2009 - 30 June 2011

The aim of the measure (funded by the foundation for vocational training - Stiftung berufliche Bildung, SBB Hamburg) was to improve the chances on the job market for young unskilled Sinti by offering them various qualification opportunities.

Information:

[www.esf-hamburg.de/menschen-mit-migrationshintergrund/2032340/vom-rand-in-die-mitte-unge-sinti-und-roma-aktiv-region-nordwest](http://www.esf-hamburg.de/menschen-mit-migrationshintergrund/2032340/vom-rand-in-die-mitte-unge-sinti-und-roma-aktiv-region-nordwest)

Since 1985, the government of *North Rhine-Westphalia* has provided funding for an advisory and counselling office for Sinti and Roma at the Land Association of German Sinti and Roma in North Rhine-Westphalia.

The advisory and counselling office in Düsseldorf provides services for the members of the minority living in North Rhine-Westphalia and mediates between the minority, the majority and their respective institutions. In 2013, the government provided € 202,900 as project funding for personnel and non-personnel resources to the advisory and counselling office.

*Baden-Württemberg* has provided funding for the counselling service of the Baden-Württemberg Land Association of German Sinti and Roma where members of the minority can get advice on unemployment and social law, old-age pension and social security, entitlement to financial support for starting their own business or self-employment. The state association is also involved in researching the socio-economic situation of members of the minority in Baden-Württemberg and organizes advanced training measures, awareness-raising and dialogue events for members of the minority, social advisers, voluntary workers and assistant desk officers from relevant authorities.

The state government also promotes the Baden-Württemberg Association of German Sinti and Roma which plays a central role in coordinating the matters of Sinti and Roma and representing the minority in Baden-Württemberg. The tasks of the Baden-Württemberg Association of Sinti and Roma include, among other things, researching and documenting the history of the Sinti and Roma (at local and regional levels), memorial work, public relations work against discrimination and social deprivation. Further activities include advisory and counselling services in the fields of labour and social affairs.

The Baden-Württemberg government and the Baden-Württemberg Association of German Sinti and Roma also signed a State Treaty placing the protection, recognition and promotion of the Sinti and Roma minority on a legal basis. The Treaty was signed on 28 November 2013 and will enter into force on 1 January 2014. The Preamble refers explicitly to anti-gypsyism and the need for effective counter-strategies. It is also intended to spend € 500,000 annually on institutional funding for the next five years to promote the Land Association's work with regard to minority-related matters, particularly in the areas of anti-gypsyism research, promotion of national minority culture and integration of non-

German Roma. Moreover, a council will be set up to take care of the matters of German Sinti and Roma in Baden-Württemberg, consisting of an equal number of representatives of the state and the minority. The state government will be represented by members of the parliament (Landtag) and members from local regional units. The council will be in a position to discuss all matters concerning the German Sinti and Roma and related projects and measures. It is also intended to draw up an annual minority report.

The Baden-Württemberg government also provides funding for the documentation and cultural centre of German Sinti and Roma in Heidelberg which is a specialized institution of the Central Council, and the tasks of which include documentation and research on the history, culture and current issues of the national minority. Ninety per cent of the budget of the Documentation and Cultural Centre are provided by the Federal Government and the remainder by the Baden-Württemberg government.

In *Lower Saxony* the participation of Sinti in social and economic life is promoted indirectly through the funding that is allocated to the Lower Saxony Counselling Office for Sinti and Roma (€ 220,000 annually). One priority is social advising and counselling and memorial work. For example, the travelling exhibition "*Aus Niedersachsen nach Auschwitz*" (From Lower Saxony to Auschwitz) was initiated by the advisory and counselling office. To keep the memory of the boxing champion Johann Trollmann alive, a "stumbling block" (*Stolperstein*), an inscribed brass plaque, was inserted into the street pavement as a permanent reminder.

In addition, the Hildesheimer Sinti e.V., which is independent of the advisory and counselling office of the Sinti and Roma e.V., received project funding in 2011 for establishing a meeting centre. The project aims at improving the participation of Sinti and Roma in social life in Hildesheim and implementing various initiatives and projects which could serve as a model. The meeting centre organizes social counselling services, support for school kids and advisory services for vocational trainees, and supports social cooperation and networking initiatives in the area of labour administration. Currently, the centre is creating an Internet platform to network all Sinti in Lower Saxony. These efforts are supported with project funding from the government of Lower Saxony.

The *Berlin* government continues to provide funding for the Berlin-Brandenburg Association of German Sinti and Roma to promote its anti-discrimination work and the counselling service for members of the minority. In addition to these two organizations, another self-help organization was founded: the Association for Preserving the Culture of German Sinti and Roma (*Verein zum Erhalt der Kultur Deutscher Sinti und Roma e.V.*,

VEK). Since 2012, this self-help organization has operated the mobile home park at Berlin-Dreilinden for German Sinti and Roma on transit on behalf of the Berlin government.

In *Rhineland Palatinate*, institutional funding has continued to be provided to the secretariat of the Rhineland-Palatinate Association of German Sinti and Roma during the report period. However, owing to necessary cost savings measures to balance the state budget, funds had to be cut back in 2011. In 2012 and 2013, these spending cuts could be reversed. The association also received additional funds for measures for preserving the culture of Sinti and Roma and other measures. Since 2009, the work of the Sinti Union Rhineland-Palatinate has received project funding.

The government of *Hesse* increased the allocations in its 2013 budget for the promotion of national minorities, particularly the Sinti and Roma, from € 166,300 to € 215,00 for the financial year 2103/2014. Funding was provided to the Hesse Association of German Sinti and Roma. The Landtag raised the sum earmarked in the 2013 and 2014 budgets from € 166,300 to € 215,000. Other organizations of Sinti and Roma in Hesse did not get in touch with the state government during the report period.

Since October 2012, the Schleswig-Holstein government has supported the training of ten educational assistants who will support the work of the mediators already employed at schools. Their task will be to mediate between the majority population and the minority in conflicts, to inform about cultural differences and to serve as a contact point for pupils who need counselling or help with homework. Mediators should help children and young people who belong to the minority to preserve their language and culture and to get a school-leaving qualification corresponding to their talents. The aim is to prevent Sinti and Roma children from being transferred to remedial schools significantly more often than children from majority population families only because of cultural differences and misunderstandings.

With regard to the request of the Committee of Ministers to take resolute action to end the unjustified placing of Roma and Sinti pupils in 'special' schools, the following should be noted:

In 2010/2011, the government of the Free and Hanseatic City of *Hamburg* introduced an inclusive school system to reduce the risk of unjustified transfer of Sinti and Roma pupils to special schools.

The Free Hanseatic City of *Bremen* also refers to the possibility of integrative school education which would help solve a key problem in the relationship between school and parents.

According to the government of *Lower Saxony*, grounds for concern regarding unjustified transfer of Sinti and Roma pupils to special schools no longer exist since the introduction of an inclusive school education system at the beginning of the 2013/2014 school year in Lower Saxony. Under this new inclusive school model, parents of children who need special assistance can choose whether their child should be transferred to a remedial school or remain at a general school.

In *Baden-Württemberg* the decision whether a child is transferred to a special school is based on the results of diagnostic tests and of an examination of the eligibility to special education. The final decision is taken by mutual agreement with the parents. This applies to all children independently of their origin or membership of a minority.

In *Rhineland-Palatinate* a procedure for establishing the need for special school support in an individual case is initiated only after it has become clear that a particular pupil will very likely not be able to pass the primary or secondary school exam although all possibilities and means available to the school to help the pupil have been fully exploited. This principle applies to all pupils, including Sinti and Roma.

In *Saarland*, in order to ensure equality of opportunity, Sinti and Roma pupils are treated like all other pupils and receive the same school education as other pupils after they have enrolled with a regular school. All pupils shall have full, equal, barrier-free and non-discriminatory access to the educational system irrespective of their skills, impairments or disabilities, their ethnicity, cultural or social backgrounds. Both the pupils themselves and their parents have a say in the choice between regular and remedial schools.

*Hesse* refers to the fact that no 'special' schools exist in this federal state. Under the Hessian Schools Act, regular and remedial schools share the task of contributing to the rehabilitation and 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. Particular importance is given to special education counselling and assistance

centres which have been set up at special needs schools. Priority is given to prevention measures, measures to reduce impairments and measures to promote pupils in regular schools. The measures need to be developed in cooperation between regular schools, special schools and special counselling centres.

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 a special school or providing special assistance to him or her at a regular school in the framework of inclusive instruction.

With regard to concerns expressed by the Committee of Ministers relating to allegations of ethnic profiling by the police, the following should be noted:

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. This is due inter alia to the historic experience in Germany in particular in the context of the persecution of minorities during the time of National Socialism. Moreover, the collection of ethnic data as part of the federal statistics is problematic also in legal terms. According to Article 3 of the Framework Convention for the Protection of National Minorities, every individual shall be free to declare his or her affiliation with a national minority. Membership of a minority is an individual personal decision and is neither registered nor reviewed nor contested by the government authorities. The compilation of statistical data on the basis of ethnic criteria is also precluded by the Bonn and Copenhagen Declarations of 1955, the Act on the Sorbs' Rights in the Free State of Saxony and the Act on the Specification of the Rights of the Sorbs (Wends) of the Land of Brandenburg.

The crime statistics of the Federal Republic of Germany compiled by the police (Police Crime Statistics) are based on the data provided by the 16 federal states; these statistics do include data on nationality, but not on other socio-cultural features, such as ethnic origin, religion or migration background. This also holds true for the Federal Police entry statistics.

Whether and if so, to what extent ethnic origin is recorded in police files is governed by the relevant orders opening a data file agreed between federal and state governments. They specify the various legal bases (e.g. Act on the Bundeskriminalamt and the Cooperation between the Federation and the Länder in Criminal Police Matters; the Code of Criminal Procedure; the Federal Police Act). The collection of data on ethnic origin is not obligatory, even if this is provided for in the order opening a data file. Instead, it is at the discretion of the individual case worker to decide about collecting data on ethnicity if he

or she deems it necessary in an individual case, for example if membership of a particular ethnic group be relevant for the investigation of a criminal offence (e.g. in conflicts between Kurdish and Turkish nationals). Hence, the concerns expressed by the Committee of Ministers relating to allegations of ethnic profiling by the police are unsubstantiated.

Moreover, personal information are not disclosed to the media by neither the Federal Criminal Police Office (BKA) nor the Federal Police. Therefore, no discriminatory terminology is used, nor is information disclosed on the ethnic background of suspects.

For the police staff of the Free and Hanseatic City of *Hamburg* zero tolerance of discrimination against minorities is part of their own professional code of conduct. All police officials, particularly superiors are called upon not to use discriminatory terminology, neither in oral nor written communication, and to prevent other colleagues from doing so.

During their training, police trainees attend classes on "Communication" and "Dealing with citizens". In these classes, trainees learn about cultural and religious differences and needs which they should respect when dealing with members of national minorities. On behalf of the Hamburg Police, the University of Hamburg organizes advanced training courses on "Skills for communicating with people from different cultures". These courses allow a thorough discussion about good ways of communicating with people of other ethnic origin. In addition to improving understanding and communication in police routine work, the course is also aimed at preventing discrimination.

The Hamburg Police places great attention on ensuring that no discriminatory terminology is used in its publications, both external (e.g. press releases and press conferences, interviews with and information provided to journalists) and internal (e.g. Intranet, internal newsletters, Hamburg Police Journal) publications. In addition, police officers regularly attend awareness-raising seminars at their police stations. That no complaints have been reported recently shows that the Hamburg Police has achieved a high level of awareness to this topic.

Many years ago, the police force of Baden-Württemberg stopped collecting data on the ethnic origin or membership of a particular ethnic group of suspects, victims or witnesses. In this regard, the Framework Convention for the Protection of National Minorities has been implemented by the Baden-Württemberg Police. The Baden-Württemberg Police has also fully implemented the Recommendations of the 2007 Conference of Interior Ministers on the use of the non-discriminatory language.



In *Rhineland-Palatinate*, the applicable legal regulations to prevent discriminatory ethnic profiling by police is the subject of regular seminars for on-duty officers, internal briefings and other advanced training courses, etc. In a statement of 6 December 2011, the Rhineland-Palatinate Association of German Sinti and Roma confirmed that the interior ministry of Rhineland-Palatinate and its executing agencies have fully, and commendably, abided by the regulations to prevent discriminatory ethnic profiling by police.

*Hesse* comments as follows: At its 185<sup>th</sup> meeting on 6/7 December 2007 the Conference of Interior Ministers took note of a report on the Protection of national minorities against discriminatory ethnic profiling by police drawn up by a joint federal-state project group chaired by the state of Hesse. On 10 June 2008, the government of Hesse issued a statutory ordinance on this matter implementing the recommendations contained in the report. Most important are the guidelines adopted in this context which are taught to police officers of the Hesse Police in basic and advanced training courses. Compliance with these guidelines is ensured by the competent administrative and technical supervision bodies.

The *Schleswig-Holstein* Police has committed itself to a policy of zero tolerance for stigmatization, categorization or generalized designation of people. This includes zero tolerance for biased language in both internal and external communication. This policy is implemented by service instructions.

#### **IV. Statistical data (recommendation 4)**

The Committee of Ministers called upon the German authorities to develop the use of data on the situation of persons belonging to national minorities, obtained from the national minorities themselves and from other sources, in order to better tailor measures aimed at protecting minorities to their real needs. The Committee of Ministers acknowledges that the authorities are indeed not prepared, for historical reasons, to maintain statistics based on ethnicity; at the same time, such data are available in individual cases. The Committee therefore recommends that these data be used for measures aimed at protecting national minorities.

The size of the national minority groups in Germany is only an estimate - for good reason: 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. One reason for this is the persecution of ethnic minorities under the Nazi regime; another reason is

considerations of international law. The Framework Convention for the Protection of National Minorities stipulates that membership of a minority is an individual personal decision and is neither registered nor reviewed nor contested by the government authorities. Last but not least, the national minorities in Germany themselves expressed concerns about maintaining statistics based on ethnicity. Therefore, even the statistical offices do not have any data on the number of members of national minorities.

#### **V. Extending the scope of the Framework Convention (recommendation 5)**

The Committee of Ministers called upon the authorities to pursue an open and dialogue-based approach in their relations with persons belonging to groups that are currently not covered by the Framework Convention, including non-citizens, with a view to extending the protection of specific articles of the Convention to persons belonging to these groups as appropriate.

The Federal Government signed the Framework Convention on 11 May 1995. In this context, the Federal Government submitted a statement to the Council of Europe setting out its interpretation of the scope of application of the Convention for Germany. The statement reads as follows:

“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.”

The Federal Government determined the following conditions for the recognition of a group of the population as a national minority in Germany:

- The members of the group are German nationals;
- they differ from the majority population in having their own language, culture and history and thus their own distinct identity;
- they wish to maintain this identity;
- they are traditionally resident in Germany; and
- they live in Germany within traditional settlement areas.

Since the federal legislator expressed its consent to the statement of the Federal Government by adopting Article 1 of the Ratification Act on 11 May 1995, recognition of other groups of persons as national minorities would require amendments to the Ratification Act. In view of the definitions listed above, there is no need for initiatives to this effect.

## **VI. Preserving the cultural heritage (recommendation 6)**

The Committee of Ministers recommended that the German authorities continue the policy of support for the preservation and development of the cultural heritage of national minorities, in close liaison with the individuals concerned, and paying special attention to the long-term needs of persons belonging to national minorities.

Following the ratification of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage by the Federal Government in April 2013, the state of *Schleswig-Holstein* increased its efforts to inform interested parties who practice cultural traditions, particularly minorities and linguistic groups, about the procedure for recognition as a national minority. As part of this information campaign, the German Commission for UNESCO organized a meeting in Lübeck on 4 May 2013. In addition, the head of the culture division at the Schleswig-Holstein Ministry for Justice, Europe and Culture informed the bodies for matters concerning the Frisian ethnic group and the Low German consultative council about the recognition procedure and possibilities for getting advice from the ministry.

The Fräsch Rädj/Friesenrat Sektion Nord e.V. filed an application for inclusion of *Biikebrennen* into the list of Intangible Cultural World Heritage under the category of traditional or customary practices with the Schleswig-Holstein government by the deadline. The application is being examined by an expert jury on behalf of the Schleswig-Holstein government. Since it is very likely that the jury will support the application, it can be assumed that the application will be submitted to the Conference of Culture Ministers in mid-April 2014 for approval and submission to the expert committee appointed by the federal and state governments.

The Niederdeutsche Bühnenbund (Low German theatre association) Schleswig-Holstein also filed an application for inclusion into the list of Intangible World Cultural Heritage with the competent Ministry. Its a joint application filed by the theatre associations of Lower Saxony, Mecklenburg-Western Pomerania and Schleswig-Holstein with the respective state ministries.

The Domowina – Bund Lausitzer Sorben e.V. also filed an application for inclusion in the UNESCO list of intangible cultural world heritage in Saxony and Brandenburg. The application includes a list of annual customary practices and festive traditions of Lusatian Sorbs.

## **VII. Distribution of responsibilities (recommendation 7)**

The Committee of Ministers recommended that the German authorities continue the debate, in liaison with the representatives of national minorities, on the distribution of responsibilities in the field of national minority protection policies, so that measures to preserve and promote their languages and cultures can be made more effective and more accessible. It stated that the division of responsibilities between the Federal Government, the federal states and the local authorities sometimes results in public funding arrangements that are complex and confusing.

In Germany, responsibility for the practical implementation of the obligations arising from the Framework Convention lies mostly with the federal states. The role of the Federal Government is confined to the right to issue instructions and exercise oversight under Article 84 of the Basic Law. Given the federal system enshrined in the constitution, minority representatives do not have a single point of contact for addressing their concerns but may have to contact several federal states. Furthermore, the federal system in conjunction with the way in which minorities are distributed across the federal states, results in standards that vary from state to state.

At regular intervals, the *Federal Ministry of the Interior* organises a so-called "implementation conference". Representatives of several federal ministries, representatives of the federal states and of the national minorities in Germany and of the Low German-speaking community are invited to attend the conference. Any topics related to the Council of Europe Framework Convention or the European Charter for Regional or Minority Languages may be put on the agenda. All participants are free to submit items for the agenda. This forum specifically provides minority representatives with an opportunity to address themselves simultaneously to a maximum number of government authorities.

Moreover, all federal domestic policy issues related to the respective minorities are discussed in so-called consultative committees. So far, the following committees have been set up at the Federal Ministry of the Interior: the Consultative Committee on Issues concerning the Danish Minority, the Consultative Committee on Issues concerning the Sorbian People, the Consultative Committee on Issues concerning the Frisian Ethnic Group

in Germany, and the Consultative Committee on Issues concerning the Low German Language Group. Meetings are held as and when necessary, but as a rule once a year and whenever there are at least three members calling for a meeting to be convened. The composition of the committees is governed by their respective statutes and may vary. However, representatives of the Federal Ministry of the Interior, of the minority concerned and of the responsible state authorities always participate. To the extent that members of the German Bundestag are not at the same time members of the committee concerned, they may be invited to attend the meetings (the same applies for representatives of other government departments and experts). The meeting agendas are prepared by the chair in consultation with the members of the committee. The committee meetings are an opportunity for the representatives of national minorities to establish direct contacts with the top-level management of the Federal Ministry of the Interior, the state representatives and members of the German Bundestag. The minorities appreciate this direct exchange, which thus complements the regular contacts at working level.

#### **VIII. Lignite mining operations (recommendation 8)**

The Committee of Ministers pointed out that further lignite mining in Saxony and Brandenburg means that the linguistic, cultural and historical heritage of the Sorbian minority risks being weakened if entire villages are relocated at a distance from the district where the Sorbian minority is traditionally settled. The Committee of Ministers therefore invited the competent authorities to pay all the requisite attention to the interests of persons belonging to the Sorbian minority if new relocations of the population are considered to make way for lignite mining operations, and ensure that the individuals concerned be closely involved in decision-making processes and the preparation for such relocations.

The interests of the members of the Sorbian people in the Free State of *Saxony* are taken into full account. It is ensured that all citizens are actively involved in the decision-making processes and the preparation for relocations and the rights of the Sorbian people are taken into particular account in this context. Furthermore, the Sorbian people benefits from the safe jobs in the Lusatian lignite mining industry. Without the lignite mining industry an exodus of the younger members of the Sorbian community looking for a job would be inevitable even if the region were to see an economic recovery in future decades.

When balancing legally protected interests in the context of lignite mining planning, the interests of the Sorbian people are taken into account to a large extent; this holds also

true with regard to the lignite mining plan for the Nochten open-cast mine which is currently being developed.

In the Land *Brandenburg*, a lignite mining operation may be licensed under mining law only upon conclusion of the lignite mining planning procedure under state planning law. The lignite mining plan is adopted by the state government by way of a statutory ordinance. The lignite mining plan aims to ensure a secure while environmentally and socially compatible energy supply in the long-term (section 12 (2) of the Act on Regional Planning and on Lignite Mining and Redevelopment Planning) (Gesetz zur Regionalplanung und zur Braunkohlen- und Sanierungsplanung). The lignite mining plans shall not only indicate the mine boundaries and the safety lines but also list unavoidable relocations and resettlement areas.

In cases where the removal of settlements is unavoidable, equivalent substitutes shall be offered and provided in good time pursuant to section 2 of the Act on Lignite Mining in the State of Brandenburg (Gesetz zur Förderung der Braunkohle im Land Brandenburg). In this context, village communities and social ties should be preserved through joint resettlement. Resettlement expenses shall be borne by the mining operator.

In the case of settlements which until the present day feature an uninterrupted linguistic or cultural tradition appropriate resettlement areas within in the traditional settlement area or the Sorbs (Wends) shall be designated if a resettlement becomes necessary due to mining operations.

In the case of the lignite opencast mine Welzow Süd, section I which Vattenfall Europe Mining plans to expand to section II, a lignite mining planning procedure has been underway since 2007. The rural village of Proschim is part of the town of Welzow and of the traditional settlement area of the Sorbs. Pursuant to item Z 17 of the draft lignite mining plan, the opportunities for the inhabitants of Proschim to preserve and promote the Sorbian culture, language and tradition under the conditions of resettlement shall be preserved and where possible improved, in order to create the prerequisites for a continuous further development. The resettlement area designated in the draft plan is located in the rural village of Terpe which is part of the town of Spremberg and also located in the traditional settlement area of the Sorbian minority.

**IX. Measures to improve the general public's awareness (recommendation 9)**

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.

In this context, the *Federal Government* refers once again and in particular to the brochure "National Minorities, Minority and Regional Languages in Germany" ("Nationale Minderheiten, Minderheiten- und Regionalsprachen in Deutschland") which provides information on the settlement areas and linguistic regions of national minorities and subsequently provides a detailed description of the national minorities in Germany.

The Free and Hanseatic City of *Hamburg* attaches top priority to promoting tolerance and intercultural dialogue, something that is reflected in particular in its new integration strategy entitled "Participation, intercultural openness and cohesion" ("Teilhabe, interkulturelle Öffnung und Zusammenhalt"). This strategy aims to ensure equal and measurable participation in all spheres of life. The central instruments are intercultural openness and anti-discrimination. The strategy is not specifically aimed at national minorities but is sensitive to the fact that there are also people who are discriminated against because of their origin.

In the Free and Hanseatic City of Hamburg the task of intercultural education is shared by all schools throughout all subjects and in school life. Students learn to look beyond their own cultural environment and to put themselves in and understand the position of minorities. The Counselling Service for Intercultural Education at the Hamburg Land Institute for Teacher Training and School Development ("Beratungsstelle Interkulturelle Erziehung am Hamburger Landesinstitut für Lehrerbildung und Schulentwicklung") makes available intercultural material which provides inter alia knowledge about the Sinti and Roma and their respective cultures so that teachers can explore this topic with their students at school.

The Hamburg Land Agency for Civic Education regularly sponsors events and projects of associations which focus on the coexistence of and mutual understanding between different religions and nationalities including national minorities in Germany. In 2009, the agency supported inter alia the Rosa-Luxemburg-Foundation (which organised a seminar with Klaus Mellenthin on "Roma - the largest minority of Europe") and the Association for Research on the History of the Jewish Community in Hamburg-Blankenese (Ver-

ein zur Erforschung der Geschichte der Juden in Blankenese) (which organised a public reading and discussion with Karin Guth, the author of the biography "z 3105, The Sinto Walter Winter survives the Holocaust"); in 2013, it sponsored the Bürgerhaus Wilhelmsburg Foundation (editing, printing and layout of a brochure on the Sinti in the framework of the Gipsy Festival on the Island in the River Elbe) and "filia. The Women's Foundation" (filia. Die Frauenstiftung) (right to a self-determined life? Filia project party: Female activists for the human rights of Roma women from Kosice/Slovakia).

Furthermore there is an inter-agency cooperation in Hamburg between government authorities and non-governmental organisations within the "Counselling network against right-wing extremism" ("Beratungsnetzwerk gegen Rechtsextremismus") which has been assigned a mobile counselling team at the operational level. Protecting members of national minorities against hostile attacks on the part of third parties is part and parcel of the broadly defined mission and ethos of this network. The mobile counselling team reports regularly on every single incident that comes to their knowledge in Hamburg and its surroundings. However, since 2009, no assaults on members of national minorities have been reported or discussed there.

On behalf of the Saxon State Government, the Ministry of the Interior of the State of Saxony established a State Prevention Council in May 2008 which has the task to coordinate, network and pool the resources of interdisciplinary prevention schemes, to optimize prevention initiatives at the state level which involve the society as a whole and to coordinate state-wide support options and programmes. On 1 November 2009, the state programme "Cosmopolitan Saxony - for democracy and tolerance" ("Weltoffenes Sachsen für Demokratie und Toleranz") was integrated into the State Prevention Council in the Free State of Saxony. This state programme has supported and continues to support projects which are effective also in parts of the Sorbian settlement areas. The projects aim in particular to promote and strengthen the tolerance for and acceptance of different religious, cultural and ethnic affiliations. This includes preventive action in the coexistence with the Sorbian minority. In order to provide more scientific and external expertise, a scientific advisory board was set up which may be consulted by the members of the plenary and the experts in the working groups. The Federation of Lusatian Sorbs (Domowina-Bund Lausitzer Sorben e.V.) is involved in the advisory board.

As concerns the Action Plan to Stimulate and Encourage the Use of the Sorbian Language in the Free State of Saxony please refer to the comments under section C.XII.



As a matter of principle, promoting tolerance and intercultural dialogue is part and parcel of the framework curricula in the Land *Brandenburg*. In this context the focus is in particular on tolerance vis-à-vis the Sorbian/Wendish minority and on measures to promote diversity which are taken into account in the cross-cutting parts of the curricula.

In *Lower Saxony* tolerance and intercultural dialogue are promoted indirectly through the funding that is allocated to the Lower Saxony Counselling Agency for Sinti and Roma (Niedersächsische Beratungsstelle für Sinti und Roma e.V.) which draws attention to the history of the Sinti and fosters the intercultural dialogue for example by organising a touring exhibition entitled "From Lower Saxony to Auschwitz" and by offering lectures in schools. Such events are aimed at enhancing the majority society's knowledge concerning the history and culture of the Sinti and Roma and at fostering mutual understanding.

In 2010, the world premiere of the theatre play "Trollmann's Struggle - Sinti City Hanover" (Trollmanns Kampf - Sinti Stadt Hannover) was staged at the Lower Saxony State Theatre in Hanover. The drama has a second title: "Mer Zikrales" which in the Sinti language means "We show it". The drama tells the story of Hanover boxing champion Johann Trollmann who was deprived by the National Socialists of his title as German light heavyweight champion after just eight days when it became known that he was a Sinto. He was murdered in Wittenberge concentration camp in 1943. What was so special about the theatre performance was the fact that the play was performed by nine young Sinti together with three professional actors. The production was targeted in particular at young people and did not only serve to impart historic facts but also raised questions related to the current situation of the Sinti, their self-image and identity and the prejudice and exclusion which they encounter in their every-day life.

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

The Land Lower Saxony intensifies efforts to advance the intercultural openness in schools. All pupils have the opportunity to acquire the necessary key skills at school that form the basis for participation, solidarity and their ability to act in a humane and demo-

cratic 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 the curricula; instead they are part and parcel of the schools' culture and translated into action through projects that are implemented together with partners and in networks. Schools and teachers are supported by specifically trained expert consultants for intercultural education who help them to fulfil their tasks in the field of intercultural education/integration. Fostering the educational achievement of Sinti and Roma children is also one of their tasks.

In the *Saarland* there is a qualified advisory service and a successful cooperation of stakeholders involved in anti-discrimination activities. Since May 2012, the Federal Anti-Discrimination Office has been supporting the "Counselling Network against Discrimination Saar" in the framework of the "Offensive for a Society without Discrimination" and as one of ten "Networks against Discrimination" from all over Germany. Responsibility for sub-project management within the Counselling Network against Discrimination Saar lies with the Office for Antidiscrimination and Diversity of the Centre for Advanced Vocational Training which is a non-profit educational institute of the DGB GmbH (Fachstelle Antidiskriminierung und Diversity des Berufsbildungswerks - Gemeinnützige Bildungseinrichtung des Fachstelle Antidiskriminierung und Diversity der DGB GmbH (bfw)). The following institutions are involved in the network: Counselling Service for Victims of Discrimination and Right-Wing Violence (under the responsibility of the Ministry for Social Affairs, Health, Women and Family); the Saarbrücken Deanery (member of the Interreligious Dialogue Saarbrücken); the German-Foreign Youth Club Saarbrücken; the Commissioner for Women's Affairs of the State capital Saarbrücken; the Women's Library Saar; the Saarland Chapter of the German Lesbian and Gay Association (LSVD); the Association Miteinander Leben Lernen e.V. which is an association promoting the joined living and learning of persons with and without disabilities; the Malstatt district office.

Many forms of right-wing extremism, xenophobia and anti-Semitism are not perceived by the public. For this reason, the federal program "Promoting Tolerance - Reinforcing Competences" involves numerous prevention and intervention measures. As concerns right-wing extremism there is often a lack of knowledge about modern forms and expressions of right-wing extremist activities. Right-wing extremism exists not only at an organised level (NPD comradeships) but is also reflected in right-wing extremist, hostile and discriminatory attitudes and statements. Many social professions are faced with this complex phenomenon. The knowledge about this phenomenon is often influenced by the media. For this reason, a two-day further training seminar entitled "We keep an eye on what is going on - risks to the welfare of children in the context of right-wing extremism"

was designed and implemented. The participants were called upon to develop an access of their own to this issue.

In connection with the murders committed by the members of the National-Socialist Underground, all groups of the State Parliament agreed to set a signal against right-wing extremism. For the budget years 2012 and 2013, the budgetary funds for combating right-wing extremism were increased by € 100,000. In the framework of this support, projects were linked with already existing initiatives and measures in the Saarland. The projects involved a host of different strategies, approaches, initiatives and target groups all aimed at countering right-wing-extremism, xenophobia and anti-Semitism. This included for example the (further) development of education schemes that are also suitable for schools for children with special needs and for nursery schools, training courses for multipliers and media education projects.

Furthermore expert seminars on issues such as "Do not be afraid to be different - how to deal with everyday discrimination", the expert dialogue on "Gender-Migration-Religion" which involves a number of discussion groups, and advanced training measures on the participation of and the discrimination against Romanies have been offered and implemented.

In the Land *Hesse*, the policy for promoting tolerance and intercultural dialogue is essentially shaped by the activities of the Hesse Centre for Civic Education (Hessische Landeszentrale für politische Bildung) (HLZ) whose core tasks include in particular the discourse on anti-Semitism, its history, its different forms and the education on and prevention of racism and right-wing extremism.

Over the past few years, several events dealing with the persecution of the Sinti and Roma under National-Socialism were organised, inter alia the exhibitions entitled "Frankfurt - Auschwitz" which were developed in cooperation with the Association to Promote the Roma (Förderverein Roma e.V.) and shown in Frankfurt/Main in May/June 2010 and in Bad Homburg in January/February 2012 and the exhibition "Images of People - Otto Pankok: painter of the persecuted" ("Menschenbilder - Otto Pankok: Maler der Verfolgten" which was developed in cooperation with the association "Against Forgetting - For Democracy" (Verein Gegen Vergessen - Für Demokratie) in 2013. These exhibitions were accompanied by a supplementary program which offers talks with contemporary witnesses and lectures. Furthermore, the Sinti and Roma as victims of the Nazi-regime were also the subject of numerous other events (conferences, seminars, exhibitions, readings, etc.) such as the talk with Zoni Weisz "The "forgotten" Holocaust - Sinti and Roma in the time of National Socialism" which was held in Wiesbaden in February 2012.

On 28 November /2012, the "*Requiem for Auschwitz*" composed by Roger Moreno Rathgeb and directed by Riccardo M. Sahiti premiered in Germany at the Alte Oper in Frankfurt. The "Requiem for Auschwitz" is a European project which premiered in Amsterdam and will be performed in several cities across Europe. The performance in Frankfurt was organised by the Philharmonic Association of the Sinti and Roma in Frankfurt/Main and the Stichting Alfa in cooperation with the Documentation Centre of the German Sinti and Roma (Dokumentationszentrum Deutscher Sinti und Roma e. V.) in Heidelberg and the Association to Promote the Roma (Förderverein Roma e.V., Frankfurt). Young people recited autobiographical accounts of survivors in a multimedia installation. In the evening, the exhibition "Frankfurt – Auschwitz" of the Förderverein Roma e.V. and the artist Bernd Rausch was presented in the foyer of the opera house.

To commemorate the 70th anniversary of the deportation of the Sinti from Marburg and the surrounding region, the university city of Marburg in cooperation with the Philipps-University Marburg organised a concert in the Prince's Hall of Marburg Castle featuring the Great Orchestra of the Gymnasium Philippinum and the international Roma Philharmonic Orchestra from Frankfurt/Main. They performed classical items but also music pieces that stem from the musical tradition of the Sinti and Roma.

Furthermore, Hesse provides permanent financial support to four memorial sites for the victims of National Socialism (Hadamard, Breitenau, the documentation and information centre Stadtallendorf, Truthain) and it supports visits and excursions to these memorial sites.

#### **X. Minority Languages in the Media (recommendation 10)**

The Committee of Ministers recommended that the German authorities provide greater support for the development and transmission of radio and TV programmes in the national minority languages, especially by the public-service media but also through the creation of relevant incentives for private media. It emphasized the fact that persons belonging to the Danish minority have lost the ability to receive Danish language broadcasts and that the media presence of Frisian is very limited.

Owing to the freedom of broadcasting and the freedom of the press guaranteed by the German constitution it is not possible for the Federal Government to interfere in or determine the programming by radio and TV broadcasters. The broadcasters can only be called upon to develop and transmit adequate programmes in the national minority lan-

guages. Neither the federal nor the state authorities are in a position to exercise coercive measures.

Nevertheless the *Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities*, while respecting the independence of the media, addressed a letter to the Chairman of the Broadcasting Board of the Norddeutscher Rundfunk in 2012 asking him to support the promotion of radio and TV programmes in the Frisian language.

On 17 July 2012, the Senate of the Free Hanseatic City of *Bremen* concluded a framework agreement with the Bremen branch of the Association of German Sinti and Roma (Verband Deutscher Sinti und Roma, Landesverband Bremen e. V.). In this framework agreement, the Senate asks the public-service broadcasters and the Bremen state media authority to take the specific interests of the Sinti and Roma into account in their programming. Furthermore, the Senate confirms that it supports the use of the Offener Kanal radio broadcasting station to give the German Sinti and Roma a higher profile.

The Land *Hesse* has encouraged a dialogue between the Hesse Association of German Sinti and Roma and the State public service broadcasting corporation. However, according to the information provided by the Land Hesse, the representatives of the Sinti and Roma have not asked the state public service broadcasting corporation for any programming in the Romani language so far.

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

Through the above mentioned legal amendment the legislator of Lower Saxony has created the prerequisites for ensuring the dissemination of the customary regional and minority languages. However, this significant amendment of the Lower Saxony Media Act has not produced any identifiable concrete results. Owing to the constitutional principle of non-intervention it is, however, not admissible for the government to exercise any fur-

ther influence on the programming of broadcasting stations. Thus, the relevant obligations under the framework agreement have been met.

Pursuant to section 14 of the Act on the Sorbs' Rights in the Free State of Saxony the Free State of Saxony strives to ensure that the Sorbian language and culture are adequately represented in the media in particular through broadcasting programmes and contributions in the Sorbian language.

Section 6 (3) of the Inter-State Treaty on Mitteldeutscher Rundfunk (MDR) requires the broadcasting station to represent the concerns of all groups of society, including those of minorities. For this reason and also owing to constitutional requirements the MDR also broadcasts programmes in the Sorbian language. The programmes are produced at the regional studio in Bautzen.

The Act on Private Broadcasting in Saxony (*Sächsisches Privatrundfunkgesetz* (SächsPRG), in its Section 7 (1), states that private broadcasters should represent the views of minorities. The Saxon training and trial channel (*Sächsischer Ausbildungs- und Erprobungskanal*), a Bautzen-based non-profit making limited-liability company launched by the Saxony State Authority for Private Broadcasting and New Media (SLM), continues to be dedicated to broadcasts in the Sorbian language.

Under Section 4 (2) (2) of the RBB Treaty (Inter-State treaty on the public service broadcasting station for *Berlin* and *Brandenburg*), the programmes of Rundfunk Berlin-Brandenburg shall take account of the regional diversity in the Länder of Berlin and Brandenburg and of the language and culture of the Sorbian/Wendish people. For this reason, RBB broadcasts not only programmes in German but also in the Sorbian language.

According to their coalition agreement covering the period of 2012 - 2017, the governing coalition parties at state level - Sozialdemokratische Partei Deutschlands (SPD, Social Democratic Party of Germany), Bündnis 90/Die Grünen (Alliance 90/The Greens) and Südschleswigscher Wählerverband (SSW, South Schleswig Voters' Association) - plan to argue with vigour in the bodies of the Norddeutscher Rundfunk (NDR) broadcasting station to make sure that public service broadcasting reflects the linguistic and cultural diversity prevailing in *Schleswig-Holstein*. For this purpose, the Commissioner of the Minister President for Matters Related to National Minorities and Ethnic Groups, Border Area Work and Low German conducts talks with the NDR and the Chairman of the State

Media Council. Furthermore, there are contacts with a commercial private broadcaster in the island of Sylt, the project Friisk Funk in the island of Föhr and the Offener Kanal Schleswig-Holstein.

#### **XI. Legislation concerning minority names (recommendation 11)**

The Committee of Ministers called upon the German authorities to take the necessary steps to bring German legislation concerning the changes of minority names fully in conformity with Article 11 of the Framework Convention; In particular, female members of the Sorbian minority should be allowed to add the suffix "-owa" to their family name in official documents.

In Germany, the members of the Sorbian minority are the only ones to have expressed their wish to change their names to the minority language form. In the Sorbian language, the family names of women are followed by the suffix "-owa". In the Sorbian language, the female name thus differs from the male form.

The options that are open under German law for members of the Sorbian minority to change their names are derived from section 1 of the Act on the Change of Minority Names (official title: Act Implementing Article 11 (1) of the Council of Europe Framework Convention of 1 February 1995 for the Protection of National Minorities). According to this provision, it is admissible to translate a name into the minority language, to adjust it phonetically to the minority language and to restore past names, but it is not allowed to transfer a name into its female form.

The Act on the Change of Minority Names was enacted to implement article 11 (1) of the Framework Convention. Article 11 (1) of the Framework Convention obliges the states party merely to recognize the right of members of national minorities to use their surnames in the minority language according to the modalities provided for in the legal system of the state party concerned. However, this provision does not oblige the states party to deviate from the general legal provisions by subjecting the tradition of names to the customs of the national minority concerned. As the German law governing names does not provide for gender-specific name suffixes, the possibility to add such a suffix was not included in section 1 of the Act on the Change of Minority Names.

In connection with the increasing introduction of electronic workflows in the public administration, Sorbian interest groups have complained that special characters that are specific of the Sorbian language cannot be exactly represented in this context; this holds

true e. g. for the official register of societies and associations. This problem has been identified in the Free State of Saxony and is being remedied progressively. As far as Saxony is concerned, it should be possible ca. in April 2014 to exactly represent the Sorbian special characters in the official register of societies and associations.

*Schleswig-Holstein, Bremen, Berlin and Brandenburg* use the same software for the management of electronic registers such as official registers of societies and associations and commercial registers. This system cannot represent all diacritic marks. It would cost up to € 500,000 to change the software. Since all federal states plan to introduce new software for the management of electronic registers by 2016 which will be able to represent diacritical marks, the costs for improving the existing system seem disproportionate, in particular in view of the short period of time that remains until the roll-out of the new system. For these reasons, the fact that it is - for a transitional period - not possible to spell Sorbian/Wendish words correctly when entering them into the registers, is accepted.

As early as in 2009, the Cottbus registry office (Land Brandenburg) addressed a submission for clarification (Zweifelsvorlage) to the Cottbus local court asking the court to decide whether it was legitimate for a married Sorb woman to use a hyphenated name with a female suffix. In its decision of 26 March 2010, the local court had turned down an instruction to that effect by the registry office. The complaint against this decision filed by the applicant was rejected by the competent Cottbus regional court.

The German legislator has not exceeded his margin of discretion by factually excluding the possibility for members of national minorities to use their name in the minority language. The declaration by the Upper Sorbian Language Commission (Obersorbische Sprachkommission) of 25 September 2000 says that while there are clear grammar rules in the Sorbian language which rule out the use of the male form for a female name bearer, it is left to the latter to decide whether to adopt the gender-specific suffix or not.

Furthermore, one has to bear in mind that any amendment to the Act on the Change of Minority Names with the aim of allowing gender-specific suffixes to names would have to be extended so as to cover not just the Sorbian minority but all national minorities and other users of foreign names. Such an amendment would thus have significant impacts on the entire German law on names.



## **XII. Minority languages in public life (recommendation 12)**

The Committee of Ministers called upon the German authorities to create an environment in which the use of minority languages in public life is encouraged. It recommended in particular that measures be taken to create an environment in which the use of the Sorbian, Danish and Frisian languages in dealings with local administrative authorities can be promoted more effectively.

The Land *Lower Saxony* points out that it would not be admissible for the state to impose direct rules on the use of Sater Frisian in the local administration. since local authorities enjoy the right to local self-government. However, since the Framework Convention has the force of law, local authorities are bound by the provisions of the Framework 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 wish of Sater Frisian speaking public officials to be assigned to a job in which these language skills are required should be complied with.

In its contacts with the national associations of local authorities the state government of *Schleswig-Holstein* strives to raise the awareness for the linguistic and cultural diversity of the state. This includes in particular the use of regional or minority languages in dealings between the citizens and the administration. In addition and according to its coalition agreement, the state government aims in the first half of the legislative period to develop together with the local authorities and with representatives of the minorities and language groups a "language policy" action plan in the context of multilingualism and linguistic diversity taking into account the regional and minority languages. On 20 September 2012, a kick-off conference on "Language policy in the context of multilingualism and the linguistic diversity resulting from regional or minority languages in Schleswig-Holstein" was held in Kiel and attended by representatives of all minorities and language groups.

However, in everyday practice it has turned out that the concrete implementation of the obligations under the Framework Convention for the Protection of National Minorities by the local and regional administration sometimes results in problems for the members of the Danish minority and the Frisian community. Against this backdrop the Land Schleswig-Holstein will conduct talks with representatives of the local administrations, minority representatives and representatives of the Frisian community to inform them of the law as it stands and its practical implementation and to arrive at concrete solutions.

In the Sorbian settlement area in the Land *Brandenburg*, protecting and promoting the Sorbian/Wendish language is an important aspect for the local authorities and local authority associations in their political and cultural work. This implies that speakers of the Lower Sorbian language are encouraged to submit their oral and written requests in the Sorbian/Wendish language. Many local authorities and local authority associations in the Sorbian settlement area in Brandenburg carry their names both in the German and in the Lower Sorbian languages. In most cases official letters feature bilingual letterheads. Publications are increasingly bilingual and bilingual projects in day-care centres, schools, associations and in the municipalities and local authority associations are supported and promoted. Signs directing the way to and inside public buildings are mostly both in the German and in the Lower Sorbian language. The local authorities and local authority associations in the Sorbian settlement area in Brandenburg have Commissioners for Matters related to the Sorbian/Wendish community, some of whom are employed on a full-time basis and who represent the concerns of the Sorbian/Wendish citizens. They serve as a point of contact also where translation services are required and contribute to a fruitful coexistence of the Sorbs/Wends and the non-Sorbian/non-Wendish population.

Pursuant to section 4 of the Brandenburg Administrative Procedure Act (Brandenburgisches Verwaltungsverfahrensgesetz - VwVfGBbg), users of a minority language have the right to legally submit oral and written applications or official documents in that language to the administrative agencies and public service providers. Section 4 of the Brandenburg Administrative Procedure Act stipulates that in the Sorbian settlement area section 23 (2) - (4) of the Federal Administrative Procedure Act (Verwaltungsverfahrensgesetz des Bundes - VwVfG) shall apply under the proviso that Sorbian citizens who are party to administrative procedures shall not be charged for translation or interpretation services in connection with the administrative procedure. Furthermore and in derogation from section 23 (3) of the Federal Administrative Procedure Act, time limits start even if a complaint, an application or a declaration of intent is submitted to an authority in the Lower Sorbian language. Practice shows, however, that citizens hardly avail themselves of the opportunity to use the Lower Sorbian language when addressing their concerns - be it orally or in writing - to the Brandenburg authorities, even though the prerequisites for processing and answering them are met.

The Brandenburg Ministry of the Interior has repeatedly analysed the need in the administration and in the judiciary for further training aimed at acquiring Lower Sorbian language skills; the last needs analysis was carried out in 2010. It turned out, however, that a need for such further training existed only here and there. As for the rest, the adminis-

trative authorities consider the existing staff resources sufficient to meet their obligation to communicate in the Lower Sorbian language.

The local authorities of the Free State of *Saxony* and the police authorities in the Sorbian settlement area take care to employ a certain percentage of Sorbian-speaking officials. In particular in the Sorbian-speaking areas covered by the Bautzen, Hoyerswerda, Kamenz and Weißwasser police stations the authorities take care to ensure that a larger number of officials are able to conduct a general conversation in the Sorbian language because dealing with Sorbian-speaking citizens is part of their everyday business.

With the provisions under section 9 of the Saxon Sorbs Act, Saxony has fully returned to the territorial principle as far as the official languages policy is concerned. Section 9 of the Saxon Sorbs Act regulates the official use of the Sorbian language in the state. In the Sorbian settlement area (section 3 Saxon Sorbs Act), citizens have the right to use the Sorbian language in their dealings with authorities of the Free State of Saxony and the corporations, institutions and public law foundations under its jurisdiction. If they make use of this right, this has the same effect as if they were using the German language. The authorities may also use the Sorbian language to answer and decide petitions that are submitted in the Sorbian language. However, Sorbian contact persons are available in the Sorbian settlement area only. Outside this area which is defined pursuant to section 3 of the Saxon Sorbs Act, the state authorities are not obligated to process and receive letters that are drafted in the Sorbian language.

The right of the Sorbs to speak Sorbian in court in the home counties of the Sorbian community is guaranteed in Saxony (section 184 of the Judicature Act (Gerichtsverfassungsgesetz) in conjunction with section 9 (2) of the Saxon Sorbs Act).

In the county administrations of the Bautzen and Görlitz counties there are a total of 42 contact persons for the Sorbian language. In order to further enhance the use of the Sorbian language in the communication with the local administrative authorities, some local authorities offer further training schemes and training courses in the Sorbian language. In some local administrative authorities in the Sorbian settlement area, signposting is bilingual. Brochures are also partly bilingual (German/Sorbian).

On the occasion of a cabinet meeting on 24 April 2012, the "Plan of Action to Encourage and Revive the Use of the Sorbian Language" was submitted by the Saxon State Ministry for Science and Arts for the information of the cabinet. This is a task that was defined in the coalition agreement establishing the State Government for the fifth legislative period of the Saxon State Parliament. Hence, measures to "promote the Sorbian language

and culture shall be continued at a high level. The Sorbian language is indispensable for strengthening and sustaining everyday Sorbian life."

The measures that were developed are based on proposals by the Saxon government departments involved, the Commissioners for Sorbian Affairs of the Bautzen and Görlitz counties, the Federation of Lusatian Sorbs (Domowina - Bund Lausitzer Sorben e. V.) and by the department for "Sorbian Affairs" in the Saxon State Ministry for Science and Arts. The action plan includes measures to promote the acquisition of Sorbian language skills, measures to enhance the use of the language in public life and measures to provide knowledge on the Sorbian language and culture. Some of the measures are already being implemented while others still require some fine-tuning and awareness-raising among potential partners.

The action plan is accessible at the following link:<http://www.sorben.sachsen.de> on the website of the Saxon State Ministry for Science and Arts and was also published in the form of a bilingual brochure.

### **XIII. Educational system (recommendation 13)**

The Committee of Ministers called upon the German authorities to continue and intensify measures to increase the availability of teachers qualified to teach in the minority languages, at all levels of the educational system; continue, in close liaison with the representatives of the minorities concerned, to develop teaching of or in these languages. The Committee of Ministers identified deficits in particular with regard to the training of Sorbian and Frisian language teachers.

For years, the recruitment of young teachers for Sorbian schools has been an important element in the work of the Saxon State Ministry of Education and Cultural Affairs. The same is true of schools which teach according to the "2plus"-approach which is a pedagogical strategy for Sorbian-German schools that spans across all types of school and aims to enable students to acquire multilingual skills at an early age. This strategy aims to ensure that pupils are able to make themselves understood in both languages by the time they reach the end of the fourth school year. The concrete implementation of the strategy is essentially managed by the Bautzen Regional Office, the Saxon Education Agency in cooperation with the Federation of Lusatian Sorbs, the Sorbian Schools Association (Sorbischer Schulverein e. V.) and the Bautzen Sorbian Grammar School (Sorbisches Gymnasium Bautzen).

The cooperation is based on a study prepared by the Bautzen Regional Office on the development in the supply of teachers in the above mentioned schools over the period until 2020. In this context, the expected decrease in the number of teachers due to retirement and part-time work for older employees was taken into account and broken down according to school type and subject. Against the backdrop of this analysis, the graduates of the Bautzen Gymnasium are specifically invited each year to train as a teacher; these advertising efforts were particularly successful in 2012 and 2013. In both years, approximately one third of the graduates declared their interest in a teacher training course and signed a written agreement with the Bautzen Regional Office. It is to be noted that the study courses chosen comply increasingly with actual requirements.

What government authorities cannot influence, however, are the individual plans of students. Even though the Bautzen Regional Office also offers support to university graduates when it comes to taking up and accomplishing the second, practical phase of teacher training, not all graduates make use of this offer and some leave the Free State of Saxony to undergo their practical training elsewhere. As a consequence, not all bilingually trained teachers actually take up their employment in the Free State of Saxony. Furthermore there is a tendency even among young Sorbian teachers to leave the rural areas and to move to the big conurbations. For this reason there are currently and probably also in the medium-term problems with the availability of bilingual teachers in rural areas, in particular at the primary schools.

As concerns the development of Sorbian language training and the tuition of other school subjects in the Sorbian language, the Bautzen Regional Office refers to the "2plus"-strategy. Representatives of the Sorbian community have been involved to a very comprehensive extent in the development, evaluation and introduction of this strategy.

To enhance the availability of teachers, the school board (Schulamt) in the city of Cottbus (Land *Brandenburg*) has newly hired at least one Sorbian-speaking teacher per year in the period under review. Furthermore, the public school board has offered continuing vocational training and education schemes for teachers to improve teaching both in terms of quantity and quality. The representatives of the Sorbs/Wends have been and continue to be involved in the planning of continuing vocational training and education schemes.

Teachers for the Sorbian/Wendish language are trained at the Institute for Sorbian Studies at Leipzig University. Brandenburg provides 50 % of the funding for a teacher with special tasks for the Lower Sorbian language and culture. Each year, a maximum of ten new students can enrol in this study course.

Even since the mid 1990s, the Landesinstitut für Lehrerbildung (State Institute for Teacher Training) of Brandenburg has been offering a seminar entitled "Sorbian/Wendish for future teachers" at the teacher training institution in Cottbus.

Under the lead of Potsdam University and the Association for Advanced Qualification in Education (Verein Weiterqualifizierung im Bildungsbereich WiB e. V.), the Office for Sorbian/Wendish Educational Development (Arbeitsstelle für sorbische/wendische Bildungsentwicklung - ABC) in Cottbus offers a two-year further education program which provides candidates with the additional qualification "bilingual teaching and learning - Sorbian/Wendish as a working language in teaching at primary level and/or in a subject at secondary levels I/II." This covers the subjects LER (lifestyles, ethics and religious studies), sport, history, mathematics and music. Since 2001, there have been four such training courses which resulted in the successful qualification of approx. 33 teachers. While there is currently no further demand for this qualification, the ABC will continue to offer this training scheme in the future.

For the years 2014 and 2015, a summer academy "Sorbian/Wendish for teachers" is planned in order to carry out a scientific evaluation of the Sorbian/Wendish language tuition and the bilingual tuition at primary schools. The teaching offers and the framework for such tuition can then be further developed on the basis of the evaluation results.

At the Carl von Ossietzky University in Oldenburg (Land *Lower Saxony*), the professorship for "Germanic linguistics: linguistic pragmatics and sociolinguistics/Low German" was initially filled on a temporary basis for the period from 16 December 2007 to 15 December 2012. Meanwhile, the procedure to convert this professorship into a permanent one was initiated and concluded in September 2012.

Over the past two years, the focus of the above mentioned German Studies professorship has been expanded from "Low German" to "Low German and Sater Frisian". There were two reasons for this. For one thing, Sater Frisian is one of the most endangered minority languages in Europe. Another reason lies in the fact that Sater Frisian offers unique opportunities for variety and language contact research based on experimental phonetics. Sater Frisian is the only form of the East Frisian language that is still being spoken and thus the only form of the East Frisian language that is still available for experimental research.

Since the 2009 summer semester, the university has been offering a practical language course for Sater Frisian once per study year; this course is taught by a Sater Frisian native speaker. This course is targeted at all students and junior researchers who wish to benefit from a certain knowledge of the Sater Frisian language be it because they are in-

volved in research work on the Low German or Sater Frisian languages be it because of a general dialectological or typological interest. Participants, who have successfully attended the course, receive a certificate issued by the Seelter Buund, the heritage association of the Sater Frisians. In the past, this offer was also used by doctoral students who were not enrolled in the focal study course.

The focal course "Low German and Sater Frisian" also gave the impetus for the project "The Saterland as a Model Region for Early Multilingualism" which since 2011, has been running a multiannual further education programme for nursery school teachers and primary school teachers in cooperation with the project "East Friesland as a Model Region for Early Multilingualism" (project time frame 2011 - 2015). This project is intended to expand the supply of immersion language teaching at nursery schools and primary schools in Saterland.

The focus on Low German and Sater Frisian has close ties to non-academic institutions. What deserves particular mention is the co-operation with the Oldenburgischen Landschaft (Saterland Frisian further education project, organisation of children's universities and conferences), the Ostfriesischen Landschaft (Saterland Frisian further education project, East Frisian online-dictionary, conferences), the Niedersächsischen Heimatbund (NHB) (conferences, workshops, etc.) and the Seelter Buund (Heritage Association of the Sater Frisians, practical language courses etc.).

With its focus on Low German and Sater Frisian, the University of Oldenburg also serves as a cooperation partner for a number of projects, in which aspects of language promotion, language protection and cultural work predominate:

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

At the Kiel Christian-Albrechts-University (CAU) in the Land *Schleswig-Holstein*, the number of Frisian language students has remained largely constant over the past few years. In the 2012/13 winter semester, 49 students enrolled for Frisian language and cultural studies.

At Flensburg University, nine individuals (Master students and active teachers) have obtained the additional qualification and/or the certificate of the Frisian seminar in conjunction with the Centre for Continuing Education (Zentrum für wissenschaftliche Weiterbildung) and thus also the teaching qualification for Frisian. In addition there were 75

students involved with Frisian language studies in the 2012 summer semester, since Frisian is offered as a focal subject for students of the Germanic languages and because Flensburg University also offers selected events and various language courses as optional subjects for students of modern languages and intercultural communications. The number of students varies strongly over time. It peaked in the 2007/08 winter semester with 120 students and reached a low in the 2009 summer semester with just 40 students.

There is a close co-operation with the Nordfriisk Instituut in Bredstedt which was awarded the status of a scientific institute at Flensburg University in 2007. The Nordfriisk Instituut is supported by the Land Schleswig-Holstein and is to be expanded by an annex building in 2014 where all facets of the Frisian culture and language will be taught in the future.

The number of teachers available at primary and secondary school level in the Land Schleswig-Holstein is adequate to provide qualified and sufficient Frisian language tuition. In particular the certificate courses offered by the Institute for Quality Development at Schools in Schleswig-Holstein (Institut für Qualitätsentwicklung an Schulen Schleswig-Holstein - IQSH) help to ensure that sufficient numbers of teachers can be trained in a way that is compatible with the curriculum requirements.

#### **XIV. Participation in public life (recommendation 14)**

The Minister Committee 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.

As outlined above, the *Federal Government Commissioner for Culture and the Media (BKM)* supports the Central Council of German Sinti and Roma and the Heidelberg Documentation and Cultural Centre of German Sinti and Roma in the framework of the Federal Government's institutional support for culture. These institutions have initiated numerous activities which help improve the participation of Sinti and Roma in public life.

The European Centre for Minority Issues (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 organisations 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.

In 2005, the Secretariat for Minorities (Minderheitensekretariat) which is supported by the Federal Ministry of the Interior was founded in Berlin as a secretariat for the associations of national minorities in Germany. Its mission is to facilitate the information exchange with the Deutscher Bundestag, the Federal Government, 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 public relations work. The Secretariat also serves as a clearing house for the minorities and coordinates their opinions.

In a discussion group on national minorities at the Deutsche Bundestag, MPs meet several times a year with representatives of the umbrella organisations of the national minorities.

In the Land *Schleswig-Holstein*, the President of the State Parliament established a body for matters related to the minority of the Sinti and Roma in November 2012 in response to the inclusion of the national minority of the German Sinti and Roma in the State Constitution (article 5 (2)). MPs of all parties represented in the State Parliament and members of the ministerial administration were appointed as members of this body. The Commissioner of the Minister-President for Matters Related to National Minorities and Ethnic Groups, Border Area Work and Low German is also a member of this body. Thus, all national minorities and ethnic groups in Schleswig-Holstein now have such an interface with the State Parliament and thus the opportunity for a direct exchange with the political level and the administration.

In the Land *Brandenburg* and in the Free State of *Saxony*, there are structural safeguards in place to ensure that the representatives of the Sorbian/Wendish people are involved in the decision-making processes of the Foundation for the Sorbian People

(Stiftung für das sorbische Volk). Six out of the fifteen members of the Foundation Board which is the key decision-making body of the Foundation, are representatives of the Sorbian/Wendish people. Furthermore, the Foundation statutes stipulate that two of these six representatives shall be from Brandenburg while four shall be from Saxony so as to ensure a balanced regional representation.

The cultural autonomy of the Sorbs/Wends is also strengthened by other means. Thus, in 2013 the Free State of Saxony and the Land Brandenburg withdrew from the board of trustees which selects the winners of the Čišinski-Prize, the most prestigious Sorbian/Wendish cultural award, leaving the selection of the prize winners entirely to the representatives of the Sorbian/Wendish people.

In the framework of the still pending amendment of the Brandenburg Act on the Sorbians/Wends, different models are under consideration with a view to broadening the legitimacy basis for members of the Council for Sorbian/Wendish Affairs at the State Parliament. A report on this issue will be contained in the next periodic report.

As concerns the participation of members of the Frisian minority at regional and local level, the Land *Lower-Saxony* points out that due to numerous cultural events, the Sater Frisians in the Saterland do not only enjoy full participation in public life but are actually themselves part of public life. This is true in particular of the following initiatives:

- annual event since 1988: Lääswettstriet (school reading competition in Low German and Sater Frisian) (held on 20 November 2012 and 17 April 2013 on the occasion of the launch of the "Low German Week" (Plattdüütsche Week);
- 19 June 2012: event entitled "Sater Frisian - a minority language in Northern Germany" at the Representation of the Land Lower Saxony in Brussels;
- 15 November 2013: 10th nationwide "Reading Aloud Day". At more than 30 schools throughout northern Germany, there were "reading aloud" sessions in Low German and Sater Frisian.
- Development of an internet presence for the Seelter Bund (Association of Sater Frisians).
- Multilingual welcome boards in Sater Frisian at the village entrances.
- Evening classes for Sater Frisian.
- Procurement of literature featuring Sater Frisian stories to promote the Sater Frisian language at schools
- Production of t-shirts (Sater Frisian) for pupils and students.

#### ***D. 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 comments on the recommendations of the Committee of Ministers, reference will be made to thereto to avoid repetition.

#### **I. Article 3**

##### **Scope of application of the Framework Convention**

The Advisory Committee called on the authorities to pursue an open and dialogue-based approach in their relations with persons and groups who would like to benefit from the protection of the Framework Convention, such as persons of Polish origin, language or culture, and persons belonging to the East Frisian group. It also urged the authorities to review regularly the established criteria of eligibility for protection under the Framework Convention, in order to ensure that the criteria do not have the effect of excluding people from the scope of application of the Convention in a way that is arbitrary or discriminatory. Against this background, the Advisory Committee urged the authorities to take a dialogue-based approach with persons belonging to groups that might, in future, qualify for protection under the Framework Convention (Nos. 29–38).

As regards citizens of Polish origin living in Germany, it should be noted that these do not fulfil the conditions for recognition as a national minority referred to in the above (cf. C. V.), since they are not traditionally resident in Germany and do not live in traditional settlement areas.

In line with Article 20 of the Neighbourhood Treaty, the Polish group has almost the same rights in Germany as the members of the German minority in Poland, for example the right of individuals or groups to freely express, preserve and develop their ethnic, cultural, linguistic and religious identity. Moreover, Article 20 para. 3 of the Treaty grants members of both the Polish group in Germany and the German minority in Poland rights of freedom and defence against the state. However, the Polish group in Germany cannot invoke the additional rights of national minorities.

The Treaty on Good Neighbourly Relations and Friendly Cooperation concluded by the Federal Republic of Germany and the Republic of Poland on 17 June 1991 justifies this unequal treatment. Article 20 of the Treaty draws a distinction between “members of the

German minority living in the Republic of Poland” and “persons of Polish descent with German nationality living in the Federal Republic of Germany”. Both countries thus assume that there is a German minority living in Poland but not a Polish minority living in Germany. The two countries have recognized that although the respective groups have rights under the Treaty, the broader rights granted to national minorities are only accorded the German minority in Poland.

Please refer to C. V. for details regarding the scope of application of the Framework Convention.

As regards people belonging to the East Frisian group, the *Land of Lower Saxony* makes reference to Germany’s comments in response to the Third State Report of the Advisory Committee on the Framework Convention on the Protection of National Minorities, more specifically No. 35:

“Comment of the Federal Government regarding the recognition of East Frisians as members of a national minority: In Germany, national minorities – protected under the Framework Convention for the Protection of National Minorities – are those groups of German nationals who have their own language, culture and history, different from that of the majority population, i.e. an identity of their own which they seek to preserve, and who are traditionally resident in the Federal Republic of Germany and live in their traditional settlement areas. In addition to the Danish minority, the Sorbian people and the German Sinti and Roma this also includes the Frisian ethnic group in Germany. The Federal Government’s bill considers East Frisians part of the Frisian ethnic group (see Bundestag Printed Paper 13/6912, p. 21, 27, 28). According to this legally binding definition, East Frisians are not a separate national minority but part of the Frisian national minority.

“East Frisians continue to preserve their East Frisian cultural identity although they no longer use the Frisian language, since they chose Low German as their official language as early as in 1500 and by 1800 had adopted it as their language of everyday communication. According to the European Charter for Regional or Minority Languages, Low German is also protected as a regional language. (The Charter aims at protecting and promoting regional or minority languages as an endangered part of the European cultural heritage.) Hence, the language currently used by East Frisians is also taken into account in this context.

“Therefore, it is undisputed that East Frisians belong to the Frisian ethnic group and thus to the protected national minorities in Germany.”

## II. Article 4

### Combating discrimination

The Advisory Committee called on the German authorities to undertake regular monitoring of compliance with the General Act on Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz*, AGG) and to raise more awareness of the Act amongst the population as a whole. It is especially important that persons most vulnerable to discrimination are fully informed of the legal remedies available to them. In addition, the authorities should consider broadening the powers of the Federal Anti-Discrimination Agency (*Antidiskriminierungsstelle des Bundes*) and ensuring that it has sufficient resources. When adopting housing policies, the unjustified exclusion, isolation or discriminatory treatment of persons belonging to national minorities should be avoided (Nos. 39–52).

Please refer to C. I. for details on initiatives launched in connection with the General Act on Equal Treatment.

The following should be noted in regard to the Advisory Committee's comments on housing policies:

The *Federal Ministry of Transport, Building and Urban Affairs* (BMVBS) welcomes the fact that the Advisory Committee recognizes the legitimacy of creating and maintaining "socially stable resident structures" (cf. No. 42). Nevertheless, the Federal Ministry does not share the Advisory Committee's concern that this could lead to discrimination on the basis of ethnic origin and inhibit certain groups of people's access to housing. The provision in the General Act on Equal Treatment which, with a view to creating and maintaining socially stable resident structures, permits unequal treatment when it comes to leasing residential accommodation has been deemed by the European Commission to be in conformity with Union law. The infringement proceedings against Germany (No. 2007/2253) in regard to Section 19 (3) of the General Act on Equal Treatment Act were discontinued in 2009 (cf. statement from the European Commission of 29 October 2009, K(2009) 8166).

The objectives of housing assistance available in *Lower Saxony* are set out in the Lower Saxony Housing Assistance Act. According to that Act, housing assistance aims to support those households which would otherwise not be able to find appropriate accommodation on the housing market, especially households with children, people with disabilities and the elderly. The target groups also include members of national minorities. The Housing Assistance Act is used as the basis for developing housing policies aimed specifically at these target groups. There is, therefore, no exclusion, isolation or discriminatory treatment of members of national minorities.

**Gathering of data on ethnic origin**

The Advisory Committee encouraged the authorities to seek means of obtaining more data on the composition and situation of national minorities, in cooperation with the minorities concerned, and in full respect of the relevant international principles (Nos. 53–58).

Please refer to C. IV. for comments on this matter.

**Gathering of data by the police**

The Advisory Committee called on the authorities to continue their efforts to end the use by police authorities of discriminatory terminology and any transmission of this to the media. It is particularly important that compliance with the rules adopted be routinely monitored, at both federal and *Land* level (Nos. 59–64).

Please refer to C. III. for details concerning this matter.

**III. Article 5****Support for the preservation and development of national minority languages and cultures**

The Advisory Committee encouraged the authorities to continue their policy of support for the preservation and development of the cultural heritage of national minorities, in close liaison with the persons concerned. Special attention should thereby be paid to the long-term needs of persons belonging to national minorities and, where appropriate, adapt existing support arrangements to those needs. It also urged the authorities to allow a wider range of organizations representing the Roma and Sinti communities to benefit from public funding and, in particular, to pay special attention to the needs of local organizations (Nos. 65–75).

Please refer to C. IX. for comments on this matter.

**Institutional framework of support policies for national minorities**

The Advisory Committee encouraged the authorities to continue discussions, in close liaison with the representatives of national minorities, on the distribution of responsibility for national minority policies at the federal and *Land* level, in order that measures to preserve and promote the languages and cultures of these groups be made more effective

and accessible. Special attention should be given to those who live outside their areas of traditional settlement (Nos. 76–80).

Members of national minorities living in Germany have numerous contacts they can turn to and who will raise public awareness of their interests and support them in advancing those interests. The central contact at federal level for national minorities living in Germany is the Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities. The Federal Government Commissioner regularly chairs meetings with the consultative committees on issues concerning the Danes, Frisians and Sorbs, and with the Spokesperson for Low German. These committees discuss all those issues affecting the national minorities. The *Länder* (federal states) have also set up offices which are responsible for giving due consideration to the concerns of the national minorities. Schleswig-Holstein, for instance, has established the post of a Commissioner for National Minorities. The level of implementation of the obligations under the Convention is regularly discussed at what is known as the implementation conference, which is organized annually by the Federal Ministry of the Interior (BMI) and attended by representatives from the federal and *Länder* level, representatives of the national minorities and the Spokesperson for Low German. The annual meeting of federal and *Länder* officials on Low German also provides an opportunity for direct exchange between all those concerned.

Please refer to C. XIV. for details on other facilities established at federal and *Land* level.

#### **Impact of lignite mining on the preservation of Sorbian language and culture**

The Advisory Committee urged the authorities to pay close attention to the interests of persons belonging to the Sorbian minority if new relocations of the population are considered. Those concerned should be closely involved in preparing for such relocations (Nos. 81–84).

Please refer to C. VIII. for comments on this matter.

### **IV. Article 6**

#### **Promotion of tolerance and intercultural dialogue**

The Advisory Committee encouraged the authorities to pursue programmes and policies to encourage integration, as well as the promotion of diversity and tolerance and to regularly monitor these programmes and policies. It called on the authorities to take new measures to improve public awareness of the language and culture of persons belong-

ing to national minorities – including outside of the areas in which national minorities are traditionally settled – especially through the medium of school curricula. The Advisory Committee also called on the authorities to continue and intensify measures to improve mutual understanding between persons belonging to the Roma and Sinti communities and the rest of the population and to improve public knowledge of the history and culture of the Roma and Sinti. It also encouraged the authorities to continue pursuing measures and projects to include Roma who do not hold German citizenship (Nos. 85–96).

Please refer to C. IX. for comments on this matter. As regards the Advisory Committee's call for the authorities to continue pursuing those measures and projects to include Roma who do not hold German citizenship, the Federal Ministry of the Interior would like to point out that such measures do not fall within the scope of application of the Convention.

### **Fight against racism**

The Advisory Committee called on the authorities to continue doing everything to combat racism, xenophobia and anti-Semitism. Special attention should be given to raising awareness in society as a whole, and among the police and judiciary in particular, of the many dimensions and manifestations of racism. It also encouraged the authorities to take further measures to combat the spread of racism on the Internet and in sports stadiums. The Advisory Committee strongly encouraged the authorities to adopt specific legislation which punishes racist motivation as an aggravating circumstance in any offence, and to generally punish any manifestation of racial hatred (Nos. 97–104).

Please refer to C. II. for comments on this matter.

### **The media and the fight against racism**

The Advisory Committee called on the authorities to encourage and support continued debate on the spread of racism and prejudice through the media (Nos. 105–108).

Germany's federal constitutional structure also has a bearing on public service broadcasting. Thus, as the *Federal Government Commissioner for Culture and the Media* (BKM) notes, there is no media institution at federal level which has responsibility for domestic matters.

The *Land of Hesse* emphasizes that it can be assumed that the Federal Government and the *Länder* are agreed that the mass media – public service and private broadcast-



ers in particular – have a special responsibility for social integration. Consequently, the Broadcasting Agreement concluded between the *Länder* (*Rundfunk-staatsvertrag der Länder*) provides that broadcasting companies must promote social cohesion and a non-discriminatory society. In the opinion of the *Land* of *Hesse* and taking account of the principle of the independence of broadcasting from the state, it is good that both public service and private broadcasting companies have launched numerous measures in the context of their programming to promote integration. These measures make a contribution to the debate on the spread of racism and prejudices in the media; the federal states in particular promoted such a debate during the preparation and development of the National Integration Plan. Reference is here made to the integration reports published by the Erstes Deutsches Fernsehen (ARD) public service broadcaster (“Integration and Cultural Diversity – A Cross-Sectional Task at the ARD”) and by the Zweites Deutsches Fernsehen (ZDF) public service broadcaster (“The Representation of Immigration and Integration in ZDF Programmes: Status Quo and Outlook”).

As regards the Advisory Committee’s aforementioned recommendation, *Schleswig-Holstein* points out that the spread of racism and prejudices are the topic of numerous discussions on the quality of journalistic coverage in the media. More specifically, racism is discussed in the context of further developing the Inter-State Treaty on the Protection of Human Dignity and the Protection of Minors in Broadcasting and Telemedia Services (*Jugendmedienschutzstaatsvertrag*, JMStV).

## **V. Article 9**

### **Access of persons belonging to the Danish minority to the media**

The Advisory Committee called on the authorities to ensure that persons belonging to the Danish minority continue to have sufficient access to radio and TV programmes in their language that are broadcast from Denmark. It again encouraged them to consider supporting the development of Danish language radio and TV programmes produced in Germany.

Reception of Danish language radio and TV programmes in *Schleswig-Holstein* is primarily influenced by technical developments in Denmark. Replacing terrestrial transmission with digital (DVB-T) in Denmark reduces the signal range in *Schleswig-Holstein*. Discontinuing analogue terrestrial transmission in *Schleswig-Holstein* means that households will reduce the number of sets able to receive such transmission (antennae

removal), so that fewer people in Schleswig-Holstein will in fact be able to receive analogue terrestrial transmissions. At the same time, direct satellite reception of Danish programmes is made more difficult due to the fact that Danish satellite broadcasts are encrypted, unlike German satellite broadcasts. Under the Danish fee system, smart cards are required to receive such programmes, but these are unavailable for purchase in Schleswig-Holstein. They can, however be purchased through a company based in Spain which is licensed to sell smart cards across Europe. The SSF, the Danish minority's cultural society, has put together an offer for its members, who can purchase these smart cards through a collective purchase order. Although Danish programmes are given priority on Schleswig-Holstein cable broadcasting, in accordance with broadcasting regulations, Danish broadcasters no longer exempt cable operators from copyright claims, which creates difficulties for the transmission of Danish programmes.

These developments on the Danish side have impacts on the cross-border reception of programmes which are beyond the reach of German regulatory or media policy options. German public service programmes are broadcast unencrypted via satellite and can thus be freely received in Denmark and throughout most of Europe. German media policy supports public service broadcasters in this procedure. The cost of acquiring rights is paid for from the broadcasting licence fee.

### **Access of persons belonging to the Frisian minority to the media**

The Advisory Committee encouraged the authorities to give greater support to requests for the development for Frisian language programmes, in particular those produced by public service broadcasters. It also asked more favourable consideration to be given to the creation of more incentives for private media providers (Nos. 109–120).

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

In addition, the governing coalition in *Schleswig-Holstein* promotes linguistic and cultural variety in the NDR's programming within the committees responsible for the public service broadcaster. The *Land* government has very limited possibilities for providing financial incentives to increase the provision of the regional language Low German and of minority languages. The primary aim in this context is to encourage more account to be taken of the language and culture of national minorities, ethnic groups and the regional language Low German.

FriiskFunk radio, which is broadcast on the Offene Kanal Westküste radio station, is the first station to broadcast radio programmes entirely in Frisian.

### **Representation of minorities in media regulatory bodies**

The Advisory Committee encouraged 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. 109–120).

The Free State of *Saxony* responds as follows: The Sorbian associations do not have a dedicated seat on the Broadcasting Board of the Mitteldeutscher Rundfunk (MDR) broadcasting station. However, pursuant to Section 19 (1) no. 16 of the MDR Broadcasting Agreement (*MDR-Staatsvertrag*) they may, firstly, attempt to gain one of four additional seats on the Broadcasting Board which are available in Saxony. Pursuant to Section 19 (3) of the MDR Broadcasting Agreement, the associations must submit an application to the *Land* parliament of Saxony for a seat on the Broadcasting Board at the latest four months before the end of the Broadcasting Board's term. The four seats are then assigned based on the principles of proportional representation according to the d'Hondt highest averages method.

One representative of the Sorbian associations is a member of the assembly of Saxony's media authority (*Sächsische Landesmedienanstalt*, SLM), as stipulated by Section 29 (1) of the Saxony Private Broadcasters' Act (*Sächsisches Privatrundfunk-gesetz*, SächsPRG).

In Section 14 (3) no. 13 of the amended Broadcasting Agreement on the Südwestfunk (SWR) of 3 July 2013 *Baden-Württemberg* and *Rhineland-Palatinate* agreed that the Sinti and Roma minority are to be represented on the Broadcasting Board. The Broadcasting Board represents the interests of the general public in the territory covered by

the Broadcasting Agreement and thus contributes to the diversity of opinions. Based on the provisions set down in the Agreement, one member of the Association of German Sinti and Roma, Rhineland-Palatinate Section, will in future have a seat on the SWR Broadcasting Board and on the Rhineland-Palatinate State Broadcasting Board. In addition, the aforementioned body has, since 1 April 2005, had a seat in the Assembly of the Regional Centre for Media and Communication, which exercises control over private broadcasters.

The Media Board of the *Bavarian* Regional Centre for the New Media (*Bayerische Landeszentrale für neue Medien*, BLM) has appointed one of its members as Commissioner for the Protection of National Minorities. Among other things, the Commissioner acts as a contact for those representing the national minorities in order that their concerns may be incorporated into consultations in the Media Council.

The Working Group of Foreigners' Advisory Councils in *Hesse* is currently represented on the Media Board of the public service broadcaster in *Hesse* and in the Assembly of the Supervisory Authority of Hesse for Private Broadcasters and the New Media. There are no plans at *Land* level to launch an initiative to increase the size of the aforementioned committees.

Representatives of national minorities and ethnic groups have already been seconded to various media bodies in *Schleswig-Holstein*. For instance, the Danish minority has one representative on the Media Council of the Joint Media Authority Hamburg Schleswig-Holstein (MAHSH), and the Frisian ethnic minority has one representative on the Advisory Council of the Offener Kanal Schleswig-Holstein radio broadcasting station (OK SH).

Furthermore, Schleswig-Holstein's *Land* government decided, in October 2012, to second the Minister-President's Commissioner for National Minorities and Ethnic Groups, Border Area Work and Low German to the Broadcasting Board of the Deutschlandfunk radio broadcaster. The concerns of national minorities and ethnic groups can thus be given more voice within the committees responsible for public service broadcasters.

## **VI. Article 10**

### **Using Sorbian in dealings with local administrative authorities**

The Advisory Committee called on the German authorities to adopt effective measures to create an environment in which the use of the Sorbian language in dealings with local administrative authorities can more easily be promoted. In particular, they should ensure that legislation in force is fully implemented in the traditional areas of Sorbian settlement (Nos. 121–126).

Please refer to C. XII. for comments on this matter.

### **Using Danish in dealings with local administrative authorities**

The Advisory Committee called on the German authorities to adopt effective measures to create an environment in which the use of the Danish language in dealings with local administrative authorities can more easily be promoted (Nos. 121–126).

Please refer to C. XII. for comments on this matter.

### **Using Frisian in dealings with local administrative authorities**

The Advisory Committee called on the German authorities to adopt effective measures to create an environment in which the use of the Frisian language in dealings with local administrative authorities can more easily be promoted (Nos. 121–126).

Please refer to C. XII. for details.

## **VII. Article 11**

### **Use of minority languages for surnames**

The Advisory Committee encouraged the authorities to amend the law on translating/transcribing names and first names in a way which as far as possible accommodates the needs expressed by persons belonging to national minorities (Nos. 127–129).

Please refer to C. XI. for comments on this issue.

### **Bilingual topographical signposting and indications**

The Advisory Committee called on the authorities to pursue as quickly as possible the display of topographical indications and other bilingual and/or multilingual signs. It also encouraged the *Land* of Brandenburg, to take a flexible approach over the demarcation of the areas in which bilingual topographical indications may be displayed, in order to create an environment as conducive as possible to the preservation of the Sorbian language, culture and historical heritage (Nos. 130–136).

The Guidelines on Non-Motorway Direction Signage, which are applicable across Germany, now regulate the labelling of the following road signs in the German-Sorbian region in the Free State of *Saxony*: no. 310 (place identification signs – front), no. 311 (place identification signs – back), no. 415 (arrow-shaped direction signs on federal highways), no. 418 (arrow-shaped direction signs on other important highways), no. 419 (arrow-shaped direction signs on less important highways), no. 432 (arrow-shaped direction signs to built up areas and important facilities), no. 434 (table signposts), no. 435 (signs on federal highways in built-up areas), no. 436 (signs on other highways in built-up areas), no. 438 (advance direction signs) and no. 439 (structured advance direction signs).

Bilingual place identification signs and signposts are currently being installed in *Brandenburg*; monolingual signs will gradually be replaced by bilingual ones until all signs are bilingual.

It is fitting that bilingual signage is restricted to the areas of traditional Sorbian/Wendish settlement. However, in the context of amending the Sorbs/Wends Act (*Sorben/Wenden-Gesetz*, SWG), the statutory demarcation of this area of traditional settlement is being examined to see whether it actually corresponds to the area in which the Sorbs/Wends have been traditionally and continuously resident up until the present or whether the statutory rule needs to be extended.

The *Land* of *Lower Saxony* makes reference to No. 11026 of the Third Report, according to which bilingual place identification signs are in use in the Saterland.

The *Land* of *Schleswig-Holstein* points out that the competent Ministry of Economics, Transport and Technology ordered by decree in 2007 that place identification signs in the federal state may as a general rule also be bilingual. This has already been sufficiently documented in previous reports. There are no new aspects to report.

## VIII. Article 12

### Roma and Sinti in the education system

The Advisory Committee urged the German authorities to continue and intensify measures aimed at promoting equal opportunities for Roma and Sinti pupils in the educational system. Resolute action should be taken without delay to end unjustified placing of these children in “special” schools (Nos. 137–141).

The Free and Hanseatic City of *Hamburg* promotes school attendance by Sinti and Roma children on the basis of a special action plan. According to this special action plan, schools employ members of the Sinti and Roma communities as teachers and educational counsellors (*Bildungsberater*) who work alongside teaching staff and create a link between schools and Sinti and Roma families, supporting Sinti and Roma children in class (including in their mother tongue), teaching history, culture and music, and advising teachers in dealing with these pupils. In addition to the seven members of the Sinti and Roma community who were hired in 1993 and who are still working as teachers or school social workers, another six educational counsellors were hired in the 2012/13 academic year after successfully completing a one-year training course run by the *Land* Institute for Teacher Training and School Development.

Further, the regional advisory and educational centres of the Schools and Vocational Schools Authority each have one member of staff who is responsible for promoting school attendance by Sinti and Roma children, who liaise closely with the educational counsellors.

The *Bremen* School Development Plan and the new Schools Act (*Schulgesetz*) introduced by the Senator for Education and Science of the Free Hanseatic City of *Bremen* have together established the structures required to develop schools into places of diversity. The new structures and the Schools Act serve to improve the educational participation and the success of Sinti and Roma children and adolescents.

There is wide agreement about the exceptional importance of using German as the language of instruction and as a lingua franca. All those children who do not have adequate proficiency in German are to receive support so that they can participate in lessons and education on an equal footing. Measures which the Senator for Education, Science and Health has taken (ranging from setting up all-day schools to camps run in the Easter

school holidays) are of course also effective measures for Sinti and Roma pupils and provide nonspecific support.

In addition, the following target group-specific measures are implemented to improve the educational participation and success of Sinti and Roma children and adolescents:

The Educational Support for Roma Children project was launched in 1993 to provide children and adolescents in primary schools (*Grundschulen*) and lower secondary schools (*Sekundarstufe I*) in Bremen with that support which their families cannot give them. The project is coordinated by and receives support in regard to content from regional advisory and support centres. The project team comprises six teachers and two school assistants. It aims at ensuring that Sinti and Roma children participate in education and can be integrated into regular schools, ensuring school attendance, reducing absenteeism and preventing pupils dropping out.

In 2011 the Senator for Education, Science and Health seconded two participants to ROMED, the Council of Europe's training programme for Roma mediators.

The Ministry for Schools and Further Education of *North Rhine-Westphalia* is currently in talks with the Association of German Sinti and Roma, North Rhine-Westphalia Section, on creating the conditions for offering special Romani tuition in schools. The talks are still ongoing.

*Baden-Württemberg* supports the educational advice centres run by the Association of German Sinti and Roma, Baden-Württemberg Section. The Baden-Württemberg Section initiates various projects to promote the integration of Sinti and Roma children and adolescents in schools in Baden-Württemberg. It is also actively involved, for example, in training and advising teachers and pupils, in promoting socio-political educational offerings for families and adults, in retraining and training programmes, and in training and qualifying cultural and educational counsellors to enable members of the minority to engage in intercultural mediation.

In addition, the history and present situation of Sinti and Roma are an integral part of the curricula of mainstream schools in Baden-Württemberg. Explicit reference is here made in that context to the minority of the Sinti and Roma. The Regional Media Centre has additional teaching materials available.

Please refer to C. III. as regards the need to end the unjustified placing of pupils in special schools.



### **Teacher training and school curricula**

The Advisory Committee called on the authorities to take further steps to ensure that teachers and pupils generally have a better knowledge of the culture and history of national minorities, including areas that are not areas of traditional minority settlement. It especially called on the authorities to press ahead with and further develop projects designed to impart a better awareness of Roma and Sinti history and culture.

Further, the Advisory Committee called on authorities to increase measures in order to raise the availability of teachers qualified to teach in minority languages, at all levels of the educational system (Nos. 142–159).

The education plans of the Free and Hanseatic City of *Hamburg* are essentially oriented to 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 topic “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 item on “Immigration and Minorities”; in History these aspects are intensified in grades 9 and 10 in the context of the Nazi extermination policy.

One example taken from a specific History syllabus for grammar schools published by the Schools and Vocational Training Authority in May 2012 is a lesson plan entitled “How were the National-Socialist dictatorship, the Second World War and the Holocaust possible?”. The crimes committed against the Sinti and Roma minorities are dealt with in this context. “Sinti and Roma” are mentioned as examples in a lesson plan entitled “Minorities and Immigration/Germany as a Country of Immigration”, part of the overall curriculum for History as taught in the *Stadtteilschulen* (in preparation).

In Hamburg the public information offer on the history and identity of the German Sinti and Roma minority within the framework of civic education was increased during the Second State Report’s monitoring cycle. Special mention should here be made of a series of events entitled “Sinti and Roma: History, Genocide and Present” held in 2013 and organized in cooperation with the Roma and Sinti Union and the Hamburg Regional Association of Sinti.

Also, the Regional Centre for Civic Education in Hamburg still distributes its 2002 book on the Nazi persecution of Roma and Sinti in Hamburg (*Die nationalsozialistische Verfolgung Hamburger Roma und Sinti*), the latest edition of which was released in 2005. The deportation of Sinti and Roma is addressed during annual guided walks on “The Deportation of Jews in Hamburg” which are organized on the anniversary of the liberation of Auschwitz. The persecution and deportation of German Sinti and Roma is addressed in great depth during study trips to Krakow/Auschwitz, which have been organized three times since 2008. In addition, the audio book “Listen to Sinti and Roma” is available from the Regional Centre for Civic Education in Hamburg. The book “Gypsies – Encounters with an Unloved People” will be added to the range of media available on this issue.

The Adult Education Centre also organizes regular courses on the situation of the Roma and Sinti minorities.

The Free Hanseatic City of *Bremen* has not taken on any responsibility for the Romani language following ratification of the Charter. Providing such courses would exceed the capacities available at the university and would not fit into the range of courses on offer.

Nevertheless, German as a second language and dealing with heterogeneity are mandatory building blocks of teacher training. At the Regional Schools Institute (LIS), those basics which have been learned in preparatory service are consolidated in practice. Particular importance is, for instance, attached in Bremen to developing trainee teachers' skills in dealing with heterogeneity and inclusion and to developing their intercultural skills.

Teacher training and training for head teachers at the LIS take up these aspects and also include courses on inclusion, on dealing with heterogeneity, on individualization in curriculum development and intercultural skills (a key qualification). An important point of reference when it comes to training and further training are the educational plans for individual subjects. Examples include:

- German: Prejudices and stereotypes; language variants and factors determining communication; dialects; overarching goals: language as an instrument of communication, as a medium and subject of knowledge and part of (self-)confident, responsible social and cultural action.
- Political Science: Analyzing the origin and effect of prejudices and exclusion strategies; recognizing, labelling and reflecting on exclusion strategies; analyzing and explaining the situation of social groups in the social power structure.

- Foreign languages: Intercultural skills: understanding how to deal with cultural differences; practical handling of intercultural encounters.

The LIS also organizes events against racism and discrimination as part of civic education. In addition, it is establishing a Centre of Excellence on Interculturality in Schools.

All trainee teachers in *Baden-Württemberg* take courses on heterogeneity, diagnostics and individual support as part of their Education Science course. In their specialist courses in History, Political Sciences, Geography, Protestant and Catholic Religious Education, Philosophy and Ethics they address historical, cultural, economic and social issues. Issues specific to the Sinti and Roma communities (National-Socialism, minorities, post-1989 transformations etc.) are included.

Romani language skills can also be taken into consideration when placing teachers in specific schools.

The Regional Institute for Schools and Media Berlin-Brandenburg published its Special Newsletter No. 13 on “Intercultural Education and Training” in November 2011 together with a report on the publication “German Sinti and Roma” which the University of Potsdam made available online. This was published on the Berlin/Brandenburg Educational Server.

The relevant curricula for schools in *Rhineland-Palatinate* include the situation of minorities, especially that of the Sinti and Roma.

Pupils look into the life of the Sinti and Roma communities in the past and the present. The Rhineland-Palatinate Education Ministry was instrumental in supporting the publication in 2013 of a volume containing contemporary accounts. It was entitled “Surviving – That wasn’t envisaged! The stories of Sinti families in Rhineland-Palatinate”. The volume explains the historical roots, the persecution and extermination of Sinti and Roma in Rhineland-Palatinate during the Nazi era, as well as their post-1945 history through the accounts of 10 families of contemporary witnesses. The education authority is at liberty to distribute the book for use in secondary schools.

The Association of German Sinti and Roma, Rhineland-Palatinate Section, receives institutional funding from the *Land* government. It continues to organize events for multipliers in the field of education, as well as seminars and specialist conferences for teachers on the persecution of the Sinti and Roma by the National-Socialists, and on the his-

tory and culture of the national minorities. It also teaches sessions in school classes and upper secondary level classes in consultation with teachers. The Central Council supports the educational work of “Schools without Racism” and regards itself as complementary to the contacts available in schools for Sinti and Roma families whose children suffer discrimination at school. This has also given rise to a cooperation with the respective educational authority, which has led to a regular exchange in the various school districts. The cooperation will continue on a demand-oriented basis.

The Rhineland-Palatinate Section continues to cooperate intensively with the State Teacher Training College for Primary School Teachers in Kaiserslautern. Department heads were given detailed instruction about the history and culture of the minority. Events were and are carried out for trainee teachers on the topic of minorities, taking the history of the Sinti and Roma as an example, in the context of “values education”.

The aim of curricula in the Free State of *Thuringia* is to develop learning skills, including methodological, self- and social skills. These are elaborated in relation to each subject in specific study areas or based on key content. The 2012 Ethics syllabus, for example, included work on “Pupils in relation to their own and foreign cultures – Us and them” across all grades. The aim is, among other things, to build pupils’ capacity to recognize the need to deal respectfully with other ways of thinking and living.

Dealing with historical and cultural aspects of national minorities is an integral part of the relevant curricula in the *Saarland*. Reference is explicitly made to the history and culture of the Sinti and Roma in this context. The current Social Sciences syllabus also includes the aforementioned topics.

Intercultural learning is likewise a priority area in the work of the Regional Institute for Pedagogy and the Media (LPM).

The *Land* government of *Hesse* also recognizes the need for education and training to provide teachers with information about the Sinti and Roma communities. Experts, teachers and the Association of German Sinti and Roma, Hesse Section, cooperated on the writing and publication of a handout for teachers on educational standards in lower secondary schools. The handout, which was funded by the Ministry of Culture of Hesse, was entitled “Sinti and Roma in Germany and the role of antiziganism” and focused on Hesse. It is expected to be available shortly for use in all types of schools and across all grade levels. The handout will be distributed to all schools and will be available in elec-

tronic form on the website of the Ministry of Culture of Hesse and on the federal state's educational server. Along with introductory academic articles on the history of the Sinti and Roma, including the history of their persecution, the handout contains information on how to address the issue of antiziganism in class. It is designed to be interdisciplinary, permitting a multiperspectival view of the topic in various grade levels and subjects, thus ensuring broad acceptance among teachers and widespread use in class.

Interdisciplinary seminars on "The History and Culture of the Sinti and Roma in Germany" are held at the University of Marburg as part of a cooperation model involving the Ministry of Culture of Hesse and the University; the seminars are very popular, and are in particular directed at trainee teachers during their university training phase.

Media kits put together by the Association of German Sinti and Roma, Hesse Section, contain teaching materials on the history and culture of the respective city or region. They were funded by several cities and districts (Darmstadt, Marburg, Hersfeld-Rothenburg district) and are available for use by schools in the respective region.

Lectures and continuing training courses were held in several cities as part of events to mark the 70th anniversary of the deportation of the Sinti and Roma to Auschwitz. In the summer semester of 2013 Marburg Adult Education Centre held a series of lectures given by renowned speakers which were attended by the general public and teachers.

After the topic was addressed in one grade 8 class at the Philipinum Grammar School, three pupils took part in a history competition organized by the Federal President called "Neighbours". This involved the pupils looking into the situation of the Sinti community in Marburg.

The topics of heterogeneity and intercultural education are a fundamental aspect of teacher training in *Schleswig-Holstein*. All forms of immigration are covered. The situation of Sinti and Roma is not dealt with separately in this context.

Syllabuses in Schleswig-Holstein include a "Concept of Basic Education which aims to help all pupils

- become critically aware of, experience and analyze the diversity of the natural and social reality in which they live,
- value their own experience, recognize others and be able to communicate with others about this,
- find ways of acting responsibly, in cooperation with others,
- follow their own experience, use their judgement and sensibly apply information,

- develop and creatively use their own means of expression,
- take responsibility for themselves and develop their own personality,
- regard learning as a part of life.”

This basic education includes dealing sensitively with the cultures of those with different ethnic, cultural and social backgrounds.

Please refer to C. XIII. for details on the availability of teachers who are qualified to give lessons in minority languages.

## **IX. Article 13**

### **Network of Danish minority schools**

The Advisory Committee encouraged the authorities to continue discussion with all the parties concerned in order to find a satisfactory and lasting solution to the question of how the costs of transporting pupils to Danish schools in Schleswig-Holstein can be funded in the years ahead (Nos. 151–154).

School transport in the public education system is governed by Section 114 of Schleswig-Holstein's Schools Act, although this does not apply to independent (private) schools run by voluntary bodies, including the schools of the Danish minority.

Under Section 124 of the Schools Act (and unlike other independent schools providing general education), the schools of the Danish minority receive subsidies amounting to 100% of the public cost-per-pupil rates established the previous year, regardless of how many pupils actually require transportation. The contribution is determined on the basis of the average material and personnel costs per pupil at a comparable state school in the *Land*. This average amount (cost-per-pupil rate) includes one third of the school transport costs (Section 114 (3) of the Schools Act). This corresponds to the average cost of transporting pupils arising in state schools in the *Land*.

The remaining two thirds of the transport costs are paid for by the districts and under current law are not taken into account in subsidies provided to independent schools. Hence, the districts of Nordfriesland, Schleswig-Flensburg and Rendsburg-Eckernförde have for years paid voluntary subsidies for the Danish minority schools. The district of Rendsburg-Eckernförde ceased payments in 2006 but resumed the subsidy again in 2008.

From 2009 to 2011 Schleswig-Holstein voluntarily and retroactively paid half of the costs arising in 2008, 2009 and up and including July 2010 in the districts for transporting pupils of the Danish minority. A total of € 1.1 million was paid. These payments ceased as of 1 August 2010 in the context of the process of consolidation required to comply with the new debt rule introduced in Germany.

In its coalition agreement “Alliance for the North. New Horizons for Schleswig-Holstein 2012–2017” the new *Land* government announced that it would be examining how the transportation of pupils to state schools could be implemented in respect of Danish minority schools as set out in Section 114 of the Schools Act.

The new rules on alternative school financing in Schleswig-Holstein come into force on 1 January 2014. The following will then apply to the transportation of pupils to Danish minority schools:

The average transport costs were calculated on the basis of those costs arising in districts in which Danish minority schools are located. As described in the above, one third of the costs are already paid out at the cost-per-pupil rate, which includes the share of material costs. Based on data for the three districts concerned, an average amount of € 200 per pupil was calculated to cover the remaining two thirds of the costs. This amount will be included as a one-off payment in the cost-per-pupil rate from 2014 and will replace the previous voluntary payments (of € 583,000) made by the districts. Overall, the new rules on the promotion of equal treatment of schools run by the Danish Schools Association and state schools has thereby been put on a sustainable basis. This gives concrete expression to the constitutional objective of protecting and promoting the Danish minority.

A transitional rule will apply for the period 2014 to 2016 to ensure that the Danish Schools Association does not suffer any loss of income on account of the new system being applied and pupil numbers remaining stable.

## **X. Article 14**

### **Teaching in Sorbian**

The Advisory Committee urged the authorities to pursue and intensify without delay 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.

It also called on them to involve more closely representatives of the Sorbian minority in decision-making concerning the Sorbian school network (Nos. 155–159).

The network of Sorbian schools in the Free State of *Saxony* has not changed in recent years. The municipalities of Ralbitz-Rosenthal and Räckelwitz concluded an agreement on jointly developing their *Mittelschulen* (secondary schools) in the period up to 2026. It was adopted by Bautzen district and the Saxony State Ministry of Culture. All schools can thus be maintained until 2026. As a result, it was not necessary to involve representatives of the Sorbian minority in decision-making regarding the school network. It should be emphasized that a number of schools have improved classroom conditions after refurbishing their buildings. They include the new Sorbian School Centre in Bautzen (comprising the Sorbian Primary School, Sorbian Secondary School and Sorbian Grammar School) and the Sorbian Primary and Secondary School in Radibor. Refurbishment work on the Sorbian Secondary School in Ralbitz is still at the planning stage. Key improvements to classroom conditions in the primary and secondary school in Schleife, which applies the 2plus teaching approach, will be made once the German-Sorbian School Centre is completed in 2015.

The network of schools offering classes in Sorbian/Wendish comprises 26 schools in the *Land of Brandenburg*. The network of schools meets the needs of the Sorbian/Wendish ethnic group. It can be expanded if required. Representatives of the Sorbian/Wendish minority are involved in decision-making on school development as part of the bodies responsible for the schools. In addition, they can take part in decision-making as guests in the respective school councils. Rules applicable to schools with bilingual classes stipulate that school management vacancies may only be filled after hearing the Council for Sorbian/Wendish matters in the *Land* parliament.

A working group on “Sorbian/Wendish Educational Issues” at the Ministry of Education, Youth and Sports regularly discusses decisions concerning school subjects with representatives of the Sorbian minority. The Brandenburg education offices, school authorities and local governments are also involved in the Sorbian/Wendish educational network.

### **Teaching of Frisian**

The Advisory Committee called on the authorities to continue the adoption of measures aimed at providing persons belonging to the Frisian minority with appropriate teaching of their language, in close liaison with these minority representatives.



It also encouraged the authorities to continue their efforts to preserve the culture and language of the Saterland Frisians by having the language taught as part of the compulsory school curriculum (Nos. 160–165).

In *Lower Saxony* the decree "*Die Region und ihre Sprachen*" (The Region and its Languages) took effect on 1 August 2011, based on which schools in the Saterland have the option of teaching select subjects in the compulsory timetable in Saterland Frisian. Further, one primary school in the Saterland is taking part in a model project on early multilingualism which is being financed by the *Land* government and the Ostfriesische Landschaft, an organization representing culture, science and education in the region. The project objectives are to

- put together handouts on skills-based multilingual lessons based on the example of Low German and Sater Frisian (curriculum development),
- develop curriculum requirements for immersion teaching in Low German/Sater Frisian in primary schools (curriculum development),
- introduce and/or expand the immersion method with the aim of promoting language acquisition,
- expand and intensify Low German classes in schools,
- elaborate high-quality, certifiable teacher training courses for Low German and Sater Frisian in (primary) schools.

*Schleswig-Holstein* would like to point out that the SPD, Alliance 90/The Greens parliamentary groups and the members of the *Land* parliament belonging to the SSW have presented the following suggestion to supplement Article 8 para. 5 of the *Land* constitution on consultations in the Special Committee on the Reform of the Constitution of the Schleswig-Holstein *Land* Government:

“The *Land* guarantees, protects and promotes the right of the Frisian ethnic group to the teaching of Frisian in state schools.” The Minister-President’s Commissioner for National Minorities has also put forward a proposal. Even though the Parliament has not yet taken a vote on this issue, it can be assumed that guaranteeing the teaching of Frisian at state schools will be enshrined in the new *Land* constitution.

In the context of amending the Schleswig-Holstein Schools Act, a new passage on the Frisian language was included in Section 4 (Educational Goals): “Schools shall protect and promote Low German and the language of the Frisian ethnic group.”

The decree “*Friesisch an Schulen im Kreis Nordfriesland und auf Helgoland*” (Frisian in Schools in the Nordfriesland District and on Heligoland) of 15 July 2013 was published in the August 2013 Bulletin. The decree explicitly refers to the European Charter of Regional and Minority Languages, according to which traditional regional or minority languages are to be protected and promoted as an endangered part of European cultural heritage. Implementation of the decree aims to enable all children to take part in Frisian lessons if their parents wish them to do so.

In the 2012/13 academic year a total of 802 pupils were given Frisian language instruction; a total of 92 teacher week hours were utilized for these lessons. In line with the aforementioned decree, the decision to take part in these lessons is always voluntary. Frisian language instruction is also available at some Danish minority schools (in Bredstedt, Risum, Westerland). While there is demand for Frisian language instruction at all primary schools, and that demand can be fully met, demand at lower secondary school level is comparatively low, which is why it is not possible to offer a wide variety of classes on a sustainable basis.

The establishment of centres of excellence at the start of the 2013/14 academic year in Niebüll (joint grammar school and *Realschule* (secondary technical school)) and on the island of Föhr contributes towards establishing a permanent, wide range of classes in Frisian for all age groups.

### **Teaching of Romani**

The Advisory Committee encouraged 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 doing so they should ensure the active participation of representatives of the Roma community (Nos. 166–167).

Romani is taught as a mother-tongue at three schools in the Free and Hanseatic City of *Hamburg*. In addition, educational counsellors use Romani to support Roma children and adolescents in class. New Roma immigrants can have their level of proficiency recognized by taking a Romani language test, which can in some cases take the place of an exam in a compulsory foreign language.

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 the *Land* of Rhineland-Palatinate and the Association of German Sinti and Roma, Rhineland-Palatinate Section, that the federal state would support initiatives launched by the Rhineland-Palatinate Section 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 Section and carried out under its own responsibility, for example in working groups.

In 2010 the Association of German Sinti and Roma, Rhineland-Palatinate Section, 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 government of the *Land* 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 *Land* government has proposed alternative measures to meet its obligation to promote the culture and the 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 advisory services provided to 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 Association of German Sinti and Roma, Rhineland-Palatinate Section, and a recognized training institution in Rhineland-Palatinate could also be considered.

*Hesse* emphasizes that it was proving very difficult to establish Romani lessons on account of the ongoing debate within the German Sinti and Roma community on the teaching of the Romani language. The Romani language as used by German Sinti and Roma is not a standardized written language and tends to be regarded by the minority as an

“insider language”. In the eyes of the Sinti and Roma community it should not be taught by state institutions.

However, it is anticipated that some of the pupils from the ethnic group of Sinti and Roma who will take their *Abitur* (university entrance certificate) exams at schools in Hesse will in the near future possibly go through university teacher training and become teachers with Romani language skills.

The *Schaworalle* society in Frankfurt am Main offers pupils the opportunity to communicate in Romani at school in what is known as the “little school”. The “little school” is intended to be a way station or alternative to the “big school”, or regular school. It is responsible for children who do not or no longer attend school on account of their being too old, due to cultural conflicts, lack of linguistic skills, uncertain residence status, frequent changes of address or other reasons.

One goal is to support children when they enrol in regular school. *Schaworalle* employs two teachers seconded on a full-time basis from the State Education Office Frankfurt, one primary school teacher and one secondary modern teacher, as well as, since August 2008, one part-time special needs teacher. In summer 2012 another two teachers were hired for a few hours every week to support secondary school level pupils. An additional hour was added in early 2013.

The three teachers are assigned to the cooperation schools, which both second teachers to the *Schaworalle*.

*Schleswig-Holstein* notes that the Association of German Sinti and Roma, Schleswig-Holstein Section, has emphasized numerous times that it does not wish Romani to be taught in schools by teachers who are not members of their minority. However, the mediators in Kiel and the educational advisors who will in future be employed across the federal state and who are members of the minority use Romani when speaking to pupils.

## **XI. Article 15**

### **Participation in social and economic life by the Roma and Sinti**

The Advisory Committee called on the authorities to promote and support projects aimed at improving participation by the Roma and Sinti in social and economic life, especially in employment and housing, and to combat prejudice and discrimination (Nos. 168–171).

The *Federal Ministry of Transport, Building and Urban Affairs* (BMVBS) would like to point out that social housing policies can be used to influence the housing market. Since the reform of Germany's federal structure in 2007, responsibility for these policies falls solely to the federal states.

For further details please refer to C. III.

### **Consultation of national minorities at federal level**

The Advisory Committee called upon the authorities to maintain their approach of encouraging persons belonging to national minorities to play a greater part not only in the areas of public life relevant to them, but also in society generally, through institutional arrangements provided at federal level. It also urged the authorities to take more resolute action to improve the participation of Roma and Sinti in public life, with due regard for the cultural diversity found within these groups (Nos. 172–179).

Please refer to C. XIV. for comments on this issue.

### **Participation at regional and local level by persons belonging to the Sorbian and the Frisian minorities**

The Advisory Committee called on the authorities to take steps to ensure that the consultation procedures set up at regional and local level allow persons belonging to national minorities to participate effectively in public life (Nos. 180–186).

In particular, they are to pursue discussion on the Sorbian minority's representation within the Foundation for the Sorbian People, in order to find an equitable solution which will allow Sorbian representatives to participate effectively in decision-making processes (Nos. 180–185).

For details, please refer to C.XIV.

## **XII. Article 18**

### **Cooperation with neighbouring countries**

The Advisory Committee encouraged the authorities to pursue and, where necessary, intensify international cooperation to protect national minorities, especially in border regions where substantial numbers of national minorities reside.

The *Federal Government* is active in many areas at European and international level when it comes to the protection of national minorities. Examples include Germany's involvement in the Council of Europe's Ad Hoc Committee of Experts on Roma Issues (CAHROM) and the European Union's National Roma Contact Points (NRCP). Both were re-established during the reporting period which recently ended. At their twice-yearly conferences, member countries actively share experience on the challenges they face in their countries when it comes to integrating the Sinti and Roma communities and on solutions to those challenges. Working groups dealing with specific areas relating to the topic of integration (e.g. education, housing, women, language) share suggestions for solving those problems which may also be of interest to others.

Germany continues to play an active role within the Organization for Security and Cooperation in Europe (OSCE). In 1992 the OSCE established the post of High Commissioner for National Minorities. The task of the High Commissioner is to identify latent ethnic conflicts at an early stage and to take conflict prevention measures.

At national level Germany promotes the Federal Union of European Nationalities (FUEN), 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 large group of citizens, mainly at European level, as well as 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 and the Free State of Saxony, as well as from South Tyrol and the Danish state. The Federal Ministry of the Interior, the European Commission and other governmental and private funding agencies contribute project funding.

Further, Germany continues to support the European Centre for Minority Issues (ECMI), which conducts practical research into potential ethnic conflicts and advises on minority issues in Europe.

Please refer to C. XIV. for further details.

### ***E. 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 (BMI), which has editorial responsibility for the report.

**Comments by the Danish minority on the Fourth State Report submitted by the Federal Republic of Germany in accordance with Article 25 (2) of the Framework Convention for the Protection of National Minorities**

Sydslesvigsk Forening / Südschleswigscher Verein (South Schleswig Association) (SSF), Sydslesvigsk Vælgerforening / Südschleswigscher Wählerverband (South Schleswig Voters' Association) (SSW) and Dansk Skoleforening for Sydslesvig / Dänischer Schulverein für Südschleswig (Danish Schools Association for South Schleswig) would like to express their thanks on behalf of the Danish minority for transmission of the Fourth State Report of the Federal Republic of Germany in accordance with Article 25 (2) of the Framework Convention for the Protection of National Minorities.

First of all, we would like to note that minority policy in Schleswig-Holstein has improved since the change of government in June 2012. The coalition of SPD, Alliance 90/The Greens and the SSW has remedied the discriminating minority policy of the previous CDU/FDP government and emphasized that an active minority policy is an important cornerstone of the government's agenda. For the time being, this means that German Sinti and Roma have since 1990 enjoyed the same constitutional rights of protection and promotion as the Danish minority and the Frisian minority. In addition, from 1 January 2013 the same cost-per-pupil rates will once again apply to Danish schools. The discriminating reduction to 85% was thus revoked. Moreover, the reduction of cultural funding adopted in 2010 was also revoked in the 2013 budget. The Danish minority welcomes these changes and would like to enhance Schleswig-Holstein's pioneering role in minority policy together with the state government. We would like to take this opportunity to thank the Federal Government and the Bundestag for the funding provided in 2011 and 2012 to compensate for cuts in funding of Schleswig-Holstein for the schools of the Danish minority.

We would like to comment on the report as follows:

Generally speaking, Germany's policy on national minorities is promoted in line with its federal structure. Competence and responsibility for national minorities thus falls to the *Länder* (federal states). Nevertheless, the state is obligated to protect and promote minority languages on account of its having ratified the Framework Convention and the European Charter. As a result, the main responsibility lies with the Federal Government. This obligation should be given more weight at federal level to ensure the recognition and equal treatment of national minorities. In this context we support the lifting of the ban on cooperation between the Federal Government and the *Länder*. An appropriate division of labour between the Federal Government and the *Länder* when it comes to the protection of national minorities must be part of a modern reform of Germany's federal structure.

As regards the collection of statistical data, the Danish minority is still against the gathering of data based on the ethnicity of members of national minorities. Under the Bonn-Copenhagen Declarations and the Council of Europe's Framework Convention on the Protection of National Minorities, affiliation with a national minority is each individual's personal decision and may not be verified or contested by the state.

### **Danish minority schools**

The Danish minority explicitly welcomes the reinstatement of the non-needs-based and full equality of its pupils as of 1 January 2013 in accordance with the 2007 Schools Act (*Schulgesetz*, SchulG). The creation of a working group which includes the bodies responsible for the schools to elaborate a means of calculating the cost-per-pupil rate is a positive step which is underlined by the jointly supported outcomes. In addition, the *Danish Schools Association for South Schleswig* expressly confirms that it backs the compromises found between the government's position and its own positions, although it would welcome even more transparency on individual aspects. The planned rules are based on those costs arising in state schools and part of a rigorous and comprehensible systematic approach:

- Promotion of all independent schools based on a standardized method of calculation,
- Non-needs-based funding based on pupil numbers without proof of use for all schools, on condition of charitable status,
- Introduction of flat rates for investment, school administration and transportation costs,
- Transparency as regards the calculation of personnel and material costs.



The proposal regarding school transportation costs provides a solution to a long-standing problem. However, introducing this new funding element cannot compensate for the loss of income on account of the new basis for calculating personnel costs. As a result, an annual rate of increase of approx. 0.5% can only be guaranteed (where pupil numbers remain stable) on account of a transitional rule applicable until 2017.

In sum, the proposed changes make a key contribution to solving the conflicts of recent years. In particular, the *Danish Schools Association for South Schleswig* welcomes the emphasis placed in the bill on the particular significance of its schools as minority schools. According to the *Land* constitution they are entitled to protection and promotion.

### **Language and the media**

Many obstacles still have to be overcome when it comes to the right to submit documents in Danish to administrative authorities. In practice, Danish citizens and Danish organizations continue to be asked to translate minutes of meetings and business reports into German. At the moment, financial authorities, for example, do not implement the Charter and the Framework Convention in practice. For example, *Dansk Sundhedstjeneste* (the Danish health service) has experienced that public authorities in the districts and municipalities of Schleswig-Holstein, health insurance funds and medical services do not give appropriate priority to equal treatment in practice. Unfortunately, we repeatedly observe that staff have no Danish language skills and are not aware of the Language Charter or of the Framework Convention. However, the Danish minority notes positively that the *Land* government launched an initiative in 2013 to strengthen minority and regional languages. A language project which will receive scientific support will draw up a plan of action on implementing a language policy; there is still a need for Danish programmes for and on the Danish minority. With the exception of the private radio station Radio Schleswig-Holstein (RSH), which is co-owned by the Danish language daily newspaper *Flensborg Avis* and broadcasts daily news in Danish, there are no suitable radio and TV programmes in Danish. The Danish minority is of the opinion that the Norddeutscher Rundfunk (NDR) broadcasting station is obligated to broadcast programmes in the minority language Danish. It is still difficult to access TV programmes broadcast in Denmark, primarily on account of the process of digitalization and for copyright reasons. Nevertheless, agreement was reached with the cable TV operator KabelDeutschland on guaranteeing continued access to the two Danish TV channels DR1 and TV2. Unfortunately, TV2 cannot be received via terrestrial antennas, as it is not possible to buy the required decoders or smart card outside of Denmark.

**Comments by the Frisian ethnic group (Friesenrat Nord) on the Fourth State Report submitted by the Federal Republic of Germany in accordance with Article 25 (2) of the Framework Convention for the Protection of National Minorities**

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 2011 to 2012 under the heading FORUM F3, the 2006 guidelines published in the second edition of the brochure *Modell Nordfriesland* (The Model of North Frisia) continue to be the principles of the Frisian ethnic group ([http://www.friesenrat.de/inside/pdf/2006\\_modell\\_NF.pdf](http://www.friesenrat.de/inside/pdf/2006_modell_NF.pdf)).

In this brochure, the Frisian Council (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 basis of the Frisian ethnic group.

On the positive side, the Frisians' long-cherished wish for a joint centre finally came true in late summer 2010 thanks to special federal funding. Since October 2010 the Frische Rädj/Friesenrat Sektion Nord e.V. (Frisian Council), the Nordfriesischer Verein e.V. (North Frisian Association) and the Friisk Foriining (Frisian Association) have had their offices in the Friisk Hüs at Süderstraße 6 in Bräist/Bredstedt.

The Frisian Council holds the view that public service media should ensure that a minority language such as Frisian is given sufficient coverage in public service broadcasting, regardless of audience ratings. The legal and material feasibility of such changes is evidenced by the situation of the Sorbs in Brandenburg and Saxony, who have several hours of daily radio programmes and regular, though short, TV programmes in the Sorbi-

an language (on the Mitteldeutscher Rundfunk (MDR) and Rundfunk Berlin-Brandenburg (RBB) broadcasting stations).

In this respect, the Consultative Committee on Issues concerning the Frisian Ethnic Group recommended during its meeting in December 2012 that the Frisian ethnic group should apply for a seat in the NDR State Broadcasting Board. Even though the government cannot issue instructions to the NDR and media representatives, having a Frisian representative on the Board could be helpful. The Sorbian ethnic group may be considered a best-practice example in this context. Priority is, however, given to increasing broadcasting time in Frisian.

In September 2010, the FriisFunk radio station was officially launched in Alkersum on the island of Föhr. The station, which is financed through the Offener Kanal Schleswig-Holstein, federal funding and private contributions, is a step in the right direction but can be no substitute for appropriate programming by public service broadcasters.

The Friesenrat Sektion Nord welcomes the fact that the work of the Nordfriisk Instituut, an academic institution for the Frisian ethnic minority, was finally safeguarded in the medium term following the signing of a target and performance agreement with the *Land* of Schleswig-Holstein in November 2013. Thanks to federal and other funding it also looks like it will be possible to build an extension to the building in 2014.

The Friesenrat Sektion Nord also expressly welcomes the initiative launched by the Schleswig-Holstein government regarding a Language Policy Action Plan for regional and minority languages in Germany's northernmost federal state.

We were also pleased that in summer 2010 the Nordfriesland district gave the Frisian ethnic group the opportunity to comment on the first draft of a report on the protection of minorities and to propose amendments thereto. A first hearing of all minorities/ethnic groups resident in the Nordfriesland district was held on 19 November 2013. We consider political participation of the Frisian ethnic group at all levels a prerequisite for our daily lives.

While some progress has been made in certain areas, in particular the new Friisk Hüs, some problems unfortunately remain to be solved.

### **Unsolved problems/outlook**

The Friesenrat Sektion Nord regrets that, contrary to commitments previously made, federal funding was reduced from € 300,00 to € 285,000 in 2013. The North Frisians are not satisfied with the reason given by the Federal Government for combining funding with that made available to the Sater Frisians, since in view of the upcoming tasks a consider-

able increase in funding would in fact be necessary. The Friesenrat Sektion Nord hopes that these cuts will be reversed with immediate effect and that a solution can be found in the medium term so that the very time-consuming and bureaucratic project funding can be replaced by institutional funding.

Based on the recommendations of the Council of Europe's Committee of Experts, we are listing the following problems the solution of which is essential for preserving the Frisian language and culture:

- Teaching Frisian as an integral part of the curriculum,
- Ensuring coverage in public service broadcasting,
- Creating financial frameworks to ensure nursery school education,
- Changing project funding into institutional funding,
- Ensuring long-term funding of the Nordfriisk Instituut.

At a conference organized by the Nordfriisk Instituut in November 2013 all those directly affected agreed that a comprehensive strategy is needed in regard to the Frisian ethnic group which incorporates both local government and the Federal Government. Numerous proposals were developed in working groups during the conference, of which the following are mentioned by way of example:

- Frisian should be systematically taught and spoken in nursery schools, schools and adult education facilities. Knowledge of the Frisian language, history and culture should be taught in schools in Nordfriesland and beyond. The foundations should be laid in tertiary education for the provision of training and continuing training to experts.
- Public service broadcasters, which have for decades closed their eyes to their special responsibility, should give due consideration in their radio and TV broadcasting to the minority language Frisian analogous to the Sorbian language, and to employee appropriately trained staff.

**Comments by *Domowina - Bund Lausitzer Sorben e.V.* (Federation of Lusatian Sorbs) on the Fourth State Report submitted by the Federal Republic of Germany in accordance with Article 25 (2) of the Framework Convention for the Protection of National Minorities**

**Introductory remarks**

The Fourth Report of the Federal Republic of Germany on Implementation of the Council of Europe Framework Convention on the Protection of National Minorities correctly reflects the Sorbian people when it comes to the individual items in sections C. and D. and as regards the current level of implementation of individual obligations. The Federation of Lusatian Sorbs, which represents the interests of the Sorbian people, largely concurs with the individual explanations regarding the recommendations of the Committee of Ministers in sections C. I. to XIV. and the recommendations of the Advisory Committee in sections D. I. to XII. Contrary opinions regarding individual aspects will be detailed and substantiated in the following.

**Comments on the concrete content of the report**

**Section B. (re (4))**

There are no indications of any concrete, structured measures which were taken by the *Land* of Brandenburg. Generally speaking, the Sorbian/Wendish people are only included in high-profile activities following intervention on their part. The Framework Convention (like the Charter on Regional and Minority Languages) is practically unknown in the federal state. More specifically, political actors on all levels and administrative authorities are generally unaware of the content of the Convention and the fact that it is legally binding.

The evaluation of the education system presented in the report only relates to primary schools.

In the reporting period public funding was used to support three Sorbian/Wendish projects in the districts of Spree-Neiße and Dahme-Spreewald and the city of Cottbus/Chóšebuz (local action plans in the context of the federal programme “Promoting Tolerance – Strengthening Competencies”). The projects promote multilingualism and the peaceful coexistence of Sorbian/Wendish/German people.

## **C. Recommendations of the Committee of Ministers**

### **C. II.**

In the reporting period the *Land* of Brandenburg adopted an “anti-racism amendment” to its *Land* constitution which both deleted the term “race” and introduced the fight against racism as a state goal.

In 2011 the Low Sorbian Grammar School in Cottbus was named as the 47th “School Without Racism – School With Courage” in Brandenburg.

### **C. III.**

In the course of the parliamentary debate on the “anti-racism amendment” to the *Land* constitution, the Sorbs/Wends also called for the Sinti and Roma minorities to be included in the Constitution of the *Land* of Brandenburg. Unfortunately, the proposal did not gain a parliamentary majority.

### **C. IV.**

The Sorbs/Wends support Germany’s position. Given historical experience, there is no reason for the state to collect statistics on national minorities, especially since it can be assumed that, whatever collection method is applied, the majority of Sorbs/Wends in Lower Lusatia will not acknowledge their affiliation with the ethnic group.

### **C. XI.**

Due to the incompatibility between the German law relating to the use of names and Sorbian/Wendish names, only male Sorbs/Wends are currently able to assert this right. There is thus continuing discrimination in regard to the use of Sorbian/Wendish names.

An additional problem is that the majority of electronic administration systems have difficulty when it comes to the use of Slavic characters. Even though Sorbian/Wendish names are legally binding it is often not possible to use them correctly. This is a problem both in the public sector (e.g. the commercial register and register of associations, social security insurance, address databases, electronic forms, university exam systems) and the private sector (e.g. banks, health insurance).

We completely reject the reasons given for dismissing a statutory amendment to the law relating to the use of names since they are entirely incomprehensible. The example given of an incident in Cottbus clearly shows that the competent regional court rejected the

case on account of the lack of a rule in the law relating to the change of name. Further, it actually provides justification which in itself leads to further discrimination against the woman in question. The right to use the Sorbian language in administrative authorities and authorities within the area of Sorbian traditional settlement includes the right to use the correct Sorbian spelling of the female form of the family name. The Sorbs are therefore still calling for an amendment to the law relating to the change of name in such cases.

### **C. XII.**

We do not share the assessment reached by the Ministry of the Interior. In the experience of Sorbs/Wends the administrative authorities are often in ignorance of the legal situation, which means that the staff in the administrations do not recognize the need for further training on this issue. Training courses providing information on the principles of the protection of minorities and the current legal situation (incl. the Framework Convention) are urgently necessary.

In particular, it is generally not possible to use the Slavic alphabet in electronic data processing (databases, administrative systems). The same goes for the commercial registers and registers of associations kept by the courts. As a result, businesses and societies are not entitled to act if they insist on using the correct spellings of their names and designations. The legislature rejected proposals for the introduction of statutory rules in the course of amending the Sorbs/Wends Act (*Sorben/Wenden-Gesetz*, SWG), and these were also expressly rejected by the *Land* government in a statement published in 2012. It was said that the supra-regional use of administrative systems was a problem, but that a solution was being sought to the problem.

In addition, the assessment of Low Sorbian language skills as a recruitment criterion, where applicants for public service posts are otherwise equal, is a further contentious issue in discussions between the Sorbs/Wends and the *Land* government. An attempt to introduce a rule in the context of the amendment to the Sorbs/Wends Act has so far failed on account of its being rejected by the *Land* legislature.

### **C. XIII.**

The situation as regards the teaching of Low Sorbian at the Institute for Sorbian Studies at the University of Leipzig is extremely unsatisfactory. The funding for a part-time post is not sufficient to cover didactic, language practice and academic aspects (history, culture, literature and linguistics) of the study of Low Sorbian. Teaching capacities at the institute

in Leipzig are already stretched to the limit. It is therefore not currently possible to provide teacher training in Low Sorbian on a sustainable basis.

#### **C. XIV.**

The situation described in the Free State of Saxony and in Brandenburg reflects the actual state. In addition, it should be noted that, based on a resolution adopted at the annual general meeting of Domowina in February 2013 and on the basis of an amendment to the State Agreement on the Establishment of a Foundation for the Sorbian People, the Sorbian people wish only to be represented by Sorbs when the Board of the Foundation is constituted. The supervisory function of its funding donors (the *Land* of Saxony, the *Land* of Brandenburg and of the Federal Government) should be realized by a supervisory board. The Foundation has already submitted a proposal, which should now be implemented by means of an amendment to the State Agreement.

We welcome the changes being considered to the procedure for electing members of the Council for Sorbian/Wendish Matters and the legal definition of an umbrella organization with further rights and tasks proposed in the course of the debate on the amendment to the Sorbs/Wends Act in Brandenburg. Practical implementation of any rights of participation is, however, difficult. On a positive note, there are plans in the context of the amendment to the Sorbs/Wends Act to introduce the post of *Land* Commissioner for Sorbian/Wendish Matters and a duty to report on the situation of the Sorbian/Wendish people in Brandenburg.

#### **D. Recommendations of the Advisory Committee**

##### **D. V. Article 9**

The description of the current situation in the Free State of Saxony is based Section 19 (1) of the MDR Broadcasting Agreement (*MDR-Staatsvertrag*). Since its introduction, this provision has represented an unsatisfactory solution for Sorbs, which is why we have for years been calling for an amendment to the Agreement in order to guarantee a dedicated seat for a Sorbian representative. The criticism voiced by the Advisory Committee is still justified and the situation must be regarded as unresolved. It is also still unclear whether, in the context of the application process in 2015, it will be possible for the *Land* government of Saxony to nominate a Sorbian representative to sit on the MDR Broadcasting Board.

##### **D. X. Article 14**



The courses available explicitly do not meet the qualitative and quantitative needs of the Sorbian/Wendish people. Instead of expanding available resources in the reporting period, which would in principle have been possible, massive cuts were made.

There are currently no classes anywhere in the area of traditional Sorbian/Wendish settlement in Brandenburg and only very few bilingual classes. The conditions in schools are steadily deteriorating (lessons are frequently cancelled, children of various ages are taught together and these lessons moved to early mornings or late afternoons, teachers are unmotivated on account of the working conditions, the necessary resources/teaching hours are not available). The quality and quantity of courses is not sufficient to contribute to the sustainable, scientifically based, revitalization of the Sorbian language. There are no concrete concepts or HR development plans. In the reporting period the Ministry of Education attempted to change the conditions such that bilingual lessons would have been impossible in five out of the six schools. In principle the *Land* government assumes that demand should come first before corresponding lessons are made available. In our experience the situation is different, though: When the supply is good, it will meet with good demand.

## **Further findings regarding implementation of the Framework Convention in Brandenburg**

### **Article 4 (2)**

The requirements of this regulation are not met.

There are numerous political processes, legal rules and publications by ministries and other public authorities etc. in which Sorbian/Wendish concerns are not addressed or there is no awareness of existing rights of participation. Generally speaking, voluntary Sorbian/Wendish bodies and associations have to intervene after they have learned about a matter – often by coincidence. Sometimes it is then too late to still do anything. There are also shortcomings as regards the practical implementation of statutory rights of participation, for example in the Council of Sorbian/Wendish Matters in the *Land* Government in Brandenburg (timely service of documents, giving consideration to Sorbian/Wendish comments in the deliberation process).

One positive aspect are the planned rules to be introduced in the context of the amendment of the Sorbs/Wends Act, which will be addressed in the next reporting period.

### **Article 5**

The requirements of this regulation are only partially met.

The pressure to assimilate is still high. Cultural, historical and linguistic knowledge is increasingly being lost, which is why elements of Sorbian/Wendish culture are being “de-ethnicized” and interpreted as German.

Only rudimentary support is in evidence. In the reporting period the Ministry of Education made attempts to massively restrict bilingual lessons in Low Sorbian. The conditions for providing lessons in Low Sorbian as a foreign language are steadily worsening. Bilingualism in the public domain is essentially limited to a symbolic presence – although, naturally, this is also important. Nearly all the measures to strengthen Low Sorbian proposed by the Sorbs/Wends in the course of the amendment to the Sorbs/Wends Act have so far been rejected by the legislature. Funding from the *Land* government for the Foundation for the Sorbian People is still uncertain. No inflationary adjustment or other dynamic element whatsoever has been provided for.

It is above all at local level that political actors put up massive resistance when it comes to introducing binding rules on minority issues. There are calls to boost the Sorbian/Wendish presence before the minority can possibly fall within the scope of statutory protection. This opinion reverses the protection of minorities. The *Land* of Brandenburg engages in no recognizable activities to counteract these gaps in knowledge and attitudes.

One positive aspect which should be emphasized is that the term “Wends” was added to the *Land* constitution, as a result of which this form of self-identification is now recognized. The fact that the process of amending the Sorbs/Wends Act will shortly be completed and a compromise will be adopted by the Brandenburg *Land* parliament in January 2014 is a step forward.

#### **Article 6 (1)**

The requirements of this regulation are not fully met, especially when it comes to the effectiveness being called for.

In the course of discussions on the amendment to the Sorbs/Wends Act no support whatsoever from the *Land* government was discernible in regard to countering the widespread intolerance to Sorbian/Wendish concerns among local government politicians.

**Article 9**

The requirements of this regulation are not fully met.

Media offerings are in principle available. However, they are inadequate in terms of quantity and quality. On a positive note, Sorbian/Wendish issues are sometimes addressed by German public service broadcasters. Low Sorbian is part of main German language programming – including in regional programmes broadcast from Lusatia – in only very rare exceptional cases, such as quotes from Sorbs/Wends.

We cannot understand the position held by the *Land* government in the course of discussions on the amendment to the Sorbs/Wends Act, namely that it does not wish to/is unable to take an influence on the media (no. 4). In our view encouraging consideration to be given to national minorities does not represent direct interference with the freedom of the media.

**Article 10 (2)**

The requirements of this regulation are not met.

In the reporting period there were repeated cases (e.g. Cottbus Tax Office, Cottbus Local Court) in which the authorities explicitly asked someone to use German, although that is not required by law, when it was pointed out that someone may not speak Low Sorbian or where regret was even expressed that someone was using their own language. According to a statement made in 2012 in the course of discussions on the amendment to the Sorbs/Wends Act, the *Land* government itself regards the use of Low Sorbian as detrimental to administrative and court procedures. Reference is made to comments made in regard to Article 4. The problems arising in the Tax Office were solved with the help of the Ministry of Finance. It was announced that a solution had been found in regard to the commercial register and the register of associations. More concrete statutory regulations proposed by the Sorbs/Wends were rejected by the *Land* legislature.

**Article 11 (3)**

The requirements of this regulation are only partially met.

The current regulations contribute to achieving only a symbolic presence but are hardly geared to practical application. In the areas of traditional Sorbian/Wendish settlement, places outside of the area may not be signposted using bilingual signs, although this would correspond to the linguistic usage of the members of the national minority. Places located inside the area of traditional settlement may not be referred to in both languages

outside of the area, even though that may be their official designation. Different font sizes are required by law, which constitutes unequal treatment. As regards federal motorways, the Ministry of Transport of Brandenburg argues that efforts to introduce bilingual signs violate the “loyalty” required under the Basic Law. Since Germany is a Party to both the Framework Convention and the European Charter on Regional and Minority Languages, we cannot recognize any contradiction between being bilingual and being loyal to federal interests. In our view, the scope of application is also too limited. All traffic signs which use language (i.e. non-pictorial signs) should be bilingual. In the course of discussions on the amendment to the Sorbs/Wends Act the *Land* government warned in a statement in 2012 that giving equal treatment to both languages would result in drivers being distracted. Statutory rules proposed by the Sorbs/Wends were rejected by the *Land* legislature. It remains to be seen to what extent it will be possible to introduce a better rule, in the form of a decree, following the amendment to the Sorbs/Wends Act.

The large number of errors made on bilingual signs and the complete lack of bilingual signs in some cases, despite the legal situation being such that they are required, is a further problem.

On a positive note, the rule set out in the new *Land* Local Transport Plan, which was adopted in 2012, stipulates that information provided to passengers must also be included in Low Sorbian. It remains to be seen to what extent the rule will be implemented.

#### **Article 12 (1)**

The requirements of this regulation are only partially met.

Relevant regulations (e.g. the Sorbs/Wends Act, Schools Act, Nursery Schools Act (*Kita-Gesetz*), Teacher Training Act (*Lehrerbildungsgesetz*)) are generally only applicable to the areas of traditional Sorbian/Wendish settlement. Efforts to implement the provisions of the aforementioned laws and, for example, the applicable overall curriculum in schools are not being stepped up or reviewed, but are left to the knowledge or goodwill of individual teachers. As a result, ignorance about the minority is a big problem – especially among politicians and the administrative authorities. Support provided by the *Land* of Brandenburg to the academic field is entirely inadequate.

#### **Article 12 (2)**

The requirements of this regulation are only partially met.

The statutory bases were, on the one hand, put in place. However, these were first cancelled after an amendment to the Teacher Training Act and only incorporated after the Sorbs/Wends intervened. The proposal that the provision be included in the amended Sorbs/Wends Act was rejected by making reference to the rules in the Teacher Training Act – although the rule had recently been deleted there. The provision in the Teacher Training Act has only been selectively implemented at the University of Potsdam.

#### **Article 14 (2)**

The requirements of this regulation are only partially met.

The courses available explicitly do not meet the qualitative and quantitative needs of the Sorbian/Wendish people. Instead of expanding available resources in the reporting period, which would in principle have been possible, massive cuts were made. There are currently no classes anywhere in the area of traditional Sorbian/Wendish settlement in Brandenburg and only very few bilingual classes. The conditions in schools are steadily deteriorating (lessons are frequently cancelled, children of various ages are taught together and these lessons moved to early mornings or late afternoons, teachers are unmotivated on account of the working conditions, the necessary resources/teaching hours are not available). The quality and quantity of courses is not sufficient to contribute to the sustainable, scientifically based, revitalization of the Sorbian language. There are no concrete concepts or HR development plans. In the reporting period the Ministry of Education attempted to change the conditions such that bilingual lessons would have been impossible in five out of the six schools. In principle the *Land* government assumes that demand should come first before corresponding lessons are made available. In our experience the situation is different, though: When the supply is good, it will meet with good demand.

#### **Article 16**

The requirements of this regulation are only partially met.

In the reporting period there was increasing debate in regard to the restructuring of municipalities and districts. The recommendations put forward by the Committee of Inquiry appointed by the Brandenburg *Land* government take up the reference made by the Council for Sorbian/Wendish Matters, namely that consideration must be given to Sorbian/Wendish concerns during this restructuring process. The larger the structure, the smaller the share of the Sorbian/Wendish population will be, given the ethnic make-up in Lower Lusatia. So far the Sorbian/Wendish settlement area has only represented a small

peripheral area in two out of the three affected districts. There are as yet no plans to ensure that care will be taken to combine these areas to form one district during the restructuring process.

As regards the policy on lignite mining, it is still being assumed that the Sorbian/Wendish population will be relocated from settlement areas which will be devastated. The administrative district of Prožym/Proschim in Brandenburg is currently acutely threatened. Even though there are statutory rules stipulating that consideration must be given to Sorbian/Wendish concerns and that the area to which the Sorbian/Wendish population is to be relocated should be within the area of traditional Sorbian/Wendish settlement, such a policy will always have a negative impact on the Sorbian/Wendish share of the population, since it exacerbates assimilation effects. Experience also shows that some of those affected will move out of the Sorbian/Wendish settlement area in the course of the relocation process.

**Comments by the Central Council of German Sinti and Roma on the Fourth State Report submitted by the Federal Republic of Germany in accordance with Article 25 (2) of the Framework Convention for the Protection of National Minorities**

**1.**

**Racially discriminatory election campaigning against Sinti and Roma by the right-wing extremist Nationaldemokratische Partei Deutschlands (NPD, National Democratic Party of Germany)**

The Central Council calls for legal clarification, if necessary by means of a statutory regulation at federal and *Länder* level, to the effect that in future election campaign materials such as posters, flyers etc. which directly target minorities and constitute racial discrimination on account of blanket references to descent must immediately be removed at the respective organizers' expense.

From early 2013 on the Sinti and Roma communities were exposed to a smear campaign of previously unknown proportions by the NPD during election campaigns at federal and *Länder* level. Thousands of people belonging to our minority across the whole of Germany were threatened, excluded and subjected to defamation on account of posters ("Money for grandma not for Sinti and Roma") and flyers ("Stop the influx of gypsies!", including depictions of weapons such as pistols and knives). This was a sustained campaign of group-related enmity directed against a minority which has been resident in Germany for centuries and which was exposed to state-organized genocide under the National-

Socialists. The right-wing extremists' strategy is thoroughly transparent: The NPD is trying to exploit the population's fears about the sustainability of the pension systems to stir up hatred against the entire minority and to draw a political benefit. The fact that the NPD was only interested in stirring up hatred by making references to National-Socialism is apparent since a large number of posters were hung up along the road leading to the former Nazi concentration camp Dora-Mittelbau, where many Sinti and Roma were murdered.

In the last few weeks in the run-up to the election the Central Council of German Sinti and Roma received hundreds of calls from concerned Sinti and Roma families across Germany. They were extremely dismayed by the NPD posters, many of which were hung up along the roads, particularly in smaller towns, which their children have to take on their way to school. It re-awakened the fears of the older generation who had survived the Holocaust. They were very shocked and angry.

In December 2013 the Central Council took stock of the charges which had been brought and court proceedings which had been initiated by us and other citizens and authorities. The review will be handed to the Federal Ministry of Justice (BMJ), the competent *Land* authorities, and towns and cities (German Association of Towns and Cities). It contains a detailed legal analysis of the discriminatory campaign by the NPD and related groups. The past failures of the courts are also critically analyzed and evaluated. They issued more than dubious decisions which, on the basis of entirely incomprehensible lines of argumentation, justified the right-wing extremist smear campaign, despite numerous initiatives on the part of authorities, politics and society, which left our minority completely exposed. The document also includes comments on the extent to which the criminal law bases and the prohibition of discrimination which must be observed under administrative law and international conventions on the elimination of all forms of racial discrimination were complied with, given that they demand that steps be taken to stop discriminatory practices. The call for politics to take statutory measures to clarify the prohibition of racially discriminatory election campaigning tactics is also explained.

Despite the fact that charges were brought in many places (by us from May 2013), only few authorities did anything about the smear campaign (posters). Moreover, we were unsure and confused as to what our legal options were for forbidding these discriminatory posters being hung up or having them taken down again. In Hesse, Hamburg and other *Länder* right-wing extremists attacked Sinti who expressed their outrage at the posters. One adolescent member of the minority suffered serious injuries.

After charges were brought, Duisburg Public Prosecution Office on 16 July 2013 sent the Central Council of German Sinti and Roma an order for discontinuation regarding the

NPD flyer "*Stop the influx of gypsies!*" in which it declined to initiate investigatory proceedings. In the grounds it wrote, among other things: "*The matter at hand fulfils neither the category of incitement to hatred (Section 130 of the Criminal Code) nor that of public incitement to crime (Section 111 of the Criminal Code) nor of insult (Section 185 of the Criminal Code)*".

The discussion concerning whether it was generally permissible for the Public Prosecution Office to use the term "gypsy" as it did in the order – either based on alarming ignorance or cynicism – had nothing to do with the question at issue here of whether the content of the flyer constitutes incitement to hatred and was therefore inappropriate. The pamphlet would have been just as discriminatory and misanthropic had the phrase "Sinti and Roma" been used.

The line of argument adopted by the Public Prosecution Office, namely that the "declaratory content" of the so-called "grandma" poster was justified because it constituted "*a politically exaggerated discussion about the large number of immigrants in Germany and the problems in the field of criminality associated with that in the eyes of those distributing the flyers*" is completely wrong. This interpretation is factually incorrect and just as discriminatory and inciting to hatred as any other interpretation of the text of the flyer itself. The reference to "an influx of gypsies" in the context of the debate on immigration and "*the problems in the field of criminality associated with that*" blatantly violates applicable rule-of-law principles, according to which everyone is responsible for their own possible misconduct, but not for those of an ethnic group, family or other community of which they are a member. "Clan liability" (*Sippenhaftung*), such as that applied under National-Socialism, is no longer permissible in our rule-of-law state.

After some towns and cities had the posters taken down, administrative courts took a number of decisions, upon application by the NPD, which justified the smear campaign. The courts forced the mayors and municipal administrations to hang the posters back up and took over the NPD's rationale, which is completely unacceptable and ignores historical experience. The administrative courts', the public prosecution offices' and the Public Prosecutor General's assessments not only obviously miss the point of the posters and pamphlets, they also in no way whatsoever see the historical background and serious consequences of the posters, namely the exclusion and disparagement of the affected minorities.

Wiesbaden Administrative Court proved the only exception. It dismissed the NPD's application for the posters to be hung back up again and reproached the organization for formal shortcomings in the authorization process (non-submission of liability insurance, as provided for under statutes on special uses).



After the posters “Money for grandma not for Sinti and Roma” were hung up across the whole of Germany in late August 2013, the Central Council wrote to the then Federal Minister of Justice, Sabine Leutheusser-Schnarrenberger, asking the Federal Government to take immediate steps to ban such discriminatory election campaigning. We explicitly emphasized that, given the precept of freedom of opinion, unequivocal provision needed to be made during election campaigning, especially when – as was the case here – the boundaries of democratic and factual discussion had been overstepped. In the aftermath of the Holocaust it could, we argued, no longer be permissible for members of a national minority to be socially excluded on account of biological origin (as had been the case pre-1945). Authorities and society are in a state of heightened uncertainty. The mayors of various towns and cities and *Land* returning officers even said so to the Central Council. The one-sided judicial decisions in favour of the NPD contradict prevailing opinion in society and the prohibition of discrimination which is part of the system of values on which our legal order is based.

Town, cities and municipalities are not only obligated to take account of any possible violation of criminal laws when authorizing special rights of use in regard to posters (Sections 130, 185 et seqq. of the Criminal Code), but also to examine violations against legal provisions prohibiting discrimination. These result from Article 3 of the Basic Law and most especially from Article 2 para. 1 (a) and (b) of the International Convention on the Elimination of All Forms of Racial Discrimination (of 7 March 1966, Federal Law Gazette 1969 Part II, p. 962), which prohibits such racial discrimination against persons and organizations. This provision must be observed as a statutory prohibition since the Convention was ratified.

In addition, the posters violate Article 4 para. 1 of the Framework Convention for the Protection of National Minorities (Federal Law Gazette 1977 II, p. 1408), according to which any discrimination based on membership of a national minority is prohibited. This includes the autochthonous minority of German Sinti and Roma, which were discriminated wholesale in the posters.

## 2.

**Report of the Bundestag Committee of Inquiry into the National Sozialistischer Untergrund (NSU, National Socialist Underground) on Sinti and Roma being placed under false suspicion**

The Bundestag Committee of Inquiry into the NSU presented its final report on 23 August 2013. The report contained a separate chapter on the false suspicion under which Sinti and Roma were placed in connection with the murder of a policewoman in Heilbronn. In a press release of that same date the Central Council of German Sinti and Roma expressed its appreciation for the work done by the Committee of Inquiry. In a letter to its Chairman, Sebastian Edathy, a Member of the German Bundestag, the Central Council emphasized that the Committee of Inquiry had very conscientiously fulfilled its remit.

Nevertheless, the facts which the report brought to light are shocking. As regards the actions of the police and public prosecution office against Sinti and Roma in the course of the murder inquiry, the Bundestag Committee of Inquiry uncovered discriminatory opinions and practices which one would not have thought possible more than 60 years after the Holocaust. It is unacceptable in a state under the rule of law that based on an anonymous tip-off, namely "It was gypsies" (as the Committee recounts on p. 644 et seqq.), and the authorities' own "racial" diagnosis, namely that the showmen on the Messplatz were "Sinti and Roma" or "*Landfahrer*" (travellers), the entire police and judicial apparatus, including the Federal Intelligence Service (BND), was mobilized against the minority. The references in the files cited by the Committee of Inquiry are reminiscent of the methods applied by the former "Travellers' Centre" in the Bavarian *Land* Criminal Police Office, in which for decades after the end of World War II former NS officers were responsible for the apprehension of members of the minority and the dissemination of racist stereotypes within the police force. According to the findings of the Committee of Inquiry, the public suspicion and search for members of the minority continued although it had already become clear that DNA traces of what became known as the "phantom" were wrong. From the file record "Traces 101/104 Traveller" to inquiries made with the BND and the Federal Office for the Protection of the Constitution regarding "sources on ... so-called travellers" (p. 647 of the report), the files are full of discriminatory stereotypes. In many cases the old NS term "*Landfahrer*" was used as a synonym to refer to the minority. Special files (incl. personal data, files on vehicle registration plates and DNA files) were created on Sinti and Roma who had nothing to do with the case.

The police's and public prosecution office's methods violated Articles 3 and 4 of the Framework Convention. The data and DNA samples of Sinti and Roma which were collected will have to be destroyed.

### 3.

#### **Central Council of German Sinti and Roma criticizes the Coalition Agreement and Conference of EU ministers of the interior in Brussels regarding so-called "poverty immigrants"**

The Central Council of German Sinti and Roma criticizes the Coalition Agreement concluded between the parties forming the current Grand Coalition and the approach the Coalition adopted at the meeting of EU ministers of the interior in Brussels in December 2013. There is a danger that issuing warnings against so-called "poverty immigrants" (*Armutszuwanderer*) who are purportedly abusing the German social security system will in fact foster populist tendencies. At a conference of experts of the "Forum against Racism" set up by the Federal Minister of the Interior, Herbert Brücker, Professor of Economics at the University of Bamberg, recently contradicted that view on the basis of a study he had undertaken for the Bertelsmann Foundation. Brücker pointed out that Germany needed immigrants so as to be able to guarantee its quality as a place for doing business and especially for demographic reasons.

The Central Council of German Sinti and Roma joined the President of the German Association of Towns and Cities, Ulrich Maly, in making a public declaration warning against the spread of horror stories motivated by immigration. The declaration set out that populism was the hallmark of right-wing parties and that it should be firmly rejected by democratic forces in Europe. Also, the free movement of people in Europe was one of the most important achievements of a united Europe and should not be called into question in the run-up to the elections to the European Parliament.

As regards the Coalition Agreement concluded between the CDU/CSU and the SPD, the Central Council criticized the fact that the term "poverty immigrants" had now become synonymous with Roma; the debate about the abuse of the social security systems was being played out solely to the detriment of Roma and at the same time stigmatized all Sinti and Roma in Germany. This debate was consciously playing with old prejudices in a targeted fashion and excluded Sinti and Roma from society in an entirely new way. The Central Council would like to point out that the share of Roma emigrating to Germany is roughly the same as their share of the populations in their countries of origin; in addition, it is primarily Roma who work in their droves in fields in which there is a significant shortage of workers.

As well as calling for effective improvements to be made to the situation in the immigrants' home countries, the Central Council expects the Federal Government to promote the implementation of measures to integrate immigrants agreed at European level, especially in the local authorities affected.

#### 4.

#### **Comments by the Association of German Sinti and Roma, Rhineland-Palatinate Section**

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#### **on the Fourth State Report submitted by the Federal Republic of Germany in accordance with Article 25 (2) of the Framework Convention for the Protection of National Minorities**

#### **Re C. Recommendations of the Committee of Ministers**

##### **I. General Act on Equal Treatment (Recommendation 1)**

The Association of German Sinti and Roma, Rhineland-Palatinate Section, deals with an average of 50 cases of discrimination per year. Proving a case of discrimination which stands up to the General Act on Equal Treatment is extremely difficult, especially since there are currently no testing procedures available on account of their being labour-intensive and due to financial constraints. In any case, it is very important that legal counselling and support provided should not cause those affected any financial losses.

It is still clear from counselling sessions regarding cases of discrimination that discrimination on account of ethnic allegiance occurs as soon as a person has "outed" themselves. The fear that someone will become the victim of violent attacks after taking legal and formal steps against discrimination represents a huge burden on families. In some cases families have felt the need to relocate to a new home or job in order to be able to live in a relatively safe environment.

A social climate in which "scapegoats" are often sought for economic problems, for example loss of a job or job insecurity, exacerbates the rejection and discrimination which Sinti and Roma experience every day at school, at work, at the hands of their employers, in their leisure-time, at the hands of their landlords, housing associations and authorities.

Constant discrimination is a part of their everyday lives on account of existing prejudices against the ethnic minority.

### **Re Article 14, Teaching in Romani**

The Rhineland-Palatinate Section has in the past carried out a pilot project to teach Romani to juveniles and young adults outside of the school context. The project was run by volunteers. The active participation of representatives of the minority can provide vital start-up and motivational work which cannot be delivered with a combination of voluntary and freelance work. The association lacks the personnel to organize the matters involved. Projects need support and funding. Also, a full-time, paid official is needed because volunteers have for many years been overstretched.

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**Comments by the Sinti Allianz Deutschland on the Fourth Report submitted by Germany in accordance with Article 25 (2) of the Framework Convention for the Protection of National Minorities**

The Sinti Alliance Deutschland (SAD) is an association of German Sinti. It was founded in 2000 by 20 family representatives whose members live in all the old federal states; it is an umbrella organization comprising, to date, nine independent Sinti organizations.

The SAD is headed by a democratically elected committee. Decisions of a fundamental nature are first discussed among the representatives and then taken by those with authority within the SAD.

The SAD sees itself as representing those German Sinti, families and societies which feel committed to the traditional Sinti way of life with its historical precepts and prohibitions governing the conduct of their lives, and who wish to preserve this social and cultural system.

As well as ensuring that account is taken of their political and social concerns, the SAD above all aims to ensure that others do not claim to be representing their concerns when they are not authorized to do so and to prevent the alliance being appropriated by other organizations for their own purposes.

The Sinti have been resident in Germany for 600 years and regard themselves as a separate ethnic group, as a German minority, but also as part of German society. Sinti do not describe themselves as “Roma”, since that would be historically inaccurate. The Sinti vehemently reject being described as a subgroup of “Roma”. Sinti have demonstrably never in their past designated themselves as “Roma”.

The SAD represents a counterweight to other, related organizations and represents the interests of the Sinti. One of our current main tasks is increasing acceptance of education, training and continuous training among the Sinti ethnic group. The SAD regards the promotion of education and training for Sinti as the most important measure for combating discrimination of members of the Sinti community in the current situation in Germany. That is why the SAD cooperated with educational specialists from the ethnic group, who have the requisite insights into the Sinti’s educational problems, on elaborating an educational concept. However, since the SAD (the umbrella organization) does not receive any state funding, it is difficult for the Sinti to drive forward implementation of an educational initiative. And yet, integrating Sinti into the labour market is not only in the interests of the Sinti themselves, but also of particular interest to the whole of society and would eliminate one of the biggest structural disadvantages faced by the Sinti community.

German Sinti represent one of the larger national minorities in Germany in terms of numbers. Owing to political decisions taken in the past they receive hardly any financial assistance so as to be able to promote their traditions and culture – a situation which needs urgently remedying. To date, most of this work is done by unpaid volunteers. This is, however, not conducive to providing qualified support and work, in particular with regard to forward-looking activities on the ground in the municipalities, and in child and youth work. Financial assistance is urgently needed to secure the future of the communities, overcome social discrimination, and in particular to establish child and youth work.

### **Sinti and Roma?**

**“Sinti and Roma” is not how the German Sinti designate themselves. Sinti describe themselves as “Sinti”**

The umbrella organization of the German Sinti, the Sinti Allianz Deutschland (SAD), would like to express its deep annoyance at the frequent stereotypical use of the term “Sinti-and-Roma”. The majority of Sinti in Germany vehemently reject this construct.

The designation “Sinti and Roma” distorts actual historical processes.

**Sinti:** The German minority of Sinti have been living in Germany for more than 600 years. They were first mentioned in a historical document in Hildesheim in 1407.

The Sinti have their own language (Romani), which has its origins in Old Sanskrit and is an Indo-European language. It was handed down only orally and is distinct from the Romani language used by the Romm/Roma.

The Sinti and Roma have undergone their very own, separate historical and linguistic development and, in addition, differ in terms of their values, norms and codes of conduct. The term “Sinti and Roma” has led to the two ethnic groups being equated, which is misleading, and to the term being explicitly used in general reporting to refer to Sinti, although in most cases they have nothing to do with the matter in question or the ethnic group being referred to. The SAD (the umbrella organization of the German Sinti which is recognized by the Federal Government) calls on the media and politics to stop using the misleading term “Sinti and Roma” in their reporting, since it gives the impression that the Sinti, who have been living in Germany as German citizens for more than 600 years, are foreigners just like the overwhelming majority of Roma who emigrated from the Balkan region over the course of the past few decades.

If you want to pay equal respect to either group, their different names need to be referred to in all cases where it is deemed necessary to mention the ethnic origin.

**Sinti and Roma understand themselves not as a single, but as two different ethnic groups** (see p. 8 of the Fourth Report submitted by Germany).

### **Culture and language**

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

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

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

This is why we reject all government measures in this field which intrude on the private nature of Sinti culture and language, such as the state's obligation under the European Charter for Regional or Minority Languages to promote minority languages.

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

The motto is togetherness instead of contrariness.

On 23 May 2005, the then Federal Minister of the Interior Otto Schily honoured the Society of Sinti in Hildesheim for the radio programme “Latscho Dibes” and declared it the 2005 Ambassador for Tolerance, an honour reserved for groups and individuals who fight with creativity and vigour against xenophobia and for democracy.

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

Reference should also be made to the 14th Hildesheim Sinti Music Festival, which is scheduled to take place in Hildesheim in 2014. It will be organized by the Society of Sinti in Hildesheim and the Lower Saxony regional association of the SAD, and will help to present the Sinti culture and language in spite of the above-mentioned taboos. The funding for the 2014 festival and that for later years is not secured; financial support is needed, however.

Regrettably, the Ministry of Science and Culture of Lower Saxony has announced that it will no longer be paying a grant from *Land* funding towards the Hildesheim Sinti Music Festival.

The organization has nevertheless put in a funding application for 2014, because it hopes that the new Minister for Science and Culture in the new SPD/Green Land government will continue to make the funding available.

## **Culture**

Despite the great pressure to adapt, Sinti have for centuries maintained a considerable degree of cultural and linguistic independence. By tradition, the life of the members of the Sinti community is strictly regulated. Rules of avoidance (of outsiders), cleanliness and contact have an important role to play. For example, it is not permitted to pass on the



language to non-Sinti, which makes it difficult to implement the EU Convention on minority languages.

“Adjudicators”, i.e. respected elders, monitor compliance with traditional rules and act as mediators and issue decisions in cases of conflict. Serious breaches can lead to exclusion from the Sinti community, the most serious sanction. Sinti are extremely family-oriented and great importance is attached to the pronouncements of the elders.

p. 10, Fourth State Report

The Lower Saxony Advisory Centre for Sinti and Roma (*Niedersächsische Beratungsstelle für Sinti und Roma e.V.*) was erroneously appointed by the *Land* government to implement the Framework Convention. In fact, however, the Association of Sinti in Lower Saxony, Lower Saxony Section (*Verband der Sinti Niedersachsen e.V.*) does this work through its umbrella organization, the SAD.

Evidently, the Lower Saxony Advisory Centre for Sinti and Roma has been confused with our regional association, the Association of Sinti in Lower Saxony.

***F. Concluding remarks***

The competent authorities at federal and *Länder* level will look into the critical comments expressed by the representatives of the national minorities and will report on further progress in the next State Report. Continued efforts will be made to further implement the Framework Convention.