



Federal Ministry
of the Interior

Fourth Report of the Federal Republic of Germany

**in accordance with Article 15 (1)
of the European Charter for Regional or Minority Languages**

2010

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Introduction:

Like the previous reports, this report was produced by the Federal Ministry of the Interior in cooperation with the responsible *Land* authorities and federal associations of the speakers of the languages protected by the Charter. An implementation conference held in Berlin on 3–4 December 2009 facilitated cooperation and participation. The federal associations were given another opportunity to express their views on the protection of their languages, which do not have to correspond to the views of federal and state authorities. Section E of this report includes their comments.

Part A General situation and general framework**A.1 General situation**

00101 For information about the general situation, please refer to the Third Report of the Federal Republic of Germany in accordance with Article 15 (1) of the European Charter for Regional or Minority Languages (Third State Report), Nos. 1 – 4.

A.2 The Charter's scope of application in Germany; reporting requirements

00102 The Second State Report, Nos. 5 to 16, already explained that Germany has limited the Charter's scope to the regional language Low German and the languages of its national minorities, i.e. autochthonous groups (the Danish minority, the Frisian ethnic group, the Sorbian people, and the German Sinti and Roma).

A.3 Detailed information on the individual languages:

00103 See the Second State Report, Nos. 17 to 45, for an overview of the Low German regional language and the minority languages Danish, Sorbian (Upper and Lower Sorbian), Frisian (North Frisian and Sater Frisian) and Romani of the German Sinti and Roma.

A.4 Bodies at federal and *Länder* level**A.4.1 Government agencies, other public authorities and commissioners**

00104 For information on the responsibilities of the federal ministries, in particular of the Federal Ministry of the Interior and the Federal Ministry of Justice, and on the tasks of the Federal Government Commissioner for Matters Related to Repatriates and National Minorities, see Nos. 46 to 50 in the Second State Report; for the responsibilities of government agencies in the *Länder* see Nos. 51 to 58 in the Second State Report. The following changes were indicated in No. 4 in the Third State Report:

- in the State Chancellery of Hesse, a coordination office is responsible for relations with the Sinti and Roma. The head of unit chairs a coordination group made up of representatives of Hesse's ministry for social and cultural affairs and education to ensure that requests are addressed by the responsible ministry; and
- in Schleswig-Holstein, effective 2010 the title is Minister-President's Commissioner for Minorities.

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

00105 Federal associations of language communities are involved in government decision-making through conferences on implementing the Framework Convention for the Protection of National Minorities (Framework Convention) and the Charter referred to here. They also participate through advisory committees at the Federal Ministry of the Interior for the Danish minority, the Sorbian people, the Frisians and speakers of Low German and through the Foundation for the Sorbian People. The German Bundestag may convene an ad hoc discussion group on national minorities as needed (cf. Nos. 59 ff. and 68 to 75 in the Second State Report as well as Nos. 5 and 6 in the Third State Report).

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00107 For the German Sinti and Roma, no similar bodies are planned. Although the Sinti Alliance Germany has repeatedly expressed its willingness to work with the other umbrella organization of the ethnic group in such a body, it is not clear how the Central Council of German Sinti and Roma and the Sinti Alliance of Germany could cooperate productively.

In any case, the two organizations regularly have the opportunity to discuss their concerns with the president of the German Bundestag and representatives of the *Länder* governments. Since 1994, the last plenary session of the Bundesrat before the Christmas break each year is devoted to remembering the Sinti and Roma victims of Nazi persecution. Following this session, separate meetings chaired by the president of the Bundestag are held with the Central Council of German Sinti and Roma and the Sinti Alliance of Germany.

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

A.4.3.1 The Danish language

00108 Information about Danish minority organizations and speakers of Danish can be found in Nos. 60 to 67 of the Second State Report. Most of this information remains applicable; any relevant changes are noted in Part D.

00109 In No. 40 of its Third Evaluation Report, the Committee of Experts commented in particular on the “Day of the Danish Language” referred to in No. 1023 of the Third State Report. This event was held in the cities of Flensburg, Husum, Leck and Schleswig on 9 February 2006 under the patronage of the president of the *Land* parliament and offered the public a wide range of offerings to become acquainted with the Danish language.

A.4.3.2 The Sorbian language

00109 Information about the Council for Sorbian Affairs in Saxony and Brandenburg and about the Foundation for the Sorbian People, in particular its legal and financial situation, tasks and institutions it funds, can be found in Nos. 68 – 75 of the Second State Report. For information about funding agreements, see No. 00729.

A.4.3.3 The Frisian language

00110 The umbrella organizations of the three Friesland regions

- **North** (in Schleswig-Holstein),
- **East** (in Lower Saxony), and
- **West** (in the Netherlands),

work together in the Inter-Frisian Council. For a description, see No. 77 in the Second State Report.

00111 Information about the organizations of the Frisian ethnic group in Schleswig-Holstein and Lower Saxony is provided in Nos. 76, 78, and 80 – 84 of the Second State Report. Most of this information remains applicable; any relevant changes are noted in Part D.

A.4.3.4 The Romani language

00112 In its Nos. 85 to 93, the Second State Report notes that the responsible authorities are aware of two umbrella organizations currently representing German Sinti and Roma: the Central Council of German Sinti and Roma, which includes several associations at *Land* level and receives federal institutional funding (Federal Government Commissioner for Culture and the Media); and the Sinti Alliance of Germany.

Nos. 12 and 13 of the Third State Report also noted that there are no bodies to protect and promote the Romani language because these two organizations have sometimes very different ideas about how their ethnic groups and their history should be represented.

00113 For further information, see No. 13 in the Third State Report.

00114 A third group mentioned in the Third State Report is no longer active in public: This group, which described itself as mainly composed of German Sinti, in 2006 filed a petition with the Federal Ministry of the Interior. Bearing 400 signatures, the petition argued that the Romani spoken by German Sinti was internal to their culture and should not be protected by the Charter or taught at public schools. The petition asked that young German Sinti should receive remedial German language tuition instead in order to overcome general education deficits.

00115 This introduction can only note that the difficulties, described in No. 15a of the Third State Report, of meeting Charter requirements when speakers want to preserve their language in its unwritten form for exclusive use within the group continue to exist, and that the 2005 framework agreement concluded between the government of Rhineland-Palatinate and the Rhineland-Palatinate *Land* association of German Sinti and Roma continues to be used to take advantage of the limited possibilities to meet these requirements.

A.4.3.5 The Low German language

00116 As stated in Nos. 94 to 97 of the Second State Report, the bodies to coordinate the promotion of Low German include Low German consultative councils (in Mecklenburg-Western Pomerania chaired by the Minister for Education, Scientific and Cultural Affairs; in Schleswig-Holstein at the *Land* parliament chaired by the *Land* parliament's president), the Schleswig-Holstein Minister-President's Commissioner for Minorities and the working group for the implementation of the Charter at the Niedersächsischer Heimatbund composed of representatives from

various ministries and parliamentary groups. The working group met only once during the last two years but is to meet on a more regular basis soon.

In Lower Saxony, the foundation Plattdütsch Stiftung Neddersassen was founded in October 2007 with the patronage of the minister-president of Lower Saxony. The foundation's aim is to promote the preservation, research, teaching and use of Low German.

In Saxony-Anhalt, activities are coordinated by the Working Group on Low German at the Ministry for Education and Culture. The group is composed of representatives from the language groups in different areas (Harz, Börde, Altmark), from the Ministry for Education and Culture, the Landesheimatbundes Sachsen-Anhalt, the Arbeitsstelle Niederdeutsch at the Germanistisches Institut of Otto von Guericke University in Magdeburg and from the broadcaster Mitteldeutscher Rundfunk's Studio Stendal.

00117 There are currently four university chairs in Low German language and literature: Kiel, Hamburg, Rostock and Oldenburg, which are usually set up as chairs in the departments of German language and literature with a concentration on Low German (Kiel, Hamburg, Oldenburg and Rostock). The university chair in Oldenburg is a chair for German linguistics, linguistic pragmatics and socio-linguistics/Low German. This position has existed since 16 December 2007 and is initially limited to a five-year term, after which it will be evaluated.

The universities in Bielefeld, Bochum, Bremen, Magdeburg, Paderborn, Flensburg, Göttingen and Greifswald also offer classes in Low German, which are usually taught on the basis of temporary contracts.

General issues related to regional and minority language teaching in higher education under the terms of the Bologna Process and in a federally organized system of higher education are described in No. 00771 ff. The current situation of Low German at universities is described in more detail in No. 60845 ff. At their annual meeting in Bremen in 2008, the federal and *Land* desk officers for Lower German discussed the issue of Low German in higher education as a priority. The institutional framework of this annual meeting was chosen to increase cooperation among the responsible desk officers and with the Federal Council for Low German.

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

00118 The Federal Ministry of the Interior, which is responsible for overseeing the implementation of the Charter, organizes meetings of the advisory committees for individual language groups mentioned in Nos. 5 and 6, including their associations and federal and state ministries, as well as annual conferences on implementing the Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages. Given the short three-year reporting cycle, reporting obligations, in particular arising from the Charter, consume a considerable share of the available resources.

00119 As indicated in No. 102 of the Second State Report, the present report was submitted for approval to the central organizations of the groups concerned and discussed at an implementation conference. The groups' comments are included in Part E of this report, which will be published after having been submitted to the Council of Europe Secretariat.

A.6 Public information regarding the Charter

00120 Despite a large print run, the Federal Government Commissioner for Matters Relating to Repatriates and National Minorities ran out of copies of the information brochure "National Minorities in Germany" mentioned in No. 104 of the Second State Report. The brochure, which also deals with minority languages, was updated in consultation with the language groups and reprinted in November 2006.

00121 Since November 2008, the Commissioner's office also offers a brochure focusing on the languages protected under the Charter.

00122 The *Länder* produce the following publications to inform the public about the Charter and the minority and regional languages:
Bavaria's Agency for Civic Education publishes the book *Der Tod war mein ständiger Begleiter – Das Leben, das Überleben und das Weiterleben des Sinto Franz Rosenbach* (Death was my constant companion: The life and survival of the Sinto Franz Rosenbach).

Lower Saxony mainly uses the Internet to distribute information about the Charter: The Charter and Germany's state reports are published on the website of the Lower Saxony Ministry of the Interior, Sport and Integration (in German). The website also offers information about Low German and the Frisian languages along with links to the Council of Europe, the Niedersächsischer Heimatbund, the Saterland Municipality and the Institute for Low German, among others.

On its website, the Lower Saxony Ministry of Science and Culture notes that Low German and Sater Frisian are included in Part III of the Charter.

The Ostfriesische Landschaft, which receives about half of its funding from Lower Saxony, plans to publish a brochure in autumn 2009 with information about the Charter and the work of the commissioner for Low German.

In Schleswig-Holstein, every legislative term the *Land* government presents to the *Land* parliament a report on the implementation of the Charter in Schleswig-Holstein. The report for 2007, the second one of its kind, is available on the government's website (www.schleswig-holstein.de). The website also offers a greeting from the minister-president in Low German and audio files with samples of regional and minority languages. In 2008, a short film was produced to commemorate the 20th anniversary of the office of Commissioner for Minorities entitled *mittendrin – Minderheiten in Schleswig-Holstein* (Right in the middle: Minorities in Schleswig-Holstein), featuring representatives of the different language groups speaking their language. The film has German subtitles. It has also been supplied to educational facilities in Schleswig-Holstein for informational purposes.

For the Charter's 10th anniversary in 2008, the Institute for Low German in Bremen drafted an interim report on language policy concerning Low German, with funding from the Federal Government Commissioner for Culture and the Media.

Part B Recommendations of the Committee of Ministers

B.1 Main recommendations of the Committee of Ministers

00200 In the third monitoring cycle, the Council of Europe Committee of Ministers gave Germany the recommendations quoted below. These recommendations prompted the Federal Government to discuss possible implementation measures and needs with the *Bund*, the *Länder* and the language groups. The specific measures are discussed in Parts C and D in connection with the reports on the implementation of the relevant provisions. A summary is given below:

The Committee of Ministers,

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

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

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

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

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

1. adopt specific legal provisions, where their absence hinders practical implementation of the undertakings which Germany has entered into under the Charter;

00211 According to the Committee of Experts in its third Evaluation Report, the German authorities have not adopted any additional specific legal provisions to implement Germany's obligations under the Charter. The Committee rightly notes that, as indicated in the Second State Report, the German authorities do not find it appropriate to do so (No. 24a, Third State Report) because the Charter constitutes directly enforceable law and because the number of legal provisions should rather be reduced than increased.

The Committee of Experts however believes that the number of legal uncertainties and the apparent lack of use of regional or minority languages in many areas of public life revealed during the third monitoring cycle continues to justify the need for legal provisions.

The Committee also believes that

- (1) languages which benefit from formal legal measures at *Land* level generally experience better promotion and protection than languages which do not;
- (2) certain *Land* governments do not seem to feel bound by the legal obligations under the Charter; and

(3) regardless of whether the Charter is directly enforceable law in Germany, it would be desirable to have a legal framework for implementing the Charter.

00212 To Germany, it seems as if the Committee's call for legal provisions is intended to lead to more extensive obligations than it was possible to accept at ratification given the need for agreement from the relevant *Länder*, precisely because the Charter's alternative formulations sometimes purposely leave options open.

00213 Hence, we reiterate the opinion expressed in No. 110 of the Second State Report that Germany should not focus primarily on legal issues but rather on practical ones, such as funding, given the tight public budget situation, when actually implementing or complying with the obligations under the Charter.

The Federal Republic of Germany can therefore agree that implementation will continue to be a high priority, although it will be almost impossible to increase funding for the foreseeable future given budget constraints at federal, state and local level. However, Germany cannot promise the necessary parliamentary majorities to pass additional *Land* legislation to benefit regional and minority languages and enable extensive application of the Charter.

2. adopt and implement a structured policy for the promotion and preservation of North Frisian, Sater Frisian and Lower Sorbian, including in particular measures which ensure as a matter of urgency that primary and secondary education is available in these languages;

00221 To implement this recommendation, Schleswig-Holstein issued a decree for schools in the Nordfriesland district and on the island of Helgoland. This decree, issued by the Ministry of Education and Women's Affairs on 2 October 2008, stipulates that schools in the Nordfriesland district and on the island of Helgoland are obligated to inform parents that they may apply for Frisian language instruction for their children. For further information, see Part D.2.3 (Article 8). The decree is included in an annex to this report.

00222 With regard to this recommendation, Lower Saxony refers to No. 00748 and comments as follows:

Since 2006, the core curriculum for German in primary and secondary I schools makes exposure to the Frisian language mandatory. In addition, within the language area four full-time instructors are available to offer elective instruction in the language

(activity groups, required optional subjects). These offerings are available and utilized at all schools in the Saterland region.

00223

3. take action to improve provision and allocate adequate resources for regional or minority language teaching and in particular:

- **ensure that the current schools rationalization programme in Saxony does not jeopardize the provision of education in Upper Sorbian;**
- **increase the number of hours devoted to, and provide clear guidelines for, Low German teaching in the Länder concerned;**
- **adopt a structured policy with respect to Romany in the field of education, in co-operation with the speakers;**

00231 The Federal Republic of Germany is aware of the importance of the educational sector in preserving and promoting regional and minority languages, as already indicated in the Third State Report in No. 24b on the second recommendation in the second monitoring cycle to take measures to improve regional or minority language teaching. Under Germany's federal system, the *Länder* are responsible for education policy and they continue to work hard to provide appropriate framework conditions for the regional and minority languages. In the process, they must reconcile differences in the various language areas in terms of the number of speakers and varying language use with funding and administrative possibilities. For more information, see Nos. 515 and 516 in the Second State Report.

00232 As explained in No. 112 of the Second State Report, language policy must put demand from the language groups for educational offerings in proportion to the appropriate administrative measures. Here too, Germany is aware of how instrumental appropriate school infrastructure is in preserving and vitalizing languages. It is just as important, however, to balance overall cultural efforts so as to increase language awareness among a particular language group, especially the younger generation as the intended audience of school education, as it is this very awareness that will create demand for such education. Our experience shows that, in some cases, demand lags behind the instruction actually offered. In planning school curricula, the relevant authorities must take account of both synergies and tensions

between cultural promotion and school education measures. The Charter also recognizes these tensions and calls in the relevant provisions for appropriate educational provision whenever there is a sufficient number of pupils. The German authorities will continue to seek a balance between measures in both fields and to respond to emerging developments. Even though it may be argued that many languages were suppressed or marginalized in the past, the Charter cannot require that educational provision should be increased beyond the potential demand for it.

00233 In addition, with regard to the special recommendation for Upper Sorbian, the provision of bilingual education is and will continue to be sufficient even after two Sorbian middle schools in the Free State of Saxony had to be closed due to continuing lack of demand.

00234 With regard to the recommendation to increase the number of hours of teaching in Low German and to provide relevant guidelines, please see No. 60801 ff. and the further references there.

00235 With regard to the recommendation to adopt a structured policy on Romani, please refer to the comments by Hesse in No. 50807 ff., which is the only *Land* to have adopted Part III of the Charter with respect to Romani.

4. ensure that an effective monitoring mechanism exists in the field of education for all regional or minority languages covered under Part III;

00241 As indicated in the Third State Report, No. 27, concerning the same recommendation made during the second monitoring cycle: The purpose of monitoring is to keep management and superior authorities informed about the status of task performance. This is ensured through regular legal and technical supervision of the authorities responsible for implementing the Charter. If the extent of language promotion does not always satisfy desires and expectations, this is not due to a lack of information to be remedied by additional checking (resulting in additional costs), but mainly to

- lack of available funding,
- the fact that Low German and the minority languages are spoken only in regions with a weak economic base,
- the fact that regions where minority languages are spoken have been disproportionately affected by low birth rates and out-migration, and

- that demand for instruction in the protected languages may shrink for these reasons.

The above statements are another example of the tension described in No. 25 of the Third State Report.

Moreover, the State Reports, which have to be prepared at very short intervals, ensure the necessary transparency for legislators in implementing the Charter.

00242 For this reason, the present report also contains information on what schools are doing to promote protected languages and on the number of speakers of each language (see the sections for each language on the application of Article 8). The general reasons for rejecting further expansion of supervision are also given in Nos. 00803 – 00813.

00243 Regarding the Committee's question under No. 80 of its third Evaluation Report, whether supervisory bodies are now producing and publishing periodic reports in line with the obligation referred to in Art. 8 (1) i, the responsible authorities state that no further reports have been or will be produced beyond those already submitted, because they believe that additional reports would only increase administrative burdens without improving the teaching of minority languages. (See also Nos. 1017, 2021, 2022 and 3016 on supervisory bodies for the Danish language.)

00244 Schleswig-Holstein adds that current school issues related to regional and minority languages are discussed in the school administrations in connection with the *Land* government report on implementing the Charter in Schleswig-Holstein, in the Low German Consultative Council, in the *Land* parliament body for dealing with issues of the Frisian ethnic group, and in the working group on Frisian.

00245 - 00250

5. take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration and, where relevant, in the courts;

00251 With regard to this recommendation, in No. 798 of its third Evaluation Report the Committee of Experts finds that the necessary structured policy is still lacking, for example a human resources policy taking account of civil servants' skills in regional or minority languages, facilities and incentives for them to improve these skills, and an adequate framework for and resources allocated to translation and interpretation. According to the Committee, the possibility to use regional or minority languages in dealings with judicial and administrative authorities in practice remains marginal, if not non-existent, especially with respect to written communication.

00252 As indicated in No. 28 of the Third State Report concerning the same recommendation made during the second monitoring cycle: As stated in No. 114 of the Second State Report, Germany regards the possibility to use regional or minority languages in dealings with administrative and judicial authorities as an important element in preserving and promoting these languages. These possibilities have been created as far as finances allow. Given the current budget situation, a recommendation to create additional demand through structural measures would meet with considerable resistance. (See also No. 01004.)

6. take measures so that adequate radio and television broadcasting are available in Sater Frisian, North Frisian, Lower Sorbian and Danish.

00261 As indicated in No. 29 of the Third State Report concerning a similar recommendation made during the second monitoring cycle: Because freedom of broadcasting and freedom of the press are guaranteed under Germany's Basic Law, Germany agreed only "to encourage" under the Charter's Article 11 referring to the media sector (see No. 115 Second State Report).

The federal and state authorities have very limited possibilities to provide financial incentives to increase the provision of the Low German regional language and minority languages. One reason is that programming decisions are made based on the number of potential listeners/viewers and thus on anticipated advertising revenue. Public subsidies for programming for which there is little demand could hardly make up for this revenue. See also Nos. 226 – 239 in Part D of the Second State Report and No. 01103 ff. in this report, which describes the limits of national law for the interpretation of obligations under Article 11 of the Charter.

B.2 Adjustment of the accepted undertakings

00301 Germany still views as fundamentally problematic the Committee of Experts' comments in the first Evaluation Report on the acceptance of redundant undertakings. In No. 453 of the report the Committee rightly points out that the obligation accepted by the Free State of Saxony under Article 10 (3) c (submission of requests in regional or minority languages) is already included in the obligation accepted under Article 10 (3) b (requesting and receiving a reply in these languages) and is therefore redundant. Further, in No. 214 of the first Evaluation Report, the Committee states that although Schleswig-Holstein's current administrative praxis fulfils the obligation under option (b) of Article 14 (cross-border cooperation) which it did not select, the *Land* did not fulfil the obligation under option (a) of Article 14 (transfrontier exchanges: bilateral and multilateral agreements) which it did select. Germany believes that the selection of options should be switched. However, the Charter does not allow for such changes. Germany therefore considers it necessary to discuss in depth the issue of adjusting treaty provisions, also with regard to any problems arising in future, and requests the Committee of Experts to clarify the matter accordingly. The aim should be a procedure which allows member states to slightly modify their obligations without having to terminate and re-ratify the Charter.

B.3 Relevant legislation

00401 The legal instruments and provisions needed to implement the Charter in Germany are included in the annexes to the Second and Third State Reports. Amendments are included in the annex to the present report.

Part C Protection of regional or minority languages under Part II (Article 7) of the Charter

00701 As already indicated in No. 31a of the Third State Report, with regard to the scope of protection of the languages Danish, Frisian, Sorbian and Low German (in the relevant language areas) as well as Romani (in the entire federal territory) under the Charter, see Nos. 118 to 120 of the Second State Report.

There it states that, in addition to the undertakings under Part II of the Charter, Germany adopted individual provisions of Part III of the Charter with regard to the regional or minority languages Danish, Upper Sorbian and Lower Sorbian, North Frisian and Sater Frisian, and Low German in the Free Hanseatic City of Bremen, the Free and Hanseatic City of Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein.

Since then, Germany has extended the scope of protection under Part III to Romani in Hesse by adopting a sufficient number of undertakings in accordance with Article 2 (2) of the Charter.

As in the second and third reports, the pertinent details are discussed in the comments on Part III of the Charter. For this reason, the description of implementation measures taken under Part II once again concentrates on the most important framework conditions.

00702

Article 7 Objectives and principles

Paragraph 1

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

Art. 7 (1) (a)

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

00703 Compliance with this provision under German law is documented, as before, by the notification of the two Declarations on the Charter's scope of application and by extensive measures taken for its implementation.

Art. 7 (1) (b)

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

00704 As noted in No.123 of the Second State Report and No. 34 of the Third State Report, there are no governmental or other measures in place in Germany which would change the population balance in the settlement areas of the language groups, which are directed against the exercise of their rights or which would influence their members' participation in decisions affecting them.

00705 However, with regard to local government restructuring in some *Länder* the Committee of Experts expressed concern that this might result in fewer possibilities for participation by the affected language groups.

00706 For example, in No. 25 of its third Evaluation Report, the Committee stated that during its (third) on-the-spot visit to Germany, it had been informed by language group representatives that abolishing the level of district administration in Lower Saxony in 2004 and transferring the supervision of municipalities, administration and the judiciary to the *Land* ministries as superior administrative authorities had restricted the use of Low German, as few of the civil servants in Hanover spoke Low German.

00707 Lower Saxony has commented on this issue as follows:

00708 The two-level administrative structure introduced in Lower Saxony in 2004 by dissolving the district governments affects the structure of direct *Land* administration and has little impact on the implementation of the Charter. Indirect *Land* administration (local and regional authorities) remains unchanged. The supervision of municipalities the Committee of Experts referred to affects the internal relations between the supervisory authority and the subordinate area. According to the federal and *Länder* laws on administrative procedures, German is the official language.

00709 As one result of administrative restructuring in the Free State of Saxony, in which the districts of Bautzen, Kamenz and Hoyerswerda were merged to form a single district called Bautzen, all of the Sorbian language area except for the municipality of Schleife lies within one district. In No. 29 of its Third Evaluation Report, the Committee of Experts noted the concern expressed by representatives of the Upper Sorbian language group that the smaller proportion of Sorbian speakers in the overall population of the new district (between 5% and 10%) could have a negative effect on political participation. In requesting this report, the Committee asked whether the authorities had ensured that the restructuring described would not have a negative effect on the protection and promotion of Upper Sorbian.

00710 The government of Saxony provides the following assessment of the results of restructuring: The notion that administrative restructuring in the Free State of Saxony had reduced the Sorbian language area to a single district, with the exception of the Schleife municipality, is incorrect. In fact, this restructuring did not change the size of the German-Sorbian settlement area (see Article 10 of the Act of 29 January 2008 to restructure the administrative districts of the Free State of Saxony and to amend other acts, Saxon Law Gazette 2008, p. 102 ff.). Due to this restructuring, Section 3 (1) of the Saxon Sorbs Act (SächsSorbsG) and the annex to Section 3 (2) of the Act have been amended in both the Sorbian- and the German-language versions. The restructuring did not affect municipalities' membership of the Sorbian settlement area; the rights and freedoms of the Sorbian people remain intact. The annex to Section 3 (2) was amended because the municipality of Knappensee was dissolved effective 1 January 2005 and its district of Wartha was merged with the municipality of Königswartha in the Bautzen district, while the districts of Gross Särchen and Koblenz were merged with the municipality of Lohsa.

Representing Sorbian interests at the hearing concerning the above-mentioned Act, Domowina and the Council for Sorbian Affairs called for organizational measures to ensure the political participation of the Sorbian people. However, only indirect effects were cause for concern during the restructuring.

Such effects were countered on the one hand by legislation increasing the number of district councils in each district; on the other hand, under their right to establish by-laws, the new districts of Bautzen and Görlitz have given high priority to preserving the Sorbian language and culture. For example, in the district of Bautzen Sorbian affairs are the responsibility of the district committee, while in the district of Görlitz they are the responsibility of a consultative council for Sorbian issues. Each district

has also appointed a commissioner; in the Bautzen district this is a full-time employee of the district administration, while in the Görlitz district, a staff member devotes 25% of his working hours to this task.

00711

00712 In No. 30 of the third Evaluation Report, the Committee of Experts also expressed concern that the reform of administrative districts in Schleswig-Holstein planned for 2013, which will reduce the number of districts and merge the district of Nordfriesland into a larger unit, could have a negative effect on the promotion and protection of North Frisian. The Committee therefore asked whether the authorities had taken steps to ensure that such negative effects would not occur.

00713 Schleswig-Holstein responds as follows: In the last legislative period, the government of Schleswig-Holstein agreed not to use legal measures to require changes to the administrative structure. Instead, the government agreed to work with the local governments to draft an agreement in which the latter would commit to maximize efficiency through extensive cooperation and voluntary mergers between districts (*Kreise* and *kreisfreie Städte*). Thus, the existence of the Nordfriesland district is no longer in question.

00714 The Committee of Experts has repeatedly expressed similar concerns with regard to the resettlement of residents of Sorbian villages as a result of lignite mining.

00715 Following the resettlement of the village of Horno, as reported in the Second State Report, and in response to the Committee's urging to take due account of Germany's undertakings under the Charter when taking decisions on resettlement, the Third State Report (No. 36) once again explained that this was already the case.

00716 According to No. 27 of the third Evaluation Report, representatives of Lower Sorbian reported that although efforts were undertaken to retain the social network of the former inhabitants of Horno within the new settlement, 20% of the inhabitants decided not to resettle there.

00717 In No. 27 ff. of its third Evaluation Report, the Committee also stated that the mining company Vattenfall planned to conduct more mining in Sorbian-speaking areas in future, although to date no procedures to obtain a permit had been initiated.

00718 The Committee also stated that speakers of Sorbian had informed it that, within the next two decades, several villages inhabited by about 1600 people in the Schleife region, where Upper Sorbian is spoken, would have to resettle due to lignite mining.

00719 As a result, the Committee of Experts encouraged the authorities to take active measures to compensate for the difficulties caused by lignite mining in protecting and promoting the Sorbian language. When requesting the present report, the Committee asked which measures had been taken.

00720 Brandenburg and the Free State of Saxony report the following concerning the status of planned lignite mining and the Committee's recommendation to take active measures to compensate for the difficulties caused by lignite mining in protecting and promoting the Sorbian language:

1. Brandenburg

00720a Based on the Act on regional planning and on lignite mining and redevelopment planning, last amended by Article 2 of the Act of 28 June 2006 (Gazette of Laws and Ordinances I/08, p. 96), two lignite mining plan approval procedures are currently being processed.

According to current information, the plan approval procedure for the Jänschwalde-Nord mining operation will not affect any Sorbian settlements.

The planned continuation of the Welzow-Süd operation from segment I to segment II requires updating the current lignite mining plan for Welzow-Süd, segment I, of 21 June 2004 (Gazette of Laws and Ordinances II/24, p. 614).

The plan approval procedure to update this plan was opened on 15 November 2007. The planning area of segment II includes the village of Proschim, part of the town of Welzow, which declared itself part of the Sorbian settlement area in 1995 pursuant to the Sorbs/Wends Act.

Proschim is on the list of municipalities in the traditional settlement area of the Sorbian (Wend) people published in the Official Journal of Brandenburg, No. 19 of 23 April 2008.

The lignite mining plan gives this fact high priority.

It is therefore necessary to gather the necessary baseline information and draw the relevant conclusions for preserving and further developing Sorbian/Wend traditions and culture.

At the moment, the Sorbian Institute in Bautzen is drafting a research report on Sorbian (Wend) identity and culture in the villages of Proschim (Prozým) and Karlsfeld.

To summarize, the report

- takes stock of the current situation of Sorbian (Wend) culture and identity;
- looks for existing and new models for Sorbs to describe and express their ethnic identity;
- records evidence of Sorbian structures and residence; and
- studies the breadth and depth of Sorbian language use.

The results of this research will be considered in the lignite mining plan approval procedure as assets to be given special protection.

They create the framework for safeguarding as much of Sorbian (Wend) traditions, language and culture as possible and ensuring that they survive following resettlement, should that be necessary.

The results of this report are expected in early 2010; the lignite mining plan approval procedure is to be completed in 2012/13.

2. Free State of Saxony

00721 In the Schleife region, approx. 240 residents will soon be resettled. The plan approval procedure to continue the Nochten mining operation by exploiting the Nochten priority mining area, entailing the resettlement of 1500 residents, was opened in autumn 2007. The procedure is expected to be concluded in 2011. Comprehensive agreements on the resettlements were concluded between the residents and the Vattenfall mining company. These agreements include the obligation that the Sorbian language, culture and traditions are to be preserved and promoted. A joint statement issued by Domowina and Vattenfall of 9/24 November 2007 specifies the funding details for current resettlements. All those being resettled have been offered the possibility to move to the parish of Schleife which is in the traditional settlement area of the Protestant Sorbs. Compliance with undertakings under the Charter is ensured in the region also because lignite mining provides a strong economic base, thereby making a significant contribution to preserving and promoting Sorbian language and culture.

00722

Art. 7 (1) (c)

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

00723 See Nos. 131 to 142 of the Second State Report relating to constitutional and other provisions of the *Bund* and the *Länder* highlighting the great importance Germany attaches to the protection of minorities. No. 37 of the Third State Report also notes that the Act on Promoting Frisian in the Public Sphere (Frisian Act) and the Act on setting up a public-law corporation "Open Channel Schleswig-Holstein" (OC Act) were adopted.

00724 In No. 31 of its third Evaluation Report, the Committee of Experts once again expressed its view that "resolute action to promote regional or minority languages in order to safeguard them" covers the following aspects:

- creating a (broader) legal framework for the promotion of regional or minority languages,
- establishing bodies which are responsible for the promotion of these languages, and
- providing adequate financial resources.

00725 If the word "covers" is intended to mean that these measures can be described as part of the "resolute action", then the German authorities can agree with this interpretation. However, they cannot agree to any view which sees limitations with regard to these measures as a lack of "resolute action" and a failure to fulfil the above-mentioned undertaking.

00726 In No. 32 of its third Evaluation Report, the Committee stated its view that Sater Frisian and Lower Sorbian in particular appeared to suffer from a lack of resolute action and that these two languages would merit serious attention and investment as they were particularly endangered.

00727 The comments on this statement can be found in Nos. 00746 ff. and 40801 ff.

00728 With regard to No. 25 of the second Evaluation Report and No. 33 of the third Evaluation Report, in which the Committee states that there is often considerable confusion among speakers of regional or minority languages as to which authorities are responsible for protecting and promoting their languages and

for implementing the Charter at *Land* and federal level, and that the criteria for federal funding are not very clear and that there is often no guarantee of continued funding, see No. 39 of the Third State Report for a rebuttal.

The implementation conferences in which representatives of all language groups participate and the meetings of the consultative committees for the individual minorities and language groups can also be used to clarify responsibilities and funding criteria as needed. By contrast – especially in view of the current budget deficits in Germany – there are no political possibilities in sight to limit the principle of year-to-year funding in the field of promoting minorities and minority languages. Rather, the responsible authorities must defend their estimated budgets every year. The difficulty of winning budget increases and the fact that this is nonetheless possible in isolated cases is clearly shown by the fact that cuts in federal funding for the Bund Deutscher Nordschleswiger made in 2006 and 2007 were reversed and the budget appropriation for 2008 restored to the level of 2004 and 2005; in 2009, the budget appropriation was increased.

00729 Following No. 35 of its third Evaluation Report concerning funding for the Foundation of the Sorbian People (which, due to special historical circumstances, has been granted multi-annual funding despite the public budget principle of year-by-year funding), the Committee urged the German authorities to reach an agreement that at least maintained the previous financial contribution of the federal authorities and the *Länder*. When requesting the present report, the Committee asked whether such an agreement had been reached.

The Federal Government Commissioner for Culture and the Media reports as follows: The second agreement between the *Bund* (Federal Government Commissioner for Culture and the Media) and the *Länder* Brandenburg and the Free State of Saxony on joint funding for the Foundation for the Sorbian People was signed on 10 July 2009. According to this agreement, the Foundation receives annual funding of approximately €16.8 million, with the *Bund* contributing €8.2 million, the Free State of Saxony €5.85 million and Brandenburg €2.77 million. By comparison: From 2006 to 2008, total funding was approximately €15.6 million. The agreement entered into force retroactively from 1 January 2009 and applies through 31 December 2013. It is automatically extended for another year unless terminated by one of the participants twelve months before it is due to expire.

00730 The greater cooperation among the *Länder* to promote Low German by means of discussions among the responsible desk officers of the *Länder* repeatedly urged by the Committee was reported in No. 122 of the Second and No. 33 of the

Third State Report following No. 52 of the first Evaluation Report. In addition, the following may be reported:

Following the 2006 conference “Niederdeutsch und Friesisch im Bildungswesen - ein Ländervergleich” (Low German and Frisian in the educational sector: A *Länder* comparison) in Oldenburg, Lower Saxony, the desk officers responsible for Low German in the governments of the northern German *Länder* met in Magdeburg, Saxony-Anhalt in June 2007, in Bremen in April 2008, and in Schwerin, Mecklenburg-Western Pomerania in May 2009 to share information and talk with representatives of the *Bund* and the Federal Council for Low German (BfN). They discussed issues of including Low German in preschool, school and higher education, as well as the “Schwerin Theses on Education Policy” formulated by the Federal Council for Low German. The *Bund-Länder* meeting in Schwerin in May 2009 coincided with a conference, funded by the Federal Ministry of the Interior, of the Federal Council for Low German on the occasion of the 10th anniversary of the Charter.

00731 As in No. 21 of its second Evaluation Report, in Nos. 37 and 46 of its third Evaluation Report the Committee welcomed such meetings but observed that there had been few practical results to date. In its request for this report, it asked for information on the resolute action taken as a result of the meetings held in Oldenburg in June 2006 and Magdeburg in June 2007.

00732 At these meetings, participants found little scope for additional measures and that as a result of these meetings, the limits to the Charter undertakings, for example in the educational and media sectors, should be made clear in this report. These result from the consistency of the German legal system required by the Constitution and clearly also include the European Charter for Regional or Minority Languages. With regard to Germany’s interpretation of the Charter provisions for the educational sector, in particular higher education see Nos. 00771 ff. and 00802; for the media sector, see Nos. 00261 and 01101 ff. in this report.

Art. 7 (1) (d)

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

00733 With regard to the provisions guaranteeing the right to use one’s own language in everyday life (Article 2 (1) Basic Law) or in the media (Article 5 (1) Basic Law) or deliberately restrict them for the field of administration (Section 23 Federal Administrative Act) and identical provisions of the *Länder* and the judicial authorities

irrespective of the knowledge of - interpretable - Charter undertakings, see Nos. 143 to 145 of the Second State Report.

Schleswig-Holstein's Frisian Act, mentioned in No. 41 of the Third State Report, which regulates the use of North Frisian in North Frisia and on Helgoland, is part of this legal framework. In No. 39 of its third Evaluation Report, the Committee notes that representatives of North Frisian believed that the Act had had a positive effect on the visibility of the language.

00734 Where the Committee of Experts has a positive assessment of measures to fulfil undertakings from the following articles of the Charter, such as the Day of the Danish Language in Schleswig-Holstein, contests on language-friendly municipalities in Saxony and Brandenburg, and measures to promote the use of Low German in the NDR broadcasting area, this will be discussed in the articles below.

00735 According to No. 38 of its third Evaluation Report, during its third on-the-spot visit the Committee of Experts was informed of some cases illustrating the negative effect of privatization on the use of regional or minority languages:

- In 2006, a private railway company announced the approaching station names in North Frisia in North Frisian as well as in German. Due to complaints from some passengers, however, the company ceased announcing the names in North Frisian.
- A member of the federal parliament informed the Committee of Experts that the post code book had changed its bilingual entries of Sorbian place names into monolingual German ones.

00736 The Committee of Experts therefore asked for information on how the use of minority languages is secured in privatized services.

00737 The responsible federal and *Länder* authorities respond by stating that although they try to promote the use of Low German and the minority languages by privatized companies, these companies are not bound by the Charter undertakings, nor can such economically and fiscally necessary privatizations be discontinued for this reason.

00738

Art. 7 (1) (e)

e) the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language or other groups in the State

employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;

00739 With respect to the right to maintain and develop contacts under Article 2 (1) of the Basic Law (general freedom of action, freedom to leave the country) and Article 11 (1) of the Basic Law (freedom of movement within the federal territory, freedom to enter the country) and to the exercise of this right by the language groups with the help of manifold organizations promoted, as reported lately to the same extent with individual projects (such as the Federal Union of European Nationalities (FUEN), the Youth of European Nationalities (YEN) and the European Bureau of Lesser Used Languages (EBLUL)), see the comments in Nos. 147 through 160 of the Second State Report.

Under No. 43, the Committee nonetheless underscored the importance of the Federal Council for Low German, founded in 2002, as an inter-*Land* organization with a view to representing the speakers of Low German with one voice across all *Länder* where Low German is spoken, and pointed to the difficulties the Federal Council faces, in particular due to the fact that it does not receive any funding at all. The Committee therefore asked whether the authorities had considered the difficulties of the Federal Council for Low German.

00740 In its second evaluation report (No. 34), the Committee recommended negotiations to improve the situation by having the Institute for the Low German Language (INS) assume the administrative and organizational costs for the Federal Council for Low German, founded in 2002, also beyond an initial phase. This recommendation has been followed in that the INS has received project funding for this purpose from the budget of the Federal Government Commissioner for Culture and the Media since 2008.

00741 An administrative agreement was concluded with the four northern German *Länder* Free Hanseatic City of Bremen, Free and Hanseatic City of Hamburg, Lower Saxony and Schleswig-Holstein to ensure the funding for this institution and its ongoing efforts, which entered into force on 1 January 1979. These four *Länder* plus North Rhine-Westphalia, through its regional local authority Landschaftsverband Westfalen-Lippe, continue to fund 88% of the INS budget.

Where the INS provides personnel, organizational or financial support for the Federal Council for Low German, since 2008 it may use federal funds to do so. Based on a decision by the Budget Committee of the German Bundestag, in 2008 the *Bund* set aside up to €50,000 in the budget of the Federal Government Commissioner for

Culture and the Media for inter-*Land* projects of the Institute for Low German in Bremen and for the work of the Federal Council for Low German at the INS. Out of this sum, about €20,000 went in 2008 and 2009 to the work of the Federal Council for Low German. In addition, the following individual projects of the INS were carried out with funding from the Federal Government Commissioner for Culture and the Media: Identifying and replacing missing items in the INS specialized library; adding to the Low German bibliography; publishing a publication with historical Low German texts; conducting public readings in Low German; publishing a publication on the Charter; digitizing microfiches and audio documents; updating the website; and developing a DVD language course. In 2007, the Federal Government Commissioner for Culture and the Media provided about €53,000 for the representative survey “Wer spricht Plattdeutsch” (Who speaks Low German) by the Institute for Low German in Bremen. With regard to federal funding for the Federal Council for Low German, it should be noted that this organization was not established until after the Budget Committee of the German Bundestag decided to end all federal funding for institutions. As part of its responsibilities in connection with the Charter, since the last State Report (2007) the Federal Ministry of the Interior has funded various projects of the Federal Council for Low German, both to contribute to the financial security of this organization and to ensure substantive promotion of Low German despite limited resources.

00742 - 00744

Art. 7 (1) (f)

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

00745 As reported in the Third State Report with reference to No. 162 of the Second State Report that the individual’s freedom to learn a language of his/her own choice unimpeded by external influences - in particular state influence - is protected by Article 2 (1) of the Basic Law and to the basically unchanged situation (referred to in No. 163 of the Second State Report) regarding educational options for individual languages protected by the Charter, see the explanations in part D of the report regarding specific educational undertakings from Part III of the Charter.

Funding available in Lower Saxony for learning Sater Frisian

00746 In No. 51 of its third evaluation report, the Committee of Experts repeated that not enough undertakings for Sater Frisian had been accepted under Part III of

the Charter; in view of what it considered the need to do so, i.e. to accept undertakings under Article 8 (1) (b) and (c) of the Charter, it referred to No. 37 of its second evaluation report.

00747 In No. 52 of its third evaluation report, the Committee of Experts criticized the fact that, according to the precise text of the new curriculum of August 2006, the mandatory inclusion of the presentation of Sater Frisian in all types of schools in Lower Saxony within the core curricula subjects of English and Low German referred to in No. 3507 of the Third State Report (concerning the accepted undertaking under Art. 8 (1) (g)) applies only in cases where a speaker of the respective language is a pupil of the class.

00748 In No. 53 of its third evaluation report, however, the Committee concedes having received additional information indicating that language encounter (*Sprachbegegnung*) is part of the general curricula at primary and secondary level and that Sater Frisian can be offered as an optional class. Lower Saxony adds: Language acquisition is the main priority in elective courses (activity groups, required optional subjects). Achievement in required optional subjects is graded and taken into account when deciding whether pupils can pass to the next higher level.

00749 In No. 54 of its third evaluation report, the Committee notes that one hour per week of Sater Frisian is offered in the secondary modern school in Saterland.

00750 However, the Committee criticizes the fact that, according to the information received during its third on-the-spot visit, the teaching of Sater Frisian was still carried out by voluntary teachers who are not reimbursed for their travel expenses.

00751 In No. 55 the Committee sums up by stating it is of the view that more can and should be done. Given the severely endangered nature of Sater Frisian and the well defined and compact nature of the language area, the Committee stated that it was reasonable and necessary for the authorities to guarantee adequate resources to support a realistic offering of the language in both primary and secondary education. It also came to similar conclusions in Nos. 322 – 345 of its third evaluation report and urged taking the necessary measures to develop teaching of Sater Frisian at primary and secondary levels of education.

When requesting this State Report, the Committee asked whether such measures had been taken in the meantime.

00752 Lower Saxony, the responsible *Land*, explains that the undertaking accepted under Art. 7 (1) (f) of the Charter has been fulfilled for the reasons listed below. With regard to the Committee's demand in No. 321 of the third evaluation report to accept further undertakings in addition to those under Art. 7 (1) (f) mentioned above and the few under Art. 8, Lower Saxony refers to the explanations in No. 40802 ff.

Nonetheless, Lower Saxony reports the following improvements with regard to educational measures for Sater Frisian:

00753 The new curriculum for the subject of German has made language encounter a mandatory element of classroom instruction for all pupils. The new core curriculum also requires departments in all subjects to take the regional context (here: Saterland) into account in their teaching.

Furthermore, the four primary schools and one lower secondary school in Saterland offer language courses. Participation in this language instruction in activity groups or required optional subjects is voluntary. Language instruction is provided mainly by four trained full-time instructors. Additional support was provided by a volunteer instructor in 2009. This number is currently sufficient, since not only the number of teachers, but also the number of hours of instruction offered and provided in relation to the number of pupils is an indicator for the developments in education.

Funding available in Rhineland-Palatinate for learning Romani

00755 In No. 57 of its third evaluation report, the Committee welcomed the fact that a framework agreement was reached between the government of Rhineland-Palatinate and the *Land* association of the Central Council of German Sinti and Roma in July 2005, on the basis of which the *Land* supports initiatives of the *Land* association in educational institutions for preserving the culture and language. In requesting the present report, the Committee asked for information on the teaching of Romani in Rhineland-Palatinate.

00756 Rhineland-Palatinate reports as follows:

The government of Rhineland-Palatinate regards the framework agreement of 25 July 2005 as an important step forward in protecting Sinti and Roma residents of the *Land* against discrimination and in promoting and preserving the culture, language and identity of this minority in line with the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter of Regional or Minority Languages to the extent desired by members of this minority.

Article 2 of the framework agreement stipulates that, in order to preserve the culture and language of the Sinti and Roma, the *Land* government will support initiatives of the *Land* association to organize and provide additional offerings at child day-care facilities and educational institutions (schools/higher education). This arrangement is intended to ensure that the Charter's provisions are not interpreted in a way that is not in the interests of the minority. The framework agreement therefore provides that the offerings of the *Land* association of German Sinti and Roma of Rhineland-Palatinate are to be developed and carried out on its own responsibility.

For years, Rhineland-Palatinate has provided subsidies for important educational and cultural efforts of the *Land* association of German Sinti and Roma, including support for the minority language Romani, as part of its institutional funding for the association's office and with separate project funding for volunteer activities by association members. For example, in the past volunteer members of the *Land* association have conducted relevant events, seminars or study trips for members of the minority, focusing on culture, history or discrimination issues, which also served indirectly to promote the minority language.

At gatherings in 2007 and 2008, the *Land* association conducted the first systematic study of the need for seminars and events to promote the Romani language. Then the *Land* association submitted a draft funding application for a project, initially to run for three years, on intercultural education of Sinti and Roma, intended to help preserve the culture and language. According to the project description, the association plans to offer seminars in the Romani language focusing on the minority's specific culture, history and problems of discrimination; the seminars will be offered in communities in Rhineland-Palatinate where desired by local members of the minority. The main target audience is Sinti and Roma youth, and is to be expanded to include children and adults on request. As part of the project, a full-time Sinti educational officer is to be hired.

At an initial meeting with the association, representatives of the Rhineland-Palatinate ministries of the interior and education explained that, although the project application aimed in the right direction, the *Land* government thought it was necessary, in the interests of sustainability and in view of the framework agreement, to check the extent to which the proposed project could be linked with measures for children in day care, with school education and even with courses offered at adult education centres. The association responded that members of the minority did not want to provide such offerings in public institutions such as kindergartens, schools or higher education facilities, etc., for fear that they would be identified against their will

as members of the minority. The association will present additional documents indicating in greater detail the need to hire a full-time educational officer to be paid for from project funds.

00756a In 2007, the registered Sinti Union of Rhineland-Palatinate e.V. applied for funding for a project to improve the effectiveness and professionalism of existing advising and support services and to expand additional innovative services for Sinti in Rhineland-Palatinate. After the parliament agreed to provide the necessary funding for the budget years 2009 and 2010, the Sinti Union of Rhineland-Palatinate e.V. received project funding in 2009 for the first time.

With regard to preserving and promoting the Romani language (the Sinti Union of Rhineland-Palatinate e.V. refers to the Rommenes of the Sinti = Sintetikes), the Sinti Union of Rhineland-Palatinate e.V. opposes any use of the language outside the minority and any instruction in or reporting on the language. The group says it is important to support the measures listed below which promote regular contact between the older and younger generations of Sinti, in order to enable the transfer of culture and language to subsequent generations.

Among other things, the group organizes cultural gatherings to help promote social contacts, strengthen the social networks of Sinti and create an opportunity to discuss important events and concerns of the Sinti's cultural order (rules, taboos). These gatherings usually also help preserve cultural traditions, such as the music and dance of German Gypsies (Sinti) and the Romani language. Sinti and Sinti artists from Germany and neighbouring countries took part in an international cultural event in Mendig in May 2009 which was organized by the Sinti Union of Rhineland-Palatinate e.V. By celebrating with other Sinti and members of the majority population, the group hopes to encourage mutual understanding between Sinti and the German majority. The Sinti Union of Rhineland-Palatinate e.V. also offers homework assistance for children and young people and supervision during school holidays, where they can also practise using the minority language. Open jam sessions give children and young people the chance to take music lessons from experienced Sinti artists and learn traditional dances and songs in the minority language. The Sinti Union also offers a discussion group for victims of the Nazi regime. Some of the elderly members of this group have also agreed to work with Sinti children and young people. The project funding also helps pay for these measures.

00756b In the field of adult education, a group of young Sinti fathers meets regularly in Mainz to discuss career, family and other relevant issues. Promoting Romani language skills is also a priority for the group.

Funding available in the Free State of Bavaria for learning Romani

00757 In No. 59 of its third evaluation report, the Committee welcomed the fact that, according to the comments by the Central Council of German Sinti and Roma attached to the Third State Report, the *Land* Association of German Sinti and Roma in Bavaria provided homework assistance and extra tuition for a group of Sinti primary school pupils in the Romani language and with funding from the Free State of Bavaria for the 2004/5 school year, and that these projects were to be extended to other towns and cities in Bavaria.

00758 In response to the Committee's request for further information about expanding the programme to other Bavarian towns and cities:
The Bavarian Ministry of Education and Cultural Affairs provides funding for the current programme as part of its measures to look after public school pupils during the midday break. The provider of midday care (e.g. school provider, club) must apply for funding. The ministry would welcome funding applications for additional projects of this kind but is not aware of any. The next deadline for funding applications is 15 October 2009.

Funding available for learning Low German

00759 In No. 45 of its third evaluation report, the Committee of Experts noted that Part II of the Charter only applies to Low German in the following *Länder*: Brandenburg, Saxony-Anhalt and North Rhine-Westphalia (only with regard to education) and is of the view that it has received only limited information on Saxony-Anhalt and the rather limited efforts towards education in Low German under Article 7.

00760 In its request for this State Report, the Committee asked for information on the efforts by Brandenburg, Saxony-Anhalt and North Rhine-Westphalia under Part II of the Charter with respect to Low German and education in particular. In No. 49 of the third evaluation report, the Committee asked for concrete information on the teaching and study of Low German in their territories.

00761 In No. 46 of the third evaluation report and in its request for the present report, the Committee also asked for information about the results of the meetings of *Bund-Länder* officials concerning Low German in 2007 and 2008 (see Nos. 00730–00732 of this report) for the development of funds for learning Low German.

00762 Most of this information can be provided by reporting the results of the 2008 meeting of *Bund-Länder* officials on Low German in the educational sector. According to the meeting minutes, the *Länder* are working hard to preserve school instruction in Low German, the status of which is as follows: The *Länder* reports all came to the conclusion that Low German can be offered for the purpose of language encounter. Specifically:

1. Free Hanseatic City of Bremen

The Free Hanseatic City of Bremen does not offer Low German as a separate subject and is unable to do so. This is why the authorities are working to increase the number of reading competitions in the future. Concrete preparations are under way to anchor Low German more strongly within the lower secondary school curriculum. The Institute for Low German has provided the schools of general education with a comprehensive overview of Low German children and youth literature and textbooks. Advanced training for instructors of Low German in Bremen and Bremerhaven has led to networking among these instructors.

2. Free and Hanseatic City of Hamburg

Hamburg is not able to offer Low German as a separate subject. However, there are plans to integrate Low German into German classes by reading (silently and aloud) and listening to Low German texts. These plans also include the upper secondary level.

Some Hamburg schools also have activity groups (theatre groups) which work with Low German texts.

More than 600 school pupils entered the latest reading competition (sponsored by the savings banks and the publishers Wachholtz Verlag and Quickborn Verlag). The *Land* final was held on 22 May 2007 in close cooperation with the Carl Toepfer Foundation.

Low German is also very popular at the annual reading festival “Seiteneinsteiger”, organized by Literaturkontor e.V. and sponsored by Hamburg’s ministry of culture and education.

Volunteer tutors from the organization MENTOR e.V. help pupils at many schools who have special difficulties reading. Depending on the language skills of the MENTOR volunteers, Low German texts may also be used.

The Hamburg textbook *Schrievwark* by Bolko Bullerdiel plays an important role in Low German instruction: The book includes Low German literature suitable for use in German classes. The book is used in 330 schools. A survey of parents indicated a high level of acceptance.

In Hamburg, advanced teacher training for Low German entails a 20-hour language course and a class on using Low German texts at the lower secondary level.

3. Mecklenburg-Western Pomerania

Low German is not a separate subject at schools in Mecklenburg-Western Pomerania.

In 2008, 86 active teachers took a certificate course in Low German as a subsidiary subject.

Low German competitions in Mecklenburg-Western Pomerania receive funding from the association of savings banks. Unfortunately, the shrinking numbers of school pupils also means fewer participants in Low German competitions.

4. Lower Saxony

In Lower Saxony, language encounters with Low German are a mandatory part of the school curriculum, although language learning is not.

The *Land* tries to use native speakers in the schools, both teachers and volunteer assistants.

The *Land* is also glad to serve as patron for reading competitions.

Since 1 August 2007, the schools have had a separate budget for advanced teacher training and may set their own priorities.

At the teacher training institution in Cuxhaven, students training to teach at primary and lower secondary schools (Hauptschule/Realschule) may acquire additional certification in Low German.

5. North Rhine-Westphalia

Although Low German is not a separate school subject, the *Land* does fund a programme of culture in the schools in which relevant organizations send members who can speak Low German to schools (especially in the districts of Coesfeld and Münster) to help children become familiar with the language, for example by

rehearsing short plays in Low German. In 2008, there were 221 projects within the programme of culture in the schools, of which four were devoted to Low German. With its ordinance of 18 October 1990 (41 – 44.2.21), the government of the Münster district called for greater funding for Low German in the schools. The ordinance, which remains in force, was drafted by an expert commission of linguists and education specialists.

Many clubs for the preservation of local culture and traditions in the region have also given rise to Low German schools which provide a meeting place for friends of the language.

There are strong organizations in the Münsterland districts of Coesfeld, Borken and Steinfurt for the Low German competitions for school pupils in the coming winter semester 2009/10. District clubs for the preservation of local culture and traditions usually organize these events.

6. Saxony-Anhalt

The programme for culture in the schools and clubs has been successful in promoting Low German among children and youth also outside the schools.

In response to the Committee's request in No. 48 of its third evaluation report, Saxony-Anhalt provides the following information about statistical data collected from 2003–2006 on the extent to which Low German is taught at schools: Activity groups or optional courses in Low German are offered at all types of schools. No statistics on the extent of these offerings were collected during this period.

With regard to the Committee's request in No. 47 of its third evaluation report for more information about the analysis of the situation of preschool education in Saxony-Anhalt and the expert discussion on what measures to take to introduce Low German in preschools from 2007, Saxony-Anhalt responds as follows: While revising its Framework Curricula for training child-care workers, the Low German Working Group at the Ministry of Education added relevant references to taking due account of Low German. These references were taken into account in the new Framework Curricula (July 2009).

7. Schleswig-Holstein

Schleswig-Holstein does not offer Low German as a separate subject and is unable to do so. However, Schleswig-Holstein does have advanced teacher training for Low German. All teacher candidates for the subject of German must take a mandatory

module in Low German during the second phase of training. This module is based on the booklet *Plattdüütsch in de School* (Low German in school) written by the German and Low German advisers of the Institute for Quality Development at Schools (IQSH) and by the heads of the two centres for Low German.

More reading competitions are also being planned.

Schools which offer Low German are given the Low German seal of approval for schools (Plattdutsche Schulsiegel) in recognition of their special qualifications. Unfortunately, the number of schools willing to participate in this programme is in decline, likely due to falling local demand.

8. Brandenburg

Brandenburg was unable to take part in the meeting of *Bund-Länder* officials responsible for Low German. It reports on its educational offerings for Low German as follows: Low German is offered in the form of activity groups at some primary schools in the northern school districts of Eberswalde and Perleberg. As the name indicates, these groups constitute a curricular activity rather than instruction. Because participation is voluntary, Low German activity groups are not based on framework curricula, nor is performance graded on the same basis that applies to class work. Activities may be led by teachers or non-school personnel (parents, clubs, native speakers, etc.).

Brandenburg does not plan to establish Low German as a separate school subject at primary or secondary level. So there is no need to develop framework curricula or to make Low German the subject of advanced teacher training.

9. The *Bund*

In the framework of project funding by the Federal Government Commissioner for Culture and the Media, in 2008 the INS developed and produced a Low German language course on DVD for adult learners.

00763 - 00769

Art. 7 (1) (g)

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

00770 As regards the scope of options for non-speakers of a regional or minority language living in the area where it is used to learn this language, see Nos. 164 and 165 of the Second State Report, which note that, given opposition from speakers of the Romani language of the German Sinti and Roma, it is not possible to create such options in accordance with Article 7 (4) of the Charter.

Art. 7 (1) (h)

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

00771 In Nos. 60 – 62 of its third evaluation report, the Committee of Experts referred to its concern, already expressed in its second evaluation report, over the continuing decline of study and research opportunities on regional or minority languages, and expressed its concern that this decline could be intensified by budgetary pressures in higher education and the Europe-wide Bologna Process.

00772 The *Länder*, which in Germany are responsible for maintaining study and research facilities for regional and minority languages, regard the Committee's concerns as understandable, stating that it is increasingly difficult to offer research and teaching on the languages of Germany's national minorities and on Low German in higher education institutions for the following reasons:

The development of universities in Germany is subject to the conflicting forces of government management, academic autonomy and market orientation. To this end, many federal *Länder* have amended their laws on tertiary education in recent years. Today, universities have a lot more freedom than in the past. This includes increased competition as an organizing principle, quality assurance through evaluation and accreditation, and target agreements between the *Länder* and the universities. This process has resulted in enhanced autonomy instead of government regulation at universities. The *Länder* have thus consciously opted for granting universities the greatest possible independence from government requirements. This development has also been supported by the Bologna Process.

00773 The process of creating a single European area of higher education (Bologna Process) started already in 1997 with the Lisbon Agreement of the Council

of Europe and UNESCO, which laid the legal foundation for recognizing university studies in Europe. This agreement aims at recognizing degrees and qualifications in Europe on the basis of reciprocity. It was ratified by the German Bundestag on 16 May 2007.

The ministers of education of 29 European countries met in Bologna in 1999 and adopted the Bologna Declaration, in which they agreed to create a European area of higher education by 2010 with the following objectives:

- Three levels of university studies with bachelor, master and doctoral degrees;
- Introducing study modules and the European Credit Transfer System (ECTS) to ensure mutual recognition;
- Accreditation to ensure quality and the mutual recognition of studies and exams, as well as the mobility of students across national borders;
- Introduction of the diploma supplement explaining course content and achievements.

00774 The Bologna Process has resulted in comprehensive changes for German universities. In particular, the reform has affected the structure of university courses and content, organizational processes in universities, administrative processes and decisions by the students. One of the biggest challenges is the introduction of bachelor and master courses and related developments such as modularization and the introduction of the credit system.

00775 In its amended version (1998) the Federal Higher Education Act already envisaged the experimental introduction of two levels of university courses (bachelor and master courses). With the adoption of the sixth amendment to the Federal Higher Education Act of 2002, bachelor and master courses are now part of the regular curriculum. The higher education acts of the *Länder* have been or are being gradually adapted. Bachelor and master courses may be introduced both at universities and similar institutions of higher education and at polytechnics. During the accreditation process the feasibility of the curriculum is examined.

00776 In the 2007/2008 winter semester, 61% of all study courses in Germany were offered as bachelor and master courses. The universities in Germany have taken advantage of the new possibilities offered. They already began restructuring their entire curriculum several years ago. They now offer new bachelor, master and doctoral programmes to improve the range of study courses. As a result, many M.A. and diploma courses were discontinued.

00777 After the *Länder* created the prerequisites for the universities' far-reaching autonomy on the basis of the Bologna Process, the universities are now called upon to use the freedom they have been given and to turn themselves into self-managing organizations.

00778 Because of their unchanging nature, the commitments undertaken by the *Länder* in higher education under the European Charter for Regional or Minority Languages increasingly tend to be out of step with the dynamic developments in the decentrally organized field of higher education in Germany.

Nevertheless, the shared aim is still to promote the development of structures strengthening minority languages despite the changed framework conditions. Taking account of the universities' autonomy, the aim is to continue to pursue this objective within the framework of the reorganization of teacher training courses and when (re-)filling vacant professorial chairs. Independent of the federal approach, great care is taken to ensure that higher education offerings are appropriate to fulfil the commitments under the Charter.

00779 The response to the Committee's concerns expressed in Nos. 62 and 63 of its third evaluation report with regard to Low German in particular will largely be reported in Part III in connection with the concrete undertakings accepted in the field of higher education; here, only the measures to promote the study and research of Low German at the universities in Brandenburg and Saxony-Anhalt will be discussed.

00780 To begin with, however, we would like to make clear that in the German view, *Land* undertakings regarding the scope of application for a language in an area for which the *Land* did not accept any undertakings under Part III of the Charter cannot exceed the most limited undertaking under Part III of the Charter in this area. With regard to study and research on Low German, this means that such a *Land* may fulfil its undertaking under Art. 7 (1) (h) of the Charter simply by not prohibiting courses from being offered in this language.

00781 Brandenburg reports that the objective under Art. 7 (1) (h) of the Charter (the promotion of study and research on Low German at universities or equivalent institutions) has the following effect on its higher education offerings: Brandenburg interprets the objective under Art. 7 (1) (h) as resulting in fewer undertakings with regard to research and teaching of minority languages than the provision under Art. 8 (1) (e) in Part III of the Charter. While Article 7 only calls for promoting the study of minority languages and thus expresses a general objective, Article 8 requires the *Länder* to provide offerings. Because Brandenburg is not in a position to provide

organizational and structural guarantees of ongoing courses in Low German independent of teaching staff changes, it deliberately did not mention the undertaking under Art. 8 (1) (e) but rather fulfils the objective under Art. 7 by means of the organization, legal security and financial support for higher education offerings enabling the integration of Low German content and the implementation of Low German priority projects.

Within this framework, the offerings of the departments of German, regional and cultural studies, and cultural history at the universities of Potsdam and Frankfurt (Oder) enable the study of Low German content depending on the focus of the individual instructors. For example, although Low German is not a separate course of study at the University of Potsdam, seminars on Brandenburg's linguistic landscape are regularly offered, raising awareness of Low German and demonstrating that most of the *Land* was originally part of the Low German language area and that Low German is still spoken today in the northern parts of the *Land*. The universities in Potsdam and Frankfurt (Oder) are also participants in the project referred to in No. 60857 on linguistic variations in Northern Germany (SiN), in which language conditions in 18 regions within the Low German language area are being documented and analysed.

00782 Saxony-Anhalt adds: The Institute for German Studies at the Otto von Guericke University of Magdeburg integrates curriculum on Low German language and literature into general linguistics, especially historical linguistics. In cooperation with the Office for Low German, emphasis in the required practical seminars (new bachelor courses) is given to maintaining and researching Low German. For example, in 2009 an evening of Low German film was organized in Magdeburg, in conjunction with presentations by clubs and associations, and an information flyer advertising Low German in early childhood education was developed. For the master course starting in winter semester 2009/10, German Studies: Culture, Transfer and Intermediality, an elective module on Low German between orality and written language is planned. In addition, final research projects on variationist sociolinguistics and regional linguistic history were written and supervised during the reporting period. Saxony-Anhalt also funded scientific conferences on this issue in cooperation with the Landesheimatbund.

Art. 7 (1) (i)

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

00783 See No. 00739 in this report and Nos. 147 – 160 in the Second State Report.

Article 7 (2)

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

00784 As this provision has still not caused any problems, see again Nos. 169 through 174 of the Second State Report on its implementation.

Article 7 (3)

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

00785 As far as the Committee recalls in No. 64 of its third evaluation report that the extent to which a regional or minority language is protected or promoted is, in many respects, linked to the majority language speakers' perception of regional or minority languages, we refer to the public information measures described in Nos. 00120 - 00122 of this report for the regional and minority languages and for the national minorities in Germany.

00786 Where the Committee emphasizes the importance of mass media for promoting the understanding for protected languages among speakers of the majority language, it should be pointed out that media offerings on regional or minority languages which speakers of the majority language cannot understand should be regarded as only of limited usefulness, because they are intentionally not used by

persons who speak only the majority language. In this context, see also the discussion in this report concerning Art. 11 of the Charter of the limited possibilities for government influence on the media. The same applies to the discussion in this report of educational offerings under Art. 7 (1) (f) and Art. 8 of the Charter.

00787 With regard to the general promotion of tolerance as a prerequisite for mutual understanding falls under the undertaking under Art. 7 (3) of the Charter to promote mutual understanding between all the linguistic groups, see Nos. 06001 – 06108 in the Third State Report in accordance with Art. 25 (2) of the Framework Convention for the Protection of National Minorities of February 2009, where the extensive government measures to promote tolerance and protect against hostile attack are described in detail. This report has been submitted to the Council of Europe and is available to anyone upon request.

Article 7 (4)

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

00788 As noted by the Committee in Nos. 65 – 67 of its third evaluation report, the language groups are involved in the process of taking their needs into consideration, among other things through the consultative committees

- for issues of the Danish minority,
- for issues of the Sorbian people,
- for the Frisian ethnic group, and
- for speakers of Low German.

The committees are made up of representatives of the relevant group, of federal and *Land* agencies, members of the German Bundestag and members of the relevant *Land* parliament.

00789 In response to the Committee's statement in No. 65 of its third evaluation report that the only regional or minority language which is not represented by a consultative committee is Romani: In connection with the scope of the Charter, the Central Council of German Sinti and Roma and the Sinti Alliance of Germany

disagree, and the government bodies do not believe that they can work together productively within a consultative committee.

00790 In No. 66 of its third evaluation report, the Committee also notes (as already described in No. 00118 of this report) that conferences on the implementation of the Charter and/or the Framework Convention for the Protection of National Minorities are held annually as needed, and that the Federal Government Commissioner for Matters Related to Repatriates and National Minorities supports the representation of the interests of the language groups.

00791 With regard to the representation of the language groups at *Länder* level, in No. 67 of its third evaluation report the Committee commends

- once again the fact that Upper and Lower Sorbian are represented through councils at the respective *Land* Parliaments,
- and that the interests of the speakers of Danish and North Frisian are represented by the political party SSW.

In addition, we note that the concerns of the Frisian language are discussed in the Frisian body at the parliament of Schleswig-Holstein.

00792 In response to the Committee's request in No. 68 of its third evaluation report for more information about the regular meetings between the *Land* and the Central Council of German Sinti and Roma planned under the Framework Agreement of July 2005 between the government of Rhineland-Palatinate and the Central Council, the *Land* reports as follows:

It should first be noted that the government of Rhineland-Palatinate concluded the Framework Agreement of 25 July 2005 not with the Central Council of German Sinti and Roma, but with the *Land* association of German Sinti and Roma of Rhineland-Palatinate.

Representatives of the *Land* government, of the minority, of the *Land* association and its secretariat meet and discuss regularly. Some examples are listed below:

- The minister-president of Rhineland-Palatinate met with representatives of the *Land* association and Sinti and Roma Holocaust survivors at the signing of the Framework Agreement on 25 July 2005. The interior minister of Rhineland-Palatinate and the *Land* Association met in November 2005 and January 2007 to discuss relevant issues. In April 2007, the interior minister of Rhineland-Palatinate met with

the chair of the Central Council of German Sinti and Roma and with the chair of the *Land* association to discuss the associations' wish to include a ban on discrimination in the Act on Equal Treatment (AGG). In August 2007, at the invitation of the *Land* association, the interior minister visited the Frank Loebisches House in Landau, where the association has its secretariat and a permanent exhibition on Nazi persecution of Sinti and Roma in the region. The Rhineland-Palatinate Commissioner for Migration and Integration also visited the secretariat in October 2007 for expert meetings with the chair of the *Land* association.

- Meetings at working level between staff of Rhineland-Palatinate ministries or the state chancellery and the *Land* association were held in December 2005, July 2006, January 2007 and March 2008. These meetings dealt with issues related to implementing the Framework Agreement and funding for individual projects.
- The Rhineland-Palatinate Minister of Labour, Social Affairs, Health, Family and Women appointed the chair of the *Land* association of German Sinti and Roma of Rhineland-Palatinate to serve on the *Land* Board for Migration and Integration, which is chaired by the minister and meets two or three times a year. On the Board, the *Land* association would like to contribute its integration policy experience and serve as a point of contact for Sinti and Roma affected by migration.
- Cooperation between the *Land* government and the *Land* association is trusting and constructive also when it comes to fighting racist crime. The association was one of the first to sign the Joint Declaration against Right-Wing Extremism adopted on 28 May 2008 by the *Land* government together with numerous democratic stakeholders.

Article 7(5)

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

00793 Given the lack of topicality of the above provision, it suffices to refer once again to No. 207 of the Second State Report.

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

D.1 General remarks regarding the various articles of the Charter

00800 Regarding the general conditions which apply to the protected languages in the *Länder* and thus must precede the statements about the implementation of specific undertakings for individual languages (starting with Part D.2 of the report), we wish to avoid repetition by referring to Nos. 208 to 251 of the Second State Report.

**Article 8
Education**

00801 For information about the promotion of knowledge of the culture, history, languages and religion, etc. of protected language groups subject to *Länder* autonomy in cultural and educational matters through different schools and centres for civic education to reduce prejudices and intolerance, and about the language groups' persistent desire for funding outside their major settlement areas, which has not been significantly increased, see Nos. 209 to 211 of the Second State Report.

00802 Where in its third evaluation report the Committee of Experts expressed concerns regarding

- **the undertaking in Article 8 (1) (e) (ii) to provide facilities for the study of languages protected under the Charter as university and higher education subjects,**
- **and/or the undertaking in Article 8 (1) (h) to provide the basic and further training of the teachers required to implement those undertakings accepted in the field of education,**

in connection with the individual languages as to whether these can be fulfilled in view of the recent higher education reforms, see No. 00771 ff. above for a general discussion of this issue; the aspects affecting only one language are discussed below in the section on that language.

00803 The repeated recommendation No. 4 of the Committee of Ministers re Art. 8 (1) (i) (supervisory bodies) to "ensure that an effective monitoring mechanism exists in the field of education for all regional or minority languages covered under Part III"

will be discussed in detail below, in order to avoid repetition concerning the undertakings under Art. 8 of the Charter for the individual languages.

00804 With regard to the undertaking under Art. 8 (1) (i) (supervisory bodies), the Committee of Experts stated in No. 796 of its third evaluation report that none of the *Länder* had implemented Recommendation no. 4 of the Committee of Ministers and that therefore none had fulfilled this undertaking.

00805 Regarding the undertaking to set up supervisory bodies to monitor educational offerings, in No. 76 of its third evaluation report the Committee correctly noted that, in response to the Committee's finding in its second evaluation report that this undertaking was not fulfilled, the authorities argued that the public and the authorities are already sufficiently informed about the implementation of the Charter and that there was no need to set up a separate supervisory body, especially as this would be contrary to the current general trend of deregulation and bureaucracy reduction of administration (No. 1017 of the Third State Report).

00806 In No. 77 of its third evaluation report, the Committee conceded that the undertaking in question did not necessarily require setting up a new body to carry out the monitoring envisaged under this undertaking, but rather that it would be possible for existing supervisory bodies to carry out these functions and be integrated into existing administrative structures. In that case, there would be a need for a single body to coordinate, analyse and present the work carried out by the other bodies, and that this task could in turn be carried out by one of the existing bodies.

00807 The relevant *Länder* believe that they already have such supervisory bodies.

00808 In No. 797 of its third evaluation report, the Committee then formulated its requirements for such supervisory bodies in further detail: Here, the Committee states that "an effective monitoring mechanism goes beyond the inspection and reporting of mainstream education. It requires evaluating and analysing the measures taken and the progress achieved with regard to regional or minority language education on a regular and frequent basis. The results of the monitoring should, among other things, contain information on the extent and availability of regional or minority language education together with developments in language proficiency, teacher supply and the provision of teaching materials. As a rule, regional or minority language education differs from mainstream education as it has different dynamics and must therefore be surveyed and monitored separately. The

aim of such monitoring is to continuously improve regional or minority language education and to ensure full and sustainable language proficiency of the pupils.” The Committee makes similar remarks in No. 220 of its third evaluation report.

00809 Where aims based on the explanations above are not already fulfilled by existing supervisory procedures, the relevant *Länder* again reject these demands for the reasons listed in No. 2022 of the Third State Report, as not necessarily following from the provision above, as unreasonable and requiring excessive effort. The *Länder* also point out that partial fulfilment of undertakings under the Charter, also in the field of education, do not result from insufficient awareness of the extent of fulfilment, but rather from the limited funds available, which should not be further reduced by additional bureaucracy. Further, the *Länder* are of the view that the aim of using evaluation to optimize curriculum and teaching methods as far as possible applies to all teaching and educational provision within reason and should be pursued for all offerings, always within the framework of general supervision for the particular field of education.

00810 With regard to the undertaking that the supervisory body should produce regular reports, in No. 79 of its third evaluation report the Committee stated that “the drafting of a comprehensive periodic reports need not depend on major resources, if the existing supervisory work on the ground is already extensive. A comprehensive report would be the logically consistent and tangible conclusion of the concerted supervisory work.” But such reports would also require “evaluating and analysing the measures taken and the progress achieved with regard to regional or minority language education. The report should, among other things, contain information on the extent and availability of Danish language education together with developments in language proficiency, teacher supply and the provision of teaching materials.” The Committee states that these reports should also be made public, but that none have been produced.

00811 The relevant *Länder*, however, are of the view that direct local supervision must satisfy the principle of proportionality and for this reason alone cannot be comprehensive, as the Committee demands.

00812 For this reason, the relevant *Länder* continue to be of the view that no significant expansion of educational supervision can be considered (and is anyway impossible in the higher education sector for legal reasons), and that no reports in addition to existing reporting requirements (Schleswig-Holstein, for example, requires regular reports to the *Land* parliament on the protection of national minorities and

implementation of the Charter in that *Land*) are to be produced, and that the periodical reports on the Charter and the Framework Convention for the Protection of National Minorities, which must be produced at short intervals, suffice to fulfil the above-mentioned reporting requirement.

00813 In response to the Committee's request for information as to whether periodical reports as referred to in Art. 8 (1) (i) were produced and made public: No reports beyond those referred to in this report have been or will be made.

Article 9

Judicial authorities

00901 See Nos. 213 to 215 of the Second State Report for more information about the use of other languages before courts, bearing in mind that the official language in court is German.

According to the Federal Ministry of Justice (BMJ), the current legal situation neither yields intolerable results nor violates the principle of equal treatment. Current law also complies with the European Charter for Regional or Minority Languages (cf. the comments by the Federal Ministry of Justice in the annex).

Article 10

Administrative authorities and public services

01001 For information about the limited (and according to most language groups insufficient) exceptions from the principle that the official language is German and about the recognition of family names in a regional or minority language by the Act to implement Article 11 (1) of the Framework Convention (Act on Name Changes by Minorities; *MindNamÄndG*) see Nos. 216 to 225 of the Second State Report.

01002 No. 71 of the Third State Report indicates that Section 1 of the Act to Promote Frisian in the Public Sphere (Frisian Act) limits the principle of German as official language as follows:

"Citizens may address administrative authorities in the district of Nordfriesland and on the island of Helgoland in Frisian, and submit petitions, records, documents and other papers in the Frisian language. If staff at the relevant authority does not have sufficient Frisian language skills, Section 82a (2) to (4) of the *Land Administration Act* applies [among other things, it provides that documents are not recognized until the

German translation has been filed]. If a citizen uses the Frisian language in dealings with authorities in the district of Nordfriesland and on the island of Helgoland, the authorities may in turn use Frisian for communicating with this citizen unless the administrative activities infringe third party rights or impede the legal capacity of other public bodies.”

01003 In No. 798 of its third evaluation report, with reference to Recommendation no. 5 of the Committee of Ministers, the Committee of Experts nonetheless concluded that “a structured policy for making it practically possible to use regional or minority languages in dealings with the administration” was still lacking, that there was a “general lack of relevant organizational measures, such as a human resources policy taking account of civil servants’ skills in regional or minority languages, facilities and incentives for them to improve these skills, or an adequate framework for and resources allocated to translation and interpretation”, and that “the possibility to use regional or minority languages in dealings with judicial and administrative authorities in practice remains marginal, if not non-existent, especially with respect to written communication.”

01004 In the German view, structural measures, for example to allow applications to be submitted to administrative authorities in regional or minority languages, make sense only on the basis of identifiable need; as explained in No. 216 of the Second State Report, such measures are considered only in regions inhabited traditionally or by large numbers of members of the language groups. For more information, see the sections on the individual languages.

With regard to the human resources policy demanded by the Committee of Experts, it should be noted that the local governments are responsible for human resources policy. The Federal Ministry of Labour has clarified that local governments may require knowledge of Low German as an additional qualification when advertising vacancies. Whether they do so is up to them.

Article 11

Media

01101 For background on applying this provision, see Nos. 226 – 239 of the Second State Report on the general freedom of expression including the freedom of the press and freedom of reporting by means of broadcasts and films pursuant to Art. 5 of the Basic Law and on the (dual) broadcasting system (public and private broadcasting) including supervisory bodies composed of a proportional number of

representatives from different social groups and participation of national minorities and language groups. In this context, we remind the Committee that the *Land* association of German Sinti and Roma of Rhineland-Palatinate has a seat on the board of the Rhineland-Palatinate *Land* supervisory authority for private media (*Landeszentrale für Medien und Kommunikation*), in accordance with the Media Act of that *Land*. In this way, the German Sinti and Roma may make their interests known, and any possible discrimination can be counteracted.

The fact that the German Sinti and Roma are represented in the supervisory authority for private media led to intensive educational efforts directed at one national commercial broadcaster due to programmes it had aired which stigmatized Sinti and Roma. The head of the *Land* supervisory authority for private media and representatives of the broadcaster went with the *Land* Association of German Sinti and Roma to visit the Documentation and Cultural Centre of German Sinti and Roma in Heidelberg; they also met for talks with representatives of the Central Council of German Sinti and Roma. They were able to agree on supplementary information for broadcast programming.

01102 As to whether the Committee of Experts sees the undertakings under Art. 11 (1) (b) and (c) as fulfilled, No. 800 of its third evaluation report may be important, in which the Committee states that it “has reviewed its interpretation of Articles 11.1. b and c [leading] to a more holistic assessment of the presence of regional or minority languages in the broadcasting media (private and public) which means that the Committee of Experts has found undertakings to be fulfilled where previously it had not” because the measures taken did not affect the (public or private) area to which, in the Committee's earlier view, they were supposed to apply.

01102a In No. 799 of its third evaluation report, the Committee states that the “acts on private broadcasting of the *Länder* Schleswig Holstein, Bremen, Lower Saxony and Hesse all contain provisions on the promotion of regional or minority languages. The presence of regional or minority languages in private broadcasting, however, remains marginal”, and in “some instances, there is a presence in public service broadcasting, in other instances, the presence is strongest on the Open Channels which are citizens' broadcasting channels under public law and supervised by the independent media authorities. However, the drawbacks of the Open Channels are their limited geographical coverage of radio broadcasting and in most cases irregular and infrequent broadcasting. There are almost no regional or minority languages present on private television and on Open Channel television.”

01103 The Committee regards numerous undertakings under Art. 11 as still unfulfilled; following the third monitoring cycle, Recommendation no. 6 of the Committee of Ministers calls for “creat[ing] incentives to increase the provision for regional or minority languages in private broadcasting”.

01104 In order to avoid repetition, we will discuss the underlying conclusions of the Committee of Experts regarding the individual protected languages below only to the extent required by special circumstances. We also refer to the inter-*Land* framework conditions.

For this reason, we will again explain the effects of the limits of national law when interpreting the individual undertakings under Art. 11 concerning the individual media areas it covers, which apply to all *Länder* and all protected languages in Germany and are binding under the principle of consistency of German law (including the Charter), so that divergent ideas cannot be taken into account.

01105 As a Council of Europe measure, the Charter cannot conflict with the national law of the member states. In Germany, this is above all Article 5 of the Basic Law, which guarantees comprehensive freedom of the press and freedom of reporting by means of broadcasts and films and also applies to regional or minority programming. Government support of regional or minority offerings in the form of binding law or financial incentives for specific content would violate this article. Article 5 of the Basic Law means that the government cannot require specific programming. The constitutionally protected autonomy of all broadcasters in programming matters allows the government at most to set general programming guidelines for public broadcasting. Using broadcasting fees to pay for ordered content is illegal, because no government funding may be used to pay for specific programmes. However, producers of minority offerings may apply for general film subsidies. With this in mind, the inter-state agreements on broadcasting do not mention the issue of regional or minority languages and contain only general wording. For example, see Section 6 (2) and (3) of the Deutschlandradio Inter-State Treaty.

With regard to this matter, the governing mayor of the Free and Hanseatic City of Hamburg wrote to the NDR director-general, also on behalf of the other *Länder* party to the NDR Inter-State Treaty (Schleswig-Holstein, Lower Saxony, Mecklenburg-Western Pomerania), asking the broadcaster to continue and increase its efforts to implement the Charter in the field of audio-visual media.

The same applies to legislation on private broadcasting. Some laws on private broadcasting mention Low German or a minority language in their general programming principles, but at most call for “appropriate consideration”. Similar

programming principles apply to the non-commercial users of the Open Channels. The *Land* supervisory authorities may promote public-access media, which allows for indirect support for certain types of media. Here the law assumes non-commercial and especially diverse programming.

Press law has even fewer parameters for content than broadcasting. There is no publicly funded print media and thus no guidelines for content. Print media operations are purely private enterprises and do not receive any government funding. Government agencies making rules on content or funding ordered content would violate Article 5 of the Basic Law.

For this reason, an undertaking involving a set quota for regional and minority languages in public or private broadcasting or print media, for example, would be illegal in Germany. Any expectations on the Committee's part, also of a financial nature, beyond the current legal framework must therefore be rejected.

01106

Article 12

Cultural activities and facilities

01201 As indicated in No. 73 of the Third State Report, we refer to

- Nos. 240 and 241 in the Second State Report on the promotion of measures needed to maintain and foster the culture and preserve the protected languages and identity of members of the language groups, carried out by the *Länder* and local governments within the framework of the federal system of the Federal Republic of Germany;
- No. 242 in the Second State Report on the right of the free development of one's personality under Article 2 (1) of the Basic Law, including the right to use one's own language, to maintain one's own culture and preserve one's own identity, also applicable to members of special language groups; and
- Nos. 243 and 244 of the Second State Report on the significance of institutions of local government bodies and the language group associations which also serve the aims of cultural exchange.

01202 With regard to Art. 12 (3) on the duty to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages protected under the Charter and the cultures they reflect, the Committee of Experts stated its

view, among others in No. 104 ff. of its third evaluation report, that this has not been fulfilled for all these languages.

01203 In No. 105 of its third evaluation report, the Committee disagrees with the German argument that if the undertaking is fulfilled at *Länder* level, then it is also fulfilled at federal level, as in a federal state responsibility for regional aspects of the cultural policy abroad is predominantly assumed by the *Länder*. The Committee counters that “the spirit of this undertaking requires positive promotion abroad of Germany’s regional or minority languages in the regular structures of cultural policy abroad”; because “cultural policy abroad is run by the federal authorities, mainly through the network of the Goethe Institutes ... fulfilment of this undertaking would include promoting regional or minority languages through the Goethe Institute” comparable for example, to the promotion of Spain’s regional or minority languages through the Cervantes Institutes.

01204 Although the Committee recognizes in No. 104 of its third evaluation report that “the Federal Foreign Office has granted funding to groups that reflect the culture of regional or minority languages for cultural events abroad through the Goethe Institute”, the Committee of Experts says it has not been made aware of any concrete examples of how the Danish language has been represented through the funding scheme and finds that the undertaking is not fulfilled.

01205 With regard to the Committee’s question as to whether the German authorities have made further provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect, the Federal Foreign Office responds that the intermediary organizations of cultural and educational policy abroad did not carry out any events to promote minority languages abroad in 2008/2009. However, the contracting party does not see any legally binding obligation to regularly take measures in its cultural policy abroad providing for minority languages and the cultures they reflect.

In his contribution to the Federal Government’s comments on the draft work programme of the Deutsche Welle for 2010 – 2013, the Federal Government Commissioner for Culture and the Media plans to call for greater attention to Germany’s recognized national minorities in the broadcaster’s programming.

01206

Article 13

Economic and social life

01300 For information on the use of one's own language in public and in private life, pursuant to Article 2 (1) of the Basic Law, on provisions in Brandenburg and Saxony expressly guaranteeing the right to use the Sorbian language, and on the general acceptance of the use of regional and minority languages in public, see Nos. 245 to 247 of the Second State Report.

01301 At the moment, we have nothing to add, except what was already mentioned in No. 75 of the Third State Report:

- the undertaking, under Article 13 (1) (c), to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities, discussed in No. 248 of the Second State Report;
- the undertaking, under Article 13 (1) (d), to facilitate and/or encourage the use of regional or minority languages by means other than those specified in (a) to (c) of that Article, discussed in No. 249 of the Second State Report; and
- Article 13 (2) (c) (ensuring use of the regional or minority language in social care facilities such as hospitals, retirement homes and hostels), discussed in No. 250 of the Second State Report.

We also refer to the initiative of the Federal Council for Low German (Schleswiger Appell) on the use of Low German in care facilities (see the comments by the Low German speakers' group in Part E).

01302 As already explained in No. 76 of the Third State Report, the Act to implement European Directives implementing the principle of equal treatment (equal treatment directives 2000/43/EC, 2000/78/EC, 2002/73/EC and 2004/113/EC) in German law, which entered into force on 14 August 2006 (Federal Law Gazette I, p. 1897), does not prohibit limits on the use of regional or minority languages.

Article 14

Transfrontier exchanges

01400 As already noted in No. 77 of the Third State Report, we reiterate that the right to maintain and develop contacts as part of transfrontier exchanges is one of the fundamental freedoms guaranteed by the Basic Law and is protected under its Article 2 (1) (general freedom of action; freedom to leave the country) and Article 11 (1) (freedom of movement within the federal territory; freedom to enter the country).

Please also refer to the detailed comments in Nos. 147 to 161 of the Second State Report and in No. 00739 above.

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

D.2.1 Danish in the Danish language area in Schleswig-Holstein

Article 8

Education

10801 The Danish minority in Schleswig-Holstein receives financial support from Schleswig-Holstein and its local government structures, from the Kingdom of Denmark and from the Federal Republic of Germany.

By the same token, the German minority in Denmark receives financial support from the Kingdom of Denmark and its local governments, from the Federal Republic of Germany and from Schleswig-Holstein. Funding measures make up a multi-layered and complex structure. In response to a parliamentary enquiry into this matter, the Federal Government stated in 2000:

“The members of the German and Danish minorities are citizens of the nation in which they live; they take advantage of government services, for example in the social and cultural area, and help finance these services by paying taxes. The minorities need additional services depending on their specific cultural and social needs, on the number of their members, their age structure and settlement patterns. The resulting additional expenditures are largely financed by the other country. In view of the horizontal and vertical distribution of material and financial competences in the Kingdom of Denmark and the Federal Republic of Germany, both minorities rely on a number of services provided by both countries.”

10802 No. 252 of the Second State Report noted that the Danish minority has the right to instruction in the Danish language in all of Schleswig-Holstein (Declaration by the Government of the Federal Republic of Germany of 29 March 1955). Article 8 (4) of the Schleswig-Holstein Constitution leaves it up to parents/guardians to decide whether their children should attend a school of a national minority. Pupils coming from the Danish minority thus have the opportunity to learn and use the Danish language. The details are governed by the new Schools Act, which entered into force in February 2007. Some of the changes also affect the schools of the Danish

minority, such as those on school financing. These changes are discussed in the section on fulfilling the obligations under Art. 8 (1) (b) on primary education.

10803 The Danish minority has a well established system of schools and nursery schools. The body responsible for schools and nursery schools is the Danish Schools Association for South Schleswig (*Dansk Skoleforening for Sydslesvig*), with approximately 8,000 members. It currently runs 55 child day-care centres and 47 schools and is the point of contact for all issues of educational policy. The Danish schools are state-approved independent schools run by voluntary bodies, i.e. their pupils attain the same qualifications and degrees as in public schools (see No. 10807). They are the regular schools for members of the Danish minority. The teaching objectives and facilities of these schools and the academic training of their teachers are equivalent to those of public schools. The degrees are recognized by both Germany and Denmark.

10804 At the start of the 2008/2009 school year, the Danish Schools Association restructured its entire school system in close consultation with all stakeholders (see No. 10808).

10805 The schools Duborg-Skolen in Flensburg and A.P. Møller Skolen in Schleswig each have an upper secondary level leading to the *Abitur* school-leaving certificate.

10806 The A.P. Møller Skolen opened on 1 August 2008 as the Danish minority's second comprehensive school with an upper secondary level. The school has a capacity of 625 pupils. The construction costs were paid for by a private Danish foundation.

10807 Certification under Section 116 (1) of the Schools Act remains in effect following the restructuring ahead of the 2008/2009 school year; final certification for the A.P. Møller Skolen is still pending.

10808 The Danish school system in South Schleswig currently encompasses 35 primary schools, 3 primary schools with a special-education component, 3 comprehensive schools with primary schools, 4 comprehensive schools with primary and special-education components and 2 comprehensive schools with an upper secondary level, with a total enrolment of 5,565 pupils as at 1 September 2009.

10809 In addition, the Jaruplund Højskole, the Danish minority's residential adult-education college in the district of Schleswig-Flensburg founded in 1950, offers Danish language courses, among others, and follows the tradition of the Danish educationalist Grundtvig, paying special attention to the cultural activities of the Danish minority in the Schleswig region.

Article 8 (1)

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

Art. 8 (1) (a): Pre-school education

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

10810 Schleswig-Holstein chose the obligation under (iv).

10811 As indicated in No. 10803, within the framework of pre-school education the Schleswig region in Schleswig-Holstein offers 55 Danish programmes at child day-care centres. According to the Danish Schools Association for South Schleswig, 2,096 children took advantage of these programmes in 2009.

10812 With a few exceptions, all of these children move on to a Danish school. These institutions have their own admission regulations.

10813 The Danish Schools Association receives funding from the Danish government and the government of Schleswig-Holstein. Subsidies for the teaching staff at day-care centres are granted under Section 25 (2) of the Children's Day-Care Centres Act (*Kindertagesättengesetz*).

10814 Some German nursery schools also offer Danish language instruction. Local public child and youth welfare agencies are responsible for day-care centres (planning and other general tasks). This includes the right to decide whether and which regional and minority languages should be offered. Since 2004 local governments (*Kreise* and *kreisfreie Städte*) have received *Land* funding to look after children in independent day-care centres. Hence, day-care centres offering Danish language programmes must negotiate funding with the responsible local government. The programmes are offered by various bodies. An estimated 540 children are currently receiving Danish language instruction.

10815 Since 1998, the ADS-Grenzfriedensbund e.V., a German border association in the Schleswig region, has offered Danish at seven nursery schools as part of a language encounter strategy to promote language learning in nursery school. Its aims include developing tolerance and understanding for another culture (access to culture primarily occurs through its language), initial experience with second-language learning and improved acquisition of the German language. Language instruction is offered in age-appropriate form in line with research results and extensive educational experience. The programme uses Danish-speaking staff and volunteers who are native speakers of Danish. Language instruction lasts from thirty minutes a week to the entire school day (daily multi-group offerings using the immersion method). In this way, the ADS-Grenzfriedensbund enhances the language instruction offered by the Danish Schools Association.

As well as Danish, Low German is taught in 14 nursery schools and Frisian in four nursery schools using the same method.

10816

Art. 8 (1) (b) - Primary education

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

10817 Schleswig-Holstein chose the obligation under (iv).

10818 See Nos. 10804 and 10808 above on the number of Danish schools offering primary education.

10819 In No. 72 of its third evaluation report, the Committee of Experts welcomed the decision to fund the running costs of Danish private schools on an equal footing with publicly funded schools. This decision is anchored in a special provision on Danish private schools in the new Schleswig-Holstein Schools Act of 2007 which entered into effect on 1 January 2008 (Section 124 first and second sentences Schools Act). However, the Committee of Experts has been made aware of the recent criticisms of the *Land* Audit Court against these regulations of the Schools Act for the promotion of the Danish schools. When requesting this report, it therefore asked whether the *Land* government had ensured that the new regulations on funding would remain in order to secure the future survival of the Danish schools.

10820 Schleswig-Holstein comments as follows:

The future survival of Danish schools has never been in doubt. The schools of the Danish minority receive funding in accordance with Section 124 of the Schools Act. The legal basis for this funding was never altered following the Act's entry into force in January 2008.

10821 With regard to the problem of school transport mentioned by the Committee in No. 73 of its third evaluation report, Schleswig-Holstein responds as follows:

10822 The situation of school transport costs can currently be described as follows: School transport for pupils attending public schools is governed by Section 114 of Schleswig-Holstein's Schools Act, which, however, does not apply to independent (private) schools run by voluntary bodies. This includes the schools of the Danish minority.

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

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

The aim of the Danish minority and the districts concerned is to adopt a legal provision covering the remaining two-thirds of transport costs. For this reason, the question of school transport has been discussed at political level for some time (by the *Land*, the districts and the Danish minority). The 2009/2010 biennial budget will deal with this issue as follows: The *Land* will reimburse the districts 50% of their expenditures on school transport for the Danish minority in the previous year. Further developments remain to be seen.

10823 No. 10822 refers to primary and secondary education.

10824 Danish is offered as a foreign language at some public primary schools in the region of Schleswig. The target groups are the 3rd and 4th grades. The courses must be voluntary, and the declared wishes of the parents must be respected. Enrolment has declined in comparison to earlier years, possibly because English language classes were introduced in primary schools and because overall enrolment is falling. During the 2002/2003 school year, 374 pupils took Danish; in 2004/2005 157 pupils did so, and in 2008/2009 the figure was 133 pupils.

Art. 8 (1) (c) - Secondary education

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

10825 Schleswig-Holstein has accepted the obligations under (iii) and (iv).

10826 The school system of the Danish minority previously had only one grammar school (*Gymnasium*), the Duborg-Skolen. A second grammar school, the A.P. Møller

Skolen, opened in Schleswig on 1 September 2008. With regard to the Committee's request in No. 74 for more information on the A.P. Møller Skolen, as already noted in our No. 10806: Both the Duborg-Skolen in Flensburg and the A.P. Møller Skolen in Schleswig are comprehensive schools with an upper secondary level offering the *Abitur* school-leaving certificate.

10827 In the 2008/2006 academic year, a total of 3,670 pupils attended Danish classes offered by numerous public secondary schools, especially in the Schleswig region; in 2005/2006 the number was 4,312 pupils.

Art. 8 (1) (d) (iii) - Technical and vocational education

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

10828 See No. 264 of the Second State Report. There are no new developments to report.

Article 8 (1) (e) (ii) - University and other higher education

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

10829 The current situation can be described as follows:

Christian Albrechts University in Kiel offers bachelors and masters degrees in Danish within the department of Nordic/Scandinavian philology, and students training to be teachers may take Danish as a subject to be taught at grammar schools.

Following the introduction of the bachelor/master system at Flensburg University, a multi-disciplinary bachelors programme in education was set up to prepare students to teach at elementary, secondary modern and secondary technical schools and special remedial schools. Students may take Danish as part of this course and in masters programmes for teacher candidates. Flensburg University also offers Danish lessons in study courses organized in cooperation with Danish universities.

See No. 266 of the Second State Report for information about scholarly articles on the Danish minority prepared by the Danish Central Library for South Schleswig (Dansk Centralbibliotek for Sydslesvig) in Flensburg.

Art. 8 (1) (f) - Adult education

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

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

10830 As stated in No. 267 of the Second State Report, Danish language courses are offered by the adult education centres of Schleswig-Holstein, by Jarplund Højskole, the Danish residential adult education college in South Schleswig described in No. 10809 above, and by other providers of adult and continuing education. These include employer-recognized courses for which employees are entitled to take educational leave. The latest information about language courses can be searched at www.sh.kursportal.info. In August 2009, about 100 courses were offered.

In 2008, the 89 Schleswig-Holstein adult education centres offered 686 Danish courses, with enrolment of 7,080 participants. Danish ranks third in terms of enrolment numbers, after English and Spanish. By comparison: In 2005 the Schleswig-Holstein adult education centres offered 438 Danish courses with an enrolment of 4,604.

Art. 8 (1) (g) - Teaching of history and culture

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

10831 Regarding curricula and this undertaking in general see the information in Nos. 268 to 270 of the Second State Report.

Art. 8 (1) (h) - Basic and further training of teachers

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

10832 For information about advanced training by a specialized adviser for Danish and through further and advanced training offered by the Institute for Quality

Development at Schools (IQSH), see No. 271 in the Second State Report; about special training opportunities for the Danish language, see Nos. 265, 266 and 272 in that report; and about funding for special training, see No. 273 in that report.

For information about teacher training in Danish, see No. 10829.

Art. 8 (1) (i) - Supervisory bodies

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

10833 Where, in No. 76 and elsewhere in its third evaluation report, the Committee of Experts finds the above-mentioned obligation not fulfilled for Danish, we refer to the general rebuttal in Nos. 00802 – 00813.

10834 - 10837

Article 8 (2)

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

10838 Regarding the implementation of this undertaking, see No. 277 (Danish at schools in the Holstein region) and 278 (authorization of university courses due to the autonomy of institutions of higher education) of the Second State Report.

Article 9

Judicial authorities

10901 In No. 47 of its second evaluation report, the Committee of Experts refers to its first evaluation report stating that the three undertakings of this article did not pose any problems. There are no new developments to report. In this regard, see the comments in the Second State Report.

Article 9

Paragraph 1

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

Art. 9 (1) (b) (iii) - Civil proceedings

in civil proceedings:

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

10902 No. 279 of the Second State Report already explains that the above-mentioned obligation is fulfilled under the condition that documents and evidence in the minority language are admissible if presented in a form which rules out the possibility of misunderstandings or errors in translation.

Article 9 (1) (c) (iii) - Proceedings before courts concerning administrative matters

in proceedings before courts concerning administrative matters:

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

10903 With regard to this obligation accepted by Schleswig-Holstein, see Nos. 279 and 281 of the Second State Report (no disadvantages resulting from the use of a minority language, based on the principle of *ex officio* investigations in administrative processes alone).

Art. 9 (2) (a) - Validity of legal documents

The Parties undertake:

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

10904 With regard to this obligation, see Nos. 279 and 281 of the Second State Report.

Article 10

Administrative authorities and public services

Paragraph 1

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

Art. 10 (1) (a) (v) - Submission of documents

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

11001 In No. 82 of its third evaluation report, the Committee of Experts referred to the information that translation costs for documents submitted in Danish would not be incurred where Danish-speaking staff were available. The Committee then refers to the explanatory report to the Charter (paragraph 104), according to which this undertaking automatically entails a commitment to make the necessary resources and administrative arrangements available. As a result, according to the Committee, the authorities are also obliged to enable documents always to be submitted in Danish without incurring costs, e.g. through the use of translators. The Committee adds that, “[a]ccording to the representatives of the Danish-speakers, there are a growing number of Danish-speakers working in administration. On the other hand, according to another representative, many documents such as labour contracts and documents dealing with pension, health insurance and financial matters, must be submitted in German or translated into German, whereby the applicant covers the translation costs.”

As a result, the Committee regards this undertaking as still unfulfilled and urges the German authorities to ensure that documents in Danish can be submitted to administrative authorities in practice.

11002 Schleswig-Holstein responds as follows: With reference to the recent reports, the *Land* government regards the obligation under Art. 10 (1) (a) (v) of the Charter as fulfilled. As required by the Charter, users of Danish may validly submit a document in this languages. No further requirements can be derived from paragraph 104 of the explanatory report to the Charter.

Article 10 (2) (g) - Place-names in Danish

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

11003 Although Schleswig-Holstein has not accepted this obligation for Danish, with its order of 11 June 2007 the Ministry of Research, Economics and Transport allowed for the possibility of bi- or multi-lingual town signs (Sign 310, Road Traffic Regulations (StVO)). The city of Flensburg has taken advantage of this option and added the name “Flensburg” to all its city signs. By order of 31 March 2009 superseding the previous order, the Ministry added the possibility for bilingual German and Danish information signs (Sign 385, StVO) and tourist information signs for special topographical features.

Article 10 (4)

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

Art. 10 (4) (c) - Appointment of public service employees having a knowledge of a regional or minority language

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

11004 In its third evaluation report, the Committee of Experts did not refer to the fulfilment of this undertaking. We therefore refer to No. 1024 of the Third State Report referring to No. 293 ff. of the Second State Report and the Committee’s positive remarks in Nos. 61 – 64 of its second evaluation report, and to the cooperation between the Flensburg and Husum police with the Husum adult education centre begun in 2006.

Article 10 (5)

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

11005 See No. 01001.

Article 11

Media

Paragraph 1

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

Art. 11 (1) (b) (ii) - Broadcasting of radio programmes

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

11101 The Committee of Experts previously considered this obligation to apply only to private broadcasters. In No. 88 of its third evaluation report, the Committee acknowledged that it was “aware of the particular sensitivities of the German authorities about requiring private broadcasters to include private programming in regional or minority languages, whether by regulation or license condition. Nevertheless, the Committee of Experts considers that promoting regional or minority language broadcasting through financial incentives, as is currently carried out, for example, for cultural programmes, would not infringe those sensitivities, nor indeed German law. The Committee of Experts encourages the German authorities to do so in the case of Danish.”

11102 By contrast, Schleswig-Holstein, like other *Länder* in similar situations, is of the opinion, for the reasons given in No. 01103 ff., that financial incentives too interfere in media markets and are therefore to be avoided.

11103 With regard to public broadcasting, the Committee notes in No. 89 of its third evaluation report that, according to representatives of the Danish speakers, there are no radio programmes in Danish on public radio.

11104 Schleswig-Holstein refers to No. 01103 ff. explaining what additional measures can be taken in future within the narrow legal limits to encourage public broadcasters to offer Danish-language programming.

11105 In No. 85 of its third evaluation report, the Committee notes that according to the Third State Report (No. 1026a), “the Open Channel (*Offener Kanal*) became an independent legal entity with the entry into force of the Act on establishing a corporation under public law ‘Offener Kanal Schleswig-Holstein’ in October 2006. This act contains a provision on the promotion of minority languages as part of the broadcaster’s duties and responsibilities. Furthermore, the act states that one of the five board members of the Open Channel is appointed by the Commissioner for Minority Issues of Schleswig-Holstein. Currently, a representative of the Danish minority is member of the advisory board. The Committee of Experts welcomes these positive developments.”

11106 In No. 86 of its third evaluation report, the Committee adds that “[t]he Open Channel is a citizens broadcasting channel under public law and supervised by the independent media authority that supervises private broadcasters. In March 2007, the media authority ULR (*Unabhängige Landesmedienanstalt für das Rundfunkwesen*) merged with HAM (*Hamburgische Anstalt für neue Medien*) to form the new media authority *Medienanstalt Hamburg/ Schleswig-Holstein* (MA HSH).”

11107 According to the Committee in No. 87 of its third evaluation report, the “Open Channel model could serve as a basis for fulfilling this undertaking”. However, the Committee does not find this satisfactory in practice, because “programmes in Danish are currently broadcast only sporadically on the Open Channel *OK Westküste*. Danish language programming is needed also in those areas where the Danish language is strong, and should be provided there on a regular and frequent basis.”

11108 In No. 90 of its third evaluation report, the Committee therefore concludes that this undertaking remains not fulfilled with regard to Danish. It urges German authorities to take measures to encourage and/ or facilitate the broadcasting of radio programmes in Danish on a regular basis and asked for information as to whether such measures had been taken in the meantime.

11109 The *Land* refers to the very limited possibilities for action as described in No. 01103 ff. with regard to Art. 11 in general and disagrees with the assessment of the Open Channel in Schleswig-Holstein referred to in No. 11107. The Open Channel offers individuals the opportunity to broadcast programmes in minority and regional languages. The fact that it requires a certain level of commitment to produce programmes, and that the results do not live up to expectations when this commitment is lacking, cannot justify the conclusion that the obligation to take

measures to encourage and/or facilitate the broadcasting of minority-language programmes has not been fulfilled.

11109a For years, R.SH has been broadcasting Danish-language programmes across the *Land* as a regular part of its programming. These programmes are produced in cooperation with the newspaper *Flensburg Avis* and broadcast on weekdays up to three times a day as Danish regional news. In addition, regional windows are offered on special occasions, such as elections.

11109b Reporting on the Danish minority on NDR 1 Welle Nord regularly includes news and reports on current events, extensive features in the programme “Von Binnenland und Waterkant” (From inland and the water’s edge) and one-hour productions on special occasions. Interview excerpts in Danish are frequently used.

Art. 11 (1) (c) (ii) - Broadcasting of television programmes

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

11110 The Committee of Experts previously considered this obligation to apply only to private broadcasters. In No. 93 of its third evaluation report and in No. 88 with regard to private radio broadcasting, the Committee acknowledged the particular sensitivities of the German authorities about requiring private broadcasters to include private programming in regional or minority languages, whether by regulation or license condition, but stated that financial incentives are possible and should be used.

11111 Here we refer again to the general remarks in No. 01103 ff. regarding Art. 11.

11112 In No. 94 of its third evaluation report, the Committee stated that “[w]ith regard to public broadcasting, according to representatives of the Danish-speakers, there are no television programmes in Danish on public television.”

Schleswig-Holstein responds as follows:

In recent years, NDR in Kiel has worked with Danish television on several EU-funded projects, leading to intensive German-Danish cooperation which has steadily grown. The offices in Kiel, Kolding and Vordingborg are in regular contact and have set up a shared research service.

11113 In No. 92 of its third evaluation report, the Committee states that “since June 2007, a one-hour Danish television programme is broadcast monthly on the Open Channel Flensburg, obtained through an exchange of programmes with the television channel TV Abenraa based in Denmark. It is planned to extend the coverage via the Open Channel Kiel. Also, since April 2007, there is another fortnightly programme. The Open Channel conducted several training courses for Danish-speaking teachers and pupils on how to use a video camera and other related projects.”

11114 In No. 95 of its third evaluation report, although the Committee “welcom[es] the developments on the Open Channel, the Committee of Experts observes that the current coverage is too limited in terms of area covered, regularity and amount of broadcasting to lead to a fulfilment of this undertaking.” It therefore “urges the German authorities to take measures to encourage and/ or facilitate the broadcasting of television programmes in Danish on a regular basis”.

Schleswig-Holstein responds as follows:

Where creation of own broadcasting media is not expedient or feasible, Open Channels are usually available. These are used for local and regional broadcasts of non-commercial programming. In this way, individuals, social groups/citizens groups, organizations, associations, unions and institutions can, independently and on their own responsibility, produce and air programmes. These programmes must conform to the general programming principles, may not contain any commercial advertising, must be on a non-profit basis and may not be provided for remuneration. The Danish minority uses the Open TV Channel at irregular intervals for local broadcasts of videos about this minority in the Danish or German language.

11115 In autumn 2006, there was a serious risk that both Danish broadcasters in Schleswig-Holstein, and thus in the territory of the Danish minority, would be discontinued due to disagreements over compensation for copyrights and feeds between the Danish public service broadcasters Danmarks Radio and TV 2 on the one hand and Kabel Deutschland GmbH on the other. Therefore, all parliamentary groups at the *Land* parliament called on the broadcasters and the cable provider to negotiate a contract so that the Danish programmes could continue to be received through the cable network. The German minister-president asked his Danish counterpart for his help in the matter. These initiatives were ultimately successful, and Danmarks Radio reversed its decision to discontinue transmission to Germany after 15 October 2006, while TV 2 and Kabel Deutschland GmbH reached agreement on what each was to pay the other. The details of these financial issues are the concern of the aforementioned parties. In any case, the Danish minister-president

wrote to his counterpart in Schleswig-Holstein to say that he believed the agreement between the parties would ensure continued transmission of the Danish broadcasting signals. As of 1 December 2009, the situation is as follows: The rapid agreement to continue transmission of Danish television programmes on the German cable network is greatly welcomed. The reciprocal reception of broadcasting media in the German-Danish border region is of great interest to people on both sides of the border, because it is the best way to promote the minority languages and encourage mutual understanding.

11115a Media digitization set for 1 November 2009 represented a special problem. In order to ensure continued reception of Danish television in Schleswig after the end of analogue broadcasting and complete digitization in Denmark, the governments of Denmark and Schleswig-Holstein undertook major efforts together with the Danish minority. Negotiations with Danmarks Radio (DR) and Kabel Deutschland (KDG) ultimately succeeded in ensuring that Danish programmes can still be seen in Schleswig-Holstein. At the same time, viewers will have to accept the fact that Denmark's decision to go entirely digital may require some households to take special measures to maintain reception.

While most viewers will still be able to receive DR 1 and TV 2 via aerial antenna, households in the area of terrestrial transmission will need a decoder compatible with the new Danish broadcasting technology (MPEG 4). The Schleswig-Holstein minister-president offered the Danish minister of culture to supply fill-in transmitters in Schleswig-Holstein to improve terrestrial reception of both broadcasters in the *Land*. DR 1 and TV 2 are currently studying this offer. According to KDG, about 90% of households with cable television which have so far been able to receive DR 1 and TV 2 will not see any changes. Kabel Deutschland has converted the digital signal from Denmark into an analogue signal. Kabel Deutschland has also announced that, after its test measurements which started 1 November 2009, it plans to convert the signal for most of the remaining area where cable reception has so far existed. In addition to cable and terrestrial transmission, Danish television can be received directly from the Thor satellite. Foreigners are also entitled to purchase the smartcards needed to decode the Danish satellite signal, as the Danish side has explicitly confirmed. The Internet offers an additional possibility for accessing individual Danish programmes.

In sum, Danish programmes are still accessible in Schleswig-Holstein, as reciprocal reception of media in the German-Danish border region is of great interest to many people because this is the best way to promote the minority languages and encourage mutual trust.

Art. 11 (1) (d) - Audio and audiovisual works

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

11116 Schleswig-Holstein responds as follows to the Committee's finding in Nos. 96 and 97 of its third evaluation report that the above-mentioned undertaking is no longer fulfilled since a contract concluded with a private media office in 2002 to assist Danish speakers in producing their own television programmes ended in 2003/2004, and to the Committee's request for information about what is being done to encourage the production and distribution of audio and audiovisual works in the Danish language:

11117 See the possibilities offered by the Open Channel (cf. Nos. 11113 and 11114).

In addition, Schleswig-Holstein reports that the Danish minority, in particular the Sydslesvigsk Forening (SSF) as the main cultural organization, receives significant funding for cultural activities. Under the principle of organizational autonomy, it is the SSF's responsibility to decide how to spend these funds.

Art. 11 (1) (e) (ii) - Newspaper articles

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

11118 With regard to the limited possibilities for influence, see No. 1029 of the Third State Report, No. 01101 above, Nos. 226 - 239 of the Second State Report and above all No. 01103 ff. for a comprehensive explanation of the limits of German law in interpreting the individual provisions of Art. 11 of the Charter.

11120 Further, see No. 322 of the Second State Report referring to the bilingual (German/Danish) daily newspaper *Flensburg Avis* and the press service of the South Schleswig Association (SSV).

Art. 11 (1) (f) (ii) - Financial assistance for audiovisual productions

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

11121 As noted in No. 1030 of the Third State Report and with reference to the general promotion measures described in No. 334 of the Second State Report and the problem of direct government funding expressed in No. 333 of the Second State Report which might violate the constitutional right to freedom of broadcasting as explained in No. 226 – 239 of that report, we refer to the demand in No. 29 of this report to take general promotion into account and disagree with the Committee's opinion that this undertaking was only formally fulfilled.

11122 With regard to the Committee's request in No. 99 of its third evaluation report for information about how the subsidy fund allows for the qualification of productions in Danish in practice, Schleswig-Holstein responds as follows: The Hamburg Schleswig-Holstein film fund supports feature films and unusual television productions in all genres. Film projects receive support from the first draft of the script through production to distribution and festival presentations. Criteria for funding include quality of the project and substantive reference to Hamburg or Schleswig-Holstein. This means filming in Hamburg and/or Schleswig-Holstein and using local skilled labour and film technology companies. Applications may be submitted to the Hamburg Schleswig-Holstein Film Fund GmbH (www.ffhsh.de). See also No. 11404.

Art. 11 (2) - Freedom of direct reception of broadcasts, and freedom of expression
 Paragraph 2

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

11123 With regard to this obligation, in No. 100 of its third evaluation report the Committee of Experts commends the fact, reported in No. 127a of the Third State

Report, that “in 2006, the [Schleswig-Holstein] *Land* Parliament negotiated a contract between the Danish broadcasters and German cable providers to guarantee a continued reception of two Danish television channels through the cable network.”

11124

11125 In No. 102 of the third evaluation report, the Committee “draw[s] the attention of the German authorities to the fact that this undertaking may require some positive action on their part in the future if the digitalisation [sic] process makes it impossible for the Danish-speakers to receive Danish television programmes. As stated in paragraph 111 of the Charter’s explanatory report, ‘the undertaking to guarantee freedom of reception relates not only to obstacles deliberately placed in the way of the reception of programmes broadcast from neighbouring countries but also to passive obstacles resulting from the failure of the competent authorities to take any action to make such reception possible’.”

11126 Schleswig-Holstein refers to the extensive discussion in Nos. 11115 and 11115a.

Article 12

Cultural activities and facilities

Article 12

Paragraph 1

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

Article 12 (1) (c) - Access to works produced in other languages

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

11201 As indicated in No. 1032 of the Third State Report, see No. 338 of the Second State Report indicating that the institutions of the Danish minority - such as the South Schleswig Association (SSF) and the Danish Central Library - can rely on funding provided by Schleswig-Holstein for translation, dubbing, post-synchronization and Danish subtitles.

Art. 12 (1) (d) - Taking account of the regional or minority language in cultural activities

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

11202 As noted in No. 1033 of the Third State Report, see No. 339 of the Second State Report explaining that the institutions of the Danish minority or their appointed bodies for cultural self-administration ensure the knowledge and use of the Danish language and culture in their cultural activities, with funding from Schleswig-Holstein.

Art. 12 (1) (e) - Employment of staff proficient in the language(s) concerned

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

11203 As noted in No. 1034 of the Third State Report, No. 340 of the Second State Report stated that government subsidies for activities of national minorities in Germany also include funds for covering personnel expenses and that the full-time staff employed in the field of Danish cultural work speak Danish and German, and some of them also Low German.

Article 12 (1) (f) - Participation of representatives of the group speaking the given language in cultural activities

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

11204 As noted in No. 1035 of the Third State Report, with regard to the above-mentioned undertaking, see No. 342 of the Second State Report indicating that a “Schleswig-Holstein Day” is held every two years in different places in the *Land*, that the organizations of the Danish minority are invited to this event, and that the Danish language is also used at some local cultural events such as town festivals and anniversaries. In 2006, Schleswig-Holstein Day was held in Eckernförde, with participation from the Danish minority; the same was true of Schleswig-Holstein Day in Neumünster in 2008. In 2006, the main *Land* festivities for the Day of German Unity were held in the Schleswig-Holstein capital, Kiel. The *Land* government offered national minorities and language groups the opportunity to contribute to the presentation of Schleswig-Holstein at the public festival.

11205

Art. 12 (1) (g) - Creation of archive bodies

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

11206 As in No. 1036 of the Third State Report, see No. 343 of the Second State Report on the Danish Central Library and its affiliated institutions, which are available for collecting, keeping copies of, or publishing works produced in the Danish language, for which purposes they can rely also on funding provided by Schleswig-Holstein. No. 343 of the Second State Report also reports on stage productions of works produced in Danish which are organized and financed, also with the use of funding provided by Schleswig-Holstein, by the South Schleswig Association and its affiliated institutions and by action groups of other associations.

Article 12 (2)

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

11207 As indicated in No. 1037 of the Third State Report, Nos. 344 and 345 of the Second State Report explain that in the Federal Republic of Germany cultural activities complying with the law in force are not subject to any permit procedure or restrictions, and that thanks to the broad definition of the specified purposes for which the public promotional funds of Schleswig-Holstein may be used in the context of the Danish minority's cultural work, it is also possible to stage events outside the immediate language area.

Article 12 (3)

Paragraph 3

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

11208 In No. 104 ff. of its third evaluation report, the Committee concludes that this undertaking remains not fulfilled with regard to Danish.

11209 In No. 104 of its third evaluation report, the Committee notes that "the Federal Foreign Office has granted funding to groups that reflect the culture of regional or minority languages for cultural events abroad through the Goethe Institute. However, so far the Committee of Experts has not been made aware of any concrete examples of how the Danish language has been represented through the funding scheme." The Committee then concludes that the undertaking remains unfulfilled, although the German side explained that the lack of concrete examples is primarily due to the failure of representatives of the Danish language group to submit the necessary applications for cultural presentations abroad, although they could have received assistance, for example at the Charter implementation conferences or at meetings of the Consultative Committee on Issues concerning the Danish Minority. In the view of the German authorities, the Danish minority sees no possibility to express their cultural identity by performing traditional music or dances; instead, they invite performers from Denmark to appear at their events.

11210 With regard to the Committee's question as to whether the German authorities in the meantime make further provision, in pursuing their cultural policy abroad, for the Danish language and the culture it reflects, see No. 01202 ff. above.

Article 13

Economic and social life

Paragraph 1

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

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

11301 With regard to this undertaking, which the Committee saw as fulfilled in its second evaluation report and again in Nos. 107 – 109 of its third evaluation report, the Committee stresses the entry into force of the federal anti-discrimination act (*Allgemeines Gleichbehandlungsgesetz*) which prohibits among other things discrimination against members of a national minority and in certain circumstances their language, and notes that the national minorities are represented by one member in the Advisory Council of the Federal Anti-Discrimination Bureau.

Art. 13 (1) (d) - Facilitating the use of the regional or minority language

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

11302 As indicated in No. 1041 of the Third State Report, see Nos. 349 – 351 of the Second State Report for a description of the difficulties of using the Danish language in marriages in which only one partner belongs to the Danish minority, and of public activities to foster and encourage such language use.

Article 13 (2)

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

Art. 13 (2) (c) - Social care facilities

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

11303 As in No. 1042 of the Third State Report, we refer to the Committee's confirmation in Nos. 85 – 87 of the second evaluation report that with the situation as described in Nos. 352 and 353 of the Second State Report (e.g. Danish-language health care service in facilities of the Danish minority) the above obligation is sufficiently fulfilled.

Article 14**Transfrontier exchanges**

11401 The Committee did not comment in its third evaluation report on the undertakings under the above-mentioned article, as they presented no difficulties in the past. There are no major new developments to report.

The Parties undertake:

Art. 14 (a) - Agreements with other states

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

11402 As in No. 1043 of the Third State Report, we refer to No. 354 of the Second State Report concerning the fulfilment of the above-mentioned undertaking through the implementation of the Bonn-Copenhagen Declarations.

Art. 14 (b) - Co-operation across borders

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

11403 With regard to the reference in No. 1044 of the Third State Report to Nos. 355 – 357 of the Second State Report referring to the Joint Declaration on regional cooperation between Schleswig-Holstein and Sønderjyllands Amt which has existed since 2001, we can report that this declaration has been amended to reflect the new regional structure in Denmark effective in 2007, and that the Sønderjylland / Schleswig regional council mentioned in the Third State Report has been reconstituted in appropriate form.

11404 Since 2009, the SSF, the umbrella organization of the German minority in Denmark (BdN), the Museum Sønderjylland, the Danish Central Library for South Schleswig and the Cultural Foundation for the district of Schleswig-Flensburg have been carrying out a cross-border museum project on minority life. In this project, the museums with minority-related collections, in Dannewerk (Dannevirke), Åbenrå (Apenrade) and Sønderborg (Sonderburg), are developing new exhibitions and ways to present the daily life of minorities in the border region since 1920. The project receives funding from the INTERREG 4A programme of the Syddanmark-Schleswig-K.E.R.N. region. The project is to run until mid-2012. The Federal Government Commissioner for Culture and the Media and the state chancellery in Kiel have provided funding of €50,000 and €12,000, respectively. The funds from the Federal Government Commissioner are earmarked for the production of a documentary film and for audiovisual elements in the exhibitions.

D.2.2 Sorbian (Upper and Lower Sorbian) in the Sorbian language area in Brandenburg and the Free State of Saxony

20000 Obligations regarding the Sorbian language have been accepted by Brandenburg and Saxony where the Sorbs have their traditional settlement area.

Article 8 Education

20801 As in No. 2001 of the Third State Report, for information on

- the Sorbian school system, the legal basis for independently run private schools and individual schools of the agencies see No. 358,
- the scope of Sorbian language skills among Sorbs see No. 359, and
- legislation on teaching and cultivating the Sorbian language and culture at Sorbian and bilingual day-care centres and schools see No. 360 of the Second State Report.

Article 8(1)

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

Article 8(1)(a) - Pre-School Education -

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

20802 In No. 112 of its third evaluation report, the Committee of Experts confirmed the statements made in No. 2003 of the Third State Report, namely that by virtue of the revised Ordinance on Children's Day-Care Centres in the German-Sorbian Region (SorbKitaVO) which entered into force in Saxony in January 2007, Sorbian

and bilingual day-care centres receive additional funds to the amount of € 5,000 per group and that the aim of the day-care centres is to ensure bilingualism and the teachers must have a mother-tongue-level command of Sorbian. Representatives of the Upper Sorbian-speakers informed the Committee of Experts that despite a growing demand for Sorbian pre-school education, including outside the core-areas where Upper Sorbian is spoken, the establishment of new Sorbian pre-school groups or day-care centres was prevented due to the staffing ratio specified in the day-care ordinance and the lack of resources for extra staff. Furthermore, the Committee reported about concerns of the Sorbian language group that the decree was monitored by the youth welfare office (*Jugendamt*) whose staff is largely non Sorbian-speaking and about the Sorbian language education centre Witaj which agreed to help the youth welfare office in this respect.

20803 In Nos. 113 and 114 of its third evaluation report, the Committee of Experts considered this undertaking fulfilled on the basis of the information that there were 13 Upper Sorbian day-care centres, five of them run by Witaj, and ten day-care centres with Witaj groups, and that 750 children received Upper Sorbian education. It nevertheless encouraged the authorities to take measures to ensure that the growing demand for pre-school education in Upper Sorbian is met with the supply of appropriate resources, especially with regard to pre-school teachers. Currently, some 1,150 children are effectively instructed in the Sorbian language or bilingually at 23 Sorbian-language and bilingual day-care centres. These figures were provided by the Witaj language centre in Bautzen in February 2010 at the request of the Saxon State Ministry of Science and Arts.

20804 As requested, the Free State of Saxony answers the Committee's question whether such measures have already been taken: Please refer to Saxony's statements in No. 20837 for a description of the activities of the Sorbian College for Social Pedagogy (*Sorbische Fachschule für Sozialpädagogik*).

Art. 8(1)(a)(iv)

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

20805 In Nos. 191 to 195 of its third evaluation report the Committee of Experts concludes that the undertaking is only partly fulfilled and that a more structured policy as recommended in the second evaluation report was still not adopted. In the

Committee's view it is not sufficient that local authorities provide advice to interested parents about the Witaj-project and the funding connected to it if they do not know who would be potentially interested in Sorbian-language pre-school education so they do not reach out to them. Without further explanation, the Committee states that this undertaking requires the authorities to take pro-active steps so that parents are at least made aware of the possibilities through, for instance, a public information campaign.

20806 In addition, the Committee of Experts reported on the issue of privatized day-care centres where the formation of Lower Sorbian groups is more difficult, although there is a demand for bilingual education and the teachers in these centres would be willing to attend further language training, because these centres tend to have a smaller number of children and because the funding procedure for financial support from the *Land* under the *Land* Youth Plan is unclear.

20807 Another issue addressed by the Lower Sorbian speakers and reported by the Committee of Experts is the lack of pre-school teachers and the insufficient degree of Sorbian education within the professional training courses.

20808 Regarding the Committee's question whether a more structured policy was adopted and whether the necessary resources for the provision of pre-school education in Lower Sorbian were allocated, and regarding a solution of the addressed issues, Brandenburg provides the following reply:

20809 Brandenburg considers the information parents receive via the media, the day-care centres and local authorities on the educational approach of the centres and their priorities sufficient. According to the *Land* government there is no reason to believe that interested parents are not aware of available services. Therefore, it does not intend to change the information channels. Although the overall number of children in Lower Lusatia is decreasing, a growing number of children are attending Witaj centres, which indicates that parents are well informed. Currently, there are some 200 children in 14 Witaj groups in eight day-care centres in Lower Lusatia. There are also Witaj groups providing after-school day care.

20810 We agree that it is a problem that no Lower Sorbian groups are established if demand is low. However, we object to the conclusion that the creation of Lower Sorbian day-care centres is impeded by an unclear funding procedure. The funding procedure is quite clear, and the *Land* government is making considerable efforts to provide experts, centres, parents and the interested public with full and up-to-date

information about the legal and factual basis of day care in Brandenburg. The brochure *Unternehmen Kindertagesstätte* (the day-care centre undertaking) and a day-care centre specifically funded to provide consultation inform about the foundation, operation and funding of day-care centres. In addition, there are several Internet forums where specific questions are answered at short notice. Regarding No. 20807 Brandenburg notes that educators not pre-school teachers perform the tasks of day-care experts. Therefore, there can be no lack of pre-school teachers. The *Land* government is not aware of a general lack of educators going beyond local shortages. The lack of Sorbian education within the professional training courses should be viewed against the following background: Training in social pedagogy covers all areas of this discipline (i.e. day care, parenting support, youth work, work with children and youths outside child and youth welfare services). However, professional training institutions are free to teach aspects of the Lower Sorbian culture. For the *Land* government, teaching regional, social and cultural particularities of the relevant region is an important part of professional training. In research, this is called the “contextual approach” (*Situationsansatz*), which is an important standard in education. In addition to their compulsory classes, trainees interested in the Sorbian (Wendish) language may attend optional Sorbian (Wendish) classes. Since close interaction between practical and school training at suited training places is required, practical training should be provided at all Witaj centres (1,200 hours of guided practical training in social pedagogy). Focusing on practical training and a targeted search for suited experts create a solid basis for employing experts in certain regions.

Art. 8(1)(b) - Primary Education -

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

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

20811 In No. 189 of the third evaluation report the Committee of Experts refers to No. 2008 of the Third State Report stating that it was decided not to amend the provision of Section 3(2) of the *Sorben(Wenden)-Gesetz* which stipulates that the traditional settlement area includes only municipalities with a tradition of Sorbian language and culture instead of Sorbian language or culture. However, in No. 197 of its third evaluation report the Committee also states that according to information received from representatives of the Lower Sorbian-speakers, Sorbian education is also offered in schools that lie outside the traditional settlement area, if there is a demand.

20812 In Nos. 198 – 200 of the third evaluation report, the Committee addresses the following issues reported by the representatives of the Lower Sorbian speakers:

- in some cases, Lower Sorbian is only offered from third class onwards,
- there is a shortage of teachers able to teach in Lower Sorbian,
- the introduction of new subjects such as English from third class onwards has led to a shift of Lower Sorbian classes to outside core school hours ("*Randstunden*"), which has also led to a problem with school transport,
- the representatives noted a deterioration in the knowledge of Lower Sorbian among the pupils.

20813 Given these problems, the Committee asked whether efforts were taken to ensure that Lower Sorbian is taught as an integral part of the curriculum throughout primary education in all areas where there is a sufficient demand. Brandenburg commented as follows:

20814 Instruction in the Sorbian (Wendish) language is based on the curriculum. Thus, the Sorbian (Wendish) language may be taught from the first grade. According to feedback from schools on the number of pupils, there are no classes where the language is offered from the third or fourth grade onwards. The State Education Office in Cottbus has employed a new teacher for Sorbian (Wendish) since the 2009/2010 school year. There is no shortage of teachers for the planned classes. All teachers work part-time so that working hours can be extended at any time. Not all pupils of one grade attend the Sorbian (Wendish) language classes. If the classes are offered in the morning, there must also be offerings for the other pupils. This would cause costs and idle learning time. Alternative instruction cannot be offered because pupils of the Sorbian (Wendish) classes would be excluded. Therefore, the introduction of English classes has not caused a shift to outside core school hours. Instruction has been provided in the afternoon hours for the organizational reasons mentioned above already long before English classes were introduced in the third

grade. Problems with transport occur will all kinds of afternoon classes, e.g. all-day schools, activity groups and religious instruction. Statements about deteriorating language skills are not based on research and are therefore not reliable. In the framework of the Witaj project mentioned in No. 20809 six primary schools offer bilingual specialized Sorbian (Wendish) language instruction to 232 pupils in addition to classes for Sorbian (Wendish) as a second language. According to the results of VERA 3 (centralized survey on the knowledge of pupils in the third grade) pupils in Witaj classes achieve better results in German and Mathematics as well as in Sorbian (Wendish). Since a significant number of pupils are learning the Sorbian (Wendish) language in the framework of the Witaj project, a positive conclusion can be drawn. All pupils wishing to participate in Sorbian (Wendish) language instruction will be offered such classes, and new participants are actively sought at schools where such instruction is already available. Moreover, we are actively looking for further schools offering such instruction.

20815 In Nos. 115 – 120 of the third evaluation report the Committee of Experts addressed the following concerns of representatives of the Upper Sorbian language group against the background that there are currently six Upper Sorbian primary schools and four schools where Upper Sorbian is taught following the new bilingual teaching model “2 plus”:

20816 The Committee of Experts expresses its concern that outside the core areas the teaching of Sorbian could vary considerably in terms of quality and quantity. Reply of the Free State of Saxony:

The schools provide Sorbian language instruction on the basis of different curricula and approved subject hours. This includes “2 plus” instruction and instruction of Sorbian as a foreign language. These options differ in the number of subject hours per week and the subjects taught. The approved subject hours for primary schools providing instruction in Sorbian as a first or second language, i.e. according to the “2 plus” concept, include a language block (first and second grade 11 hours per week, third grade 13 hours and fourth grade 14 hours per week). In addition to Sorbian and German, this block also includes elementary science. However, schools are encouraged to provide bilingual instruction also in other subjects. These schools are characterized by a balanced bilingualism. Moreover, they seek to teach pupils the Sorbian language at a high level. At schools providing classes for Sorbian as a foreign language, Sorbian is taught one (first grade) or three (second to fourth grade) hours per week. Sorbian is taught only during the Sorbian classes. All other subjects are taught in German.

20817 In connection with the European Union “2 plus” model the Committee of Experts expressed its concern that the introduction of the new model would harm the language competence of mother tongue pupils. Although the advantage of the new model is the possibility to introduce a Sorbian stream into mainstream schools, the maximum of five hours taught in Sorbian was too low to fulfil the undertaking. No figures were provided as to the minimum number of pupils required to set up a Sorbian class, and no examples were given for case by case decisions. Comment by Saxony:

Important language-learning skills are acquired by learning Sorbian early. In the name “2 plus” the number two stands for the two languages Sorbian and German and “plus” for additional languages such as English from the third grade onwards, Czech, and Polish taught in activity groups. The concerns are unjustified. The Saxon State Ministry for Culture scientifically evaluated the “2 plus” strategy. The evaluation was conducted by Hamburg University. The evaluation period covered six years. A total of 13 project schools were evaluated (seven primary schools, five intermediate secondary schools and one grammar school). Already the first research results for primary schools unmistakably prove that concerns are not justified. The mentioned “maximum of five hours per week” is not included in any curriculum in Saxony. The culture administration still considers it an advantage to refrain from a minimum number of pupils to create a class because this facilitates flexible decisions. For example, very small groups were created at the primary schools in Hochkirch and Baruth.

20818 The Committee of Experts was also concerned that replacing Sorbian-medium education with a variety of the “2 plus” model further weakens the provision of education in Upper Sorbian.

20819 Therefore, the Committee of Experts repeated its opinion expressed in the second evaluation report that the undertaking is only partly fulfilled and asked whether measures were taken to remedy the supposed shortage of Upper Sorbian offerings at primary schools.

20820 Comment by Saxony:

The Saxon culture administration does not see a shortage in Sorbian-language offerings at primary schools. On the contrary, the “2 plus” strategy has created more offerings which are actively used. Moreover, since 2006 there has been an increase in quality and quantity through the introduction of full-day offerings in the Sorbian language and on Sorbian issues. This includes in particular cultural activities such as choirs and dance groups as well as numerous theatre groups at schools. In recent

years, primary schools presented important achievements at school festivals or in theatre workshops. A welcome development is the growing Sorbian-language proficiency of children with a German background.

20821 At schools providing classes for Sorbian as a foreign language, Sorbian is taught one (first grade) or three (second to fourth grade) hours per week. Sorbian is taught only during the Sorbian classes. All other subjects are taught in German.

Art. 8(1)(c) - Secondary Education -

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

20823 Brandenburg and the Free State of Saxony have accepted the obligation under sub-paragraph (c) (iv).

20824 In No. 201 of its third evaluation report the Committee of Experts refers to its concerns expressed in the second evaluation report that demand for Lower Sorbian language instruction at secondary schools was not sufficiently taken into account by schools in Brandenburg due to the exclusion of territories where Lower Sorbian is spoken but which lie outside the traditional linguistic and cultural Lower Sorbian settlement area as defined by law. However, in No. 202 it acknowledges that there is an increasing demand for Lower Sorbian education in lower secondary schools as a consequence of the success of the Witaj schools.

20825 In Nos. 203 and 204 of its third evaluation report the Committee expresses its concerns that non-Sorbian speaking teachers are employed at the Lower Sorbian schools without providing them with appropriate advanced training to acquire the necessary skills.

20826 In No. 205 the Committee of Experts states that it considers this undertaking still only partly fulfilled and asked whether the *Land* followed its recommendation and

took immediate efforts to ensure that Lower Sorbian is taught as an integral part of the curriculum throughout secondary education in all areas where there is a sufficient demand.

20827 Comment by Brandenburg:

Sorbian (Wendish) instruction is provided at the following secondary schools:

- a) Oberschule Burg (this school has the status of an *Oberschule* because since the 2009/2010 school year it has no longer provided the upper secondary level)
- b) Lower Sorbian grammar school in Cottbus

The Oberschule Burg offers Sorbian (Wendish) in grades 7 to 10 and in grade 13:

- grades 7 and 8 – four hours each
- grades 9 and 10 – three hours each (required optional subject as second foreign language)
- grade 13 – basic course of three hours.

Instruction is given by two trained Sorbian teachers.

Situation at the Lower Sorbian grammar school:

School year	Teachers	Teachers with Sorbian training
2006/2007	60	23
2007/2008	66	23 (one teacher on maternity leave)
2008/2009	67	23 (one teacher deployed in another school)
2009/2010	66	23 (two teachers on maternity leave)

About a quarter of teachers at the Lower Sorbian grammar school have no command of the Sorbian (Wendish) language. In the 2009/2010 school year one guest teacher (without training: Sorbian-Latin) taught at the Lower Sorbian grammar school.

The following intensive advanced training courses for bilingual teaching and learning were offered and attended by secondary school teachers:

Course	Number of teachers	Subject
1. Course 2001-2003	4	Physical education
2. Course 2003-2005	2	History / Lifestyle-Ethics-Religion
3. Course 2005-2007	3	History / Lifestyle-Ethics-Religion
4. Course 2007-2009	6	2 × Music / Physical education 3 × Mathematics

In the 2009/2010 school year, the Lower Sorbian grammar school was granted four hours for advanced teacher training in Sorbian (Wendish). In the school years 2009/2010 and 2010/2011 four teachers (three from the Lower Sorbian grammar school and one from the Paul-Werner-Oberschule in Cottbus) will attend the Sorbian/Wendish course of study at Leipzig University; if they pass the course they will also be entitled to teach Sorbian (Wendish). The State Education Office in Cottbus released these teachers from five teaching hours per week (one course of study). The teachers prepared for the course in an introductory course in the 2008/2009 school year. In the Cottbus school district, existing demand for secondary schools is met.

As a rule, teachers without training in Sorbian do not provide Sorbian classes at secondary schools. Bilingual instruction in other subjects is provided by teachers who passed a two-year intensive advanced training on bilingual teaching and learning with Sorbian (Wendish) as a working language.

20828

20829 In its second evaluation report the Committee of Experts expressed its concerns regarding the closing of the intermediate school in Crostwitz so that the Committee of Ministers recommended to “ensure that the current schools rationalization programme in Saxony does not jeopardize the provision of education in Upper Sorbian”. In No. 2014 of the Third State Report Germany informed the Committee of the closure of the intermediate school in Panschwitz-Kuckau so that now four Sorbian intermediate schools (Räckelwitz, Ralbitz, Radibor, Bautzen), two intermediate schools offering Sorbian in line with the “2 plus” model and one Sorbian grammar school remain. Nevertheless, in No. 126 of its third evaluation report the Committee of Experts still considers the undertaking partly fulfilled.

20830 The reasons were stated in Nos. 122, 124 and 125 of the third evaluation report:

- examples of cases where authorities were handling the issue of a minimum number to set up a class in intermediate schools (*Mittelschulen*) with a certain degree of flexibility,
- the general demographic and budgetary situation which required the closure of intermediate schools so that pupils from neighbouring municipalities had to be transferred to the Sorbian school in Radibor, and
- the information provided by Saxon authorities that there would be no further closures of intermediate schools taking into account the predictable demographic development.

20831 Moreover, the Committee of Experts recognized that as a way of reconciling the trend of school closures, Saxony has introduced Sorbian streams into mainstream schools using the bilingual teaching model “2 plus”, but still sees some serious problems such as the relatively low number of five hours devoted to Sorbian and its possible harm to the language competence of mother tongue pupils.

20832 Saxony’s reply to the question whether measures were taken to improve secondary school education in Upper Sorbian:

20833 A global strategy for language education was developed in the course of reforming curricula. The uniform curricula are based on this strategy. In addition to the new curricula for Sorbian at primary schools, intermediate secondary schools and general grammar schools, framework requirements for optional Sorbian courses at intermediate and grammar schools were developed. Learning Sorbian thus provides access to the Slavonic language area and raises awareness of the Sorbian minority. The number of hours mentioned in No. 20831 refers only to Sorbian language instruction and requires further explanation:

Special subject hours apply to schools in the German-Sorbian settlement area. They are published in the administrative regulation of 17 July 2004 of the Saxon State Ministry for Culture on curricula and subject hours at primary schools, remedial schools, intermediate secondary schools, grammar schools (secondary level I), evening grammar schools (*Abendgymnasium*) and colleges (secondary level I) as well as schools for general education in the Sorbian settlement area in Saxony (*VwV Studentafeln*). The approved subject hours indicate the total number of hours per week in a certain grade for the subjects of German and Sorbian, and they give recommendations as to how the hours should be divided between both subjects. In consultation with the Saxon Education Agency (*Sächsische Bildungsagentur*), individual schools may determine a different number of hours devoted to German

and Sorbian. However, the required minimum number of German classes to achieve a secondary technical school degree (*Realschulabschluss*) must be provided. In addition, at the schools mentioned above at least three specialized subjects are taught in Sorbian. As a rule, this includes history, arts, music, biology, geography, physical education, religion and civics. The individual schools determine the number of subjects in consultation with the Saxon Education Agency taking into account the minimum number and specific local conditions and needs. Therefore, there are much more than five hours of instruction in Sorbian. Hence, the concern expressed in No. 20831 is unjustified.

A comprehensive set of teaching and learning material was developed during the reporting period. Based on the new Saxon curricula, readers were elaborated and published for grades 2 to 4 at primary schools and grades 5 to 8 at intermediate and grammar schools. The books were mainly compiled by teachers who are actively involved in school service. The books were published by the Witaj Language Centre. Text books for other subjects taught in Sorbian were published as licensed editions of German text books. They are translated also by active or retired teachers. They are published by the Witaj Language Centre. Examples include text books on geography for grades 5 to 7 and on history for grades 5 to 9 at intermediate and grammar schools.

There is also other material. For primary schools, for example, there are also games, game cards and worksheets. Worksheets were also provided on CD-ROM for the lower secondary level, for example for history, music and biology. They were created by active teachers which were credited teaching hours by the Saxon Education Agency. If this is not possible, the Saxon Education Agency may pay a fee. The additional material is published by the Saxon Education Agency.

Hence, the “2 plus” strategy did not reduce but enhance Sorbian language offerings. Moreover, since 2006 there has been an increase in quality and quantity through the introduction of full-day offerings in the Sorbian language and on Sorbian issues. For example, the Sorbian intermediate school in Ralbitz provides all-day offerings in Sorbian and classes on Sorbian issues. This includes the school theatre, the course on local heritage and a beekeeper course. In particular the last course is intended to convey terms which are very rarely used in the Sorbian language. At the Sorbian intermediate school in Radibor, all pupils with Sorbian as their mother tongue meet in groups at certain times. For example, lunch breaks, free-time activities and homework are carried out in a Sorbian language environment. In addition, there are classes on Sorbian issues such as a course on decorating Easter eggs using

traditional techniques. Similar examples could be provided for the Sorbian intermediate schools in Bautzen, Räckelwitz and Schleife.

Art. 8(1)(d) - Technical and Vocational Education -

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

In No. 131 of its third evaluation report, the Committee of Experts considers the undertaking fulfilled taking into account the following measures taken by Saxony:

20835 In No. 128 of its third evaluation report it stated that the special Sorbian course at the technical school for social welfare in Bautzen was extended by two to three hours of Sorbian classes and that attempts to introduce a similar offer in other areas of vocational training failed due to a lack of applicants.

20836 In No. 129 the Committee refers to a field of activity mentioned in No. 2015 of the Third State Report, namely that since 2005 Saxon authorities have been cooperating with the Sorbian umbrella organization Domowina to provide funds for additional apprenticeships in Sorbian companies, which resulted in Domowina participating in two pilot projects. One of them aimed at providing school graduates with language skills related to their vocational training; the other project is funded by the district concerned and carried out with an association for employment in Hoyerswerda where trainees in the field of tourism follow a one-year Sorbian language programme. Comment by Saxony:

There is no information available on cooperation to provide funds for additional apprenticeships in Sorbian companies. If the Saxon State Ministry for Economics and Labour (SMWA) provided funds for (additional) apprenticeships, these funds were available to all companies in Saxony. The ministry is not aware of the aforementioned pilot projects. It is correct that in January 2006 the ministry informed representatives of Domowina about possibilities to receive funds from the European Social Fund (ESF) for specialized Sorbian language skills during vocational training

and offered further support. Since then Domowina has not contacted the responsible division at the ministry. According to the *Sächsische Aufbaubank* (SAB) no funds were provided within the remit of the responsible division.

20837 Reply by Saxony regarding the question of the Committee of Experts whether the proactive measures have been continued, i.e. identifying other areas where vocational training in Upper Sorbian might be offered:

Vocational training, including the structure of individual apprenticeships, lies within the sole responsibility of the Federal Government. At the moment, no training regulation provides for vocational training in (Upper) Sorbian, and also the final exams are taken in German. With a view to the responsibilities for vocational training regulations and Section 23 of the Federal Administrative Act, identifying other areas or professions where vocational training could be offered in Upper Sorbian is problematic. The Federal Government is responsible for identifying possible areas or professions and creating the legal framework. The Saxon State Ministry for Culture (SMK) would be responsible for providing vocational training in (Upper) Sorbian. The ministry comments on this issue as follows:

Since 1991 Sorbian has been taught at the Sorbian technical school for social welfare (*Sorbische Fachschule für Sozialpädagogik*) at the vocational training centre in Bautzen (*Berufliches Schulzentrum, BSZ*) so that instruction in day-care centres can be provided in Sorbian. Employers complain that there is an insufficient number of graduates with a sufficient command of the Sorbian language. However, Sorbian as a native language is an integral part of the curriculum. All students at the technical school must attend the Sorbian class (compulsory class!).

Taking into account individual skills, the following proficiency levels are to be achieved:

Level A: Spoken and written command of the Sorbian language

Level C: Basic vocabulary, overview of tradition and customs

In addition, the school offers two hours of optional Sorbian classes per week (proficiency level A) to enhance Sorbian language skills. However, the biggest problem is not the native language training but the lack of qualified applicants as illustrated by the following example: During the last three years, each year 200 persons have applied for a full-time class (28 places) but only three or four were proficient in Sorbian. Only 12.5% of some 80 full-time students seeking to become state-approved child-care teachers are Sorbian native speakers or attended Sorbian classes at the intermediate secondary school.

To rapidly meet the increasing demand at day-care centres, the Sorbian technical school offers on-the-job training in Sorbian. Again, the problem is not to be found in

schooling. On-the-job training started during the 2008/2009 school year with one class (28 places). There were 60 applicants of which six to eight were proficient in Sorbian. The school tries to attract more Sorbian-speaking applicants. For examples, students (proficiency level A) and teachers talk about the profession of child-care teacher at intermediate secondary schools. Information on the profession is provided in the Sorbian and German media.

20838

Art. 8(1)(e) – University and Other Higher Education -

i) to make available university and other higher education in regional or minority languages; or

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

20839 The Committee of Experts did again not comment on this undertaking because it did not pose any problems in Saxony. Information about Sorbian studies at Leipzig University and at the Sorbian Institute (*Sorbisches Institut*) are provided in Nos. 390 to 393 of the Second State Report and No. 2016 of the Third State Report. Update: Leipzig University introduced new courses of study (Bachelor and Master) in the winter semester 2006/2007. Hence, students can enrol for the following courses at the Institute for Sorbian Language and Culture:

Sorbian language and culture (Bachelor of Arts)	- since winter term 2006/07
Sorbian language and culture (Master of Arts)	- since winter term 2009/10
Sorbian teacher training (Bachelor of Arts)	- since winter term 2006/07
Sorbian teacher training (Master of Education) (for primary, intermediate secondary, remedial and grammar schools)	- since winter term 2009/10
Lower Sorbian (advanced training: Master of Arts)	- since winter term 2009/10

The master course in Lower Sorbian is based on an agreement with Brandenburg and is intended as an advanced training course for teachers in Brandenburg.

20840

Article 8(1)(e)(iii)

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

20841 In No. 210 of its third evaluation report, the Committee of Experts considers the undertaking fulfilled taking into account the following activities taken by Brandenburg:

20842 In No. 207 of its third evaluation report, the Committee notes that there are at least two university professors specialized in Lower Sorbian and courses on Lower Sorbian are offered.

20843 In No. 209 of its third evaluation report, the Committee of Experts states that students who wish to take Sorbian studies, are exempted from the passing level required for the other subject or subjects they intend to study from the winter semester 2008/2009 onwards. Correction by Saxony: This statement is not correct because the Saxon Act on University Admission (*Sächsisches Hochschulzulassungsgesetz, SächsHZG*) does not provide for a complete exemption of these students from the passing level. The act stipulates: "When deciding on applications for teacher training and one of the chosen subjects is Sorbian, the proof of advanced Sorbian language skills shall be appropriately taken into account" (Section 6(2) SächsHZG).

20844 Brandenburg provides the following update of the information in No. 2017 of the Third State Report regarding Lower Sorbian university courses:

The information of the Third State Report that due to low demand Sorbian is no longer offered by Brandenburg universities and that Brandenburg provides funding for a Sorbian course of study at Leipzig University to ensure that qualified teachers are trained also for Lower Lusatia still apply. A new Sorbian (Wendish) master course started at Leipzig University in the 2009/2010 winter term. The course provides on-the-job training for teachers who may earn a degree in Sorbian. At the moment, six teachers are enrolled for the course. The training is partly provided in Cottbus.

20845

Article 8(1)(f)(iii) - Adult Education -

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

20846 The Committee of Experts did again not comment on this undertaking because it did not pose any problems in Saxony and Brandenburg.

20847 Therefore, when requesting the present State Report the Committee of Experts asked whether the proactive measures have been continued, i.e. identifying other areas where vocational training in Upper Sorbian might be offered.

The statements in No. 2018 of the Third State Report are updated as follows: The adult education centres in Bautzen/Kamenz, Löbau/Zittau and Hoyerswerda offer Upper Sorbian language courses (basic and advanced) in the framework of general further training.

Art. 8(1)(g) - Teaching of the History and Culture Education -

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

20848 In No. 211 of its third evaluation report the Committee again considers this undertaking fulfilled and stresses that the amended Brandenburg Teacher Training Act of May 2007 includes a provision stipulating that the history and culture of the Sorbs should be adequately considered during teacher training at university level.

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Article 8(1)(h) - Basic and Further Training of Teachers -

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

1. Brandenburg

20851 In No. 212 et seqq. of its third evaluation report the Committee of Experts stated its opinion regarding compliance with this undertaking by Brandenburg and referred to the recommendation given during the second monitoring cycle to “take action to improve provision and allocate adequate resources for regional or minority language teaching and in particular (...) – remedy the existing shortage of Lower-Sorbian-speaking teachers; (...)” (RecChL(2006)1, Recommendation 2).

20852 In No. 790 of its third evaluation report the Committee states that there is still a shortage of teachers and considers the undertaking only partly fulfilled because flexible interim solutions – as proposed by representatives of the language group – were not implemented and the required structured policy is not adopted. However, it also stated that the following measures show a positive development:

- the agreement to exempt university students of Sorbian from the passing level for complementary courses,
- the support from the Ministry of Education for the Information days for grammar school pupils to attract them to the profession of Sorbian teacher, and
- the provision of training for teachers with little or no Lower Sorbian language skills, as reported by the speakers.

20853 Reply of Brandenburg to the question whether a structured policy to tackle the present shortage of Lower Sorbian teachers at all levels of education has been adopted as repeatedly recommended:

Changing passing level provisions for complementary courses to the Sorbian teacher training at Leipzig University does not lie within the responsibility of Brandenburg. The responsible ministries in Brandenburg consulted the responsible ministries in Saxony and Leipzig University to recommend amendments. This was taken into account during the last amendment of the Saxon Act on University Admission. Both the Ministry for Education, Youth and Sport and the responsible State Education Office in Cottbus supported the information days at the Lower Sorbian grammar school to attract pupils to the profession of Sorbian (Wendish) teacher and are willing to repeat this. In addition to the measures mentioned in No. 20827, further training courses were offered and conducted for teachers without or with only little Sorbian (Wendish) language skills to meet the imminent need. A higher number of further training courses – offered during school days and in addition to the courses of study mentioned in No. 20827 – would affect instruction processes at the Lower Sorbian

grammar school. However, teachers may attend Sorbian (Wendish) language courses at the School for Lower Sorbian language and culture in Cottbus at any time.

20854

2. Free State of Saxony

20855 The amendment of the Saxon Act on University Admission ensures the enrolment of Sorbian applicants for teacher training by changing the provisions on passing levels for complementary subjects of Sorbian language students.

20856 Taking into account that by virtue of the revised Ordinance on Children's Day-Care Centres pre-school teachers must have a mother tongue level command of Sorbian, the Committee of Experts noted in No. 133 of its third evaluation report that three to four native Sorbian-speakers received qualified vocational training as pre-school teachers.

20857 In No. 134 it confirms the information that Bachelor and Masters degree courses were introduced at Leipzig University and at the Institute for Sorbian Language and Culture in 2006/2007 and that every year about four to six school graduates enter Sorbian studies. Saxony would like to add that Leipzig University and thus the Institute for Sorbian Language and Culture introduced bachelor and master courses in the 2006/07 academic year. Bachelor courses started in the 2006/07 winter term. However, the first students will enrol for master courses only in the 2009/10 winter term, also at the Institute for Sorbian Language and Culture. Saxony confirms the statement that four to six students enrol each year.

20858 In No. 135 of the third evaluation report the Committee stresses that a decree of the Ministry of Education guarantees students of Sorbian a teaching position after graduation and that pupils are informed about this on special information days during the final two years of grammar school. Additional information provided by the Free State of Saxony:

The recruitment agreement stipulates that the recruitment of teachers for schools in the Free State of Saxony can be guaranteed if the graduates of the grammar school speak Sorbian as their mother tongue and have successfully completed teacher training in a combination of subjects required by the regional school office in Bautzen.

20859 Concerned about the fact that there were still non Sorbian-speaking teachers at Sorbian schools, in Nos. 136 and 137 of the third evaluation report the Committee states that a regional school authority in Bautzen offers a two-year specialized advanced training course in Upper Sorbian for teachers in cooperation with Leipzig University. Additional information provided by Saxony:

The two-year on-the-job training was offered in cooperation with Leipzig University in the 2006/07 and 2007/08 school years. The advanced training course is and will be offered by the Bautzen Regional Office of the Saxon Education Agency. Depending on their skills, interested teachers may choose between a basic and an advanced course. The courses have the following aims and contents:

1. *Basic course*

Aims:

Participants enhance their oral and written communication skills.

They gain more detailed knowledge about the history, culture, and literature and acquire methodological knowledge on how to approach bilingual instruction.

Participants practice advanced communication situations.

Contents:

- oral and written communication in everyday life,
- specialized Sorbian terminology,
- methodological ideas on how to approach bilingual instruction,
- developing components of bilingual instruction.

2. *Advanced course*

Aims:

Participants enhance their oral and written language proficiency.

They improve their ability to reflect on language.

They enhance their vocabulary.

They develop competences for bilingual instruction.

Contents:

- oral communication on school and everyday issues,
- written communication on school issues,
- language learning strategies.

20860 In No. 138 of the third evaluation report the Committee stated that it considers the undertaking fulfilled as regards Upper Sorbian.

20861

Art. 8(1)(i) - Supervisory Bodies -

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

20862 The Committee of Experts stated in No. 796 of its third evaluation report that neither Brandenburg nor Saxony had implemented Recommendation no. 4 of the Committee of Ministers to “ensure that an effective monitoring mechanism exists in the field of education for all regional or minority languages covered under Part III” and that therefore none had fulfilled this undertaking.

20863 A comment on this issue can be found in the general remarks in No. 00802.

20864 In No. 218 of its third evaluation report, the Committee of Experts refers to statements made in the Third State Report, namely that the Ministry of Education as well as the regional supervisory school authority continue to carry out supervisory functions and that they have reported extensively to parliamentary interpellations but that these parliamentary interpellations only seem to target certain aspects of education, such as the teaching of or research into the history and culture of the Sorbs. Since the undertaking goes beyond merely reporting, the Committee of Experts considers it not fulfilled. In this context, Brandenburg states that this does not change its opinion expressed in No. 00802 et seqq.

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20866 Regarding the Committee of Experts’ statement in No. 140 of its third evaluation report that a report is presented by the Saxon Government to the Saxon Parliament at least once every legislative period, disagreeing with the view taken by the Committee of Experts, Saxony states that given the opinion expressed in No. 00802 et seqq. this can unfortunately not be avoided.

20867

Article 8(2)

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

20868 Like in No. 2023 of the Third State Report we should like to point out that this undertaking would already be fulfilled by avoiding bans so that no further action is required.

20869 Comment by Saxony on No. 146 of the third evaluation report requesting that speakers should be made aware of the possibility of Sorbian instruction outside the traditional settlement area against the background of the statements made in No. 145 of the report (insufficient demand for setting up a class in Dresden) and the question whether information measures were taken:

We did not actively inform speakers about the possibility to receive Sorbian instruction outside the Sorbian settlement area. Given the low number of pupils in the core settlement area, we do not expect relevant demand outside this area. Moreover, the Saxon Education Agency and the Saxon State Ministry for Culture and Sport did not receive any requests to provide Sorbian instruction outside the Sorbian settlement area. Apparently, serious and promising efforts are being made to establish a Sorbian language day-care centre group in Dresden. Pupils whose parents live outside the Sorbian settlement area and who wish to attend a Sorbian school may attend the Sorbian boarding school at the Sorbian school and community centre (*Sorbisches Schul- und Begegnungszentrum*) in Bautzen.

Article 9

Judicial Authorities

Paragraph 1

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

Art. 9(1)(a) - Criminal Proceedings -

in criminal proceedings:

ii) to guarantee the accused the right to use his/her regional or minority language; and/or

iii) to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language;

20901 No. 2024 of the Third State Report referred to Nos. 425 to 427 of the Second State Report regarding language use and pointed out that German authorities, contrary to the Committee's opinion, still insist that establishing a legal framework was sufficient to fulfil the above undertaking.

20902 In Nos. 148 and 225 of its third evaluation report the Committee of Experts acknowledges the measures taken by the authorities, namely the Saxon Law Guide brochure published by the Saxon State Ministry of Justice which expressly mentions the possibility of using the Sorbian language in court proceedings in line with Section 9 of the Saxon Sorbs Act. Due to the absence of any practical implementation, the Committee of Experts considers that the undertakings remain only formally fulfilled.

20903 Comments on the Committee's question whether the use of Lower Sorbian in criminal proceedings has been implemented in practice:

1. Free State of Saxony

20904 In criminal proceedings accused persons have the right to use their own language. If necessary, law enforcement authorities and courts call an interpreter. Courts would also provide an official translation of the written charge, if required.

However, no accused has ever asked for a translation into Sorbian. If a witness or another person involved in the proceedings wishes to speak Sorbian, the court would also call an interpreter.

2. Brandenburg

20905 The conditions for using Lower Sorbian during court proceedings have been explained in detail in previous reports. Courts were asked whether they encountered any problems with requests to use Lower Sorbian. The survey showed that there were no requests to use Lower Sorbian in the reporting period.

Article 9(1)(b) - Civil Proceedings -

in civil proceedings:

ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

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

20906 The obligations under sub-paragraph (b) (ii) and (iii) have been accepted by the Free State of Saxony; also, the obligation under (iii) has been adopted by Brandenburg. As already stated in No. 2026 of the Third State Report this undertaking would already be and is fulfilled by allowing minority language use. New information is not available.

20907

20908

Article 9(1)(c) - Proceedings before Courts concerning Administrative Matters -

in proceedings before courts concerning administrative matters:

ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

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

Art. 9(1)(d) - Expense -

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

20909 The obligations under sub-paragraph (c)(ii) and (iii) and under sub-paragraph (d) have been expressly accepted by the Free State of Saxony; also, the obligation under sub-paragraph (c) (iii) has been adopted by Brandenburg.

20910 For more information see No. 430 of the Second State Report which explains that the use of Sorbian in administrative proceedings is ensured in particular by the principle of *ex officio* investigations.

20911 The question of whether the brochure published by the Saxon State Ministry of Justice fulfils the undertaking (see No. 148 of the third evaluation report) requiring that the use Upper Sorbian is allowed in communicating with judicial authorities is addressed in No. 20902 of the present report.

20912 - 20921

20922 Comment by Saxony and Brandenburg on No. 150 of the third evaluation report urging the German authorities to take the necessary measures to ensure that the possibility to use Upper Sorbian in court proceedings is guaranteed in practice:

1. Free State of Saxony

20923 In recent years, almost no use was made of the possibility to speak Sorbian in court. There were only four cases, in particular under family law, where a participant chose to speak Sorbian in an ordinary or administrative court. Some local courts in the Sorbian settlement area have Sorbian-speaking staff. However, this has no impact on the actual use of the Sorbian language.

2. Brandenburg

20924 The President of the Brandenburg Higher Regional Court reported that in Brandenburg, including the entire traditional settlement area of the Sorbian people and subordinate courts such as the Cottbus Regional Courts and its subordinate

local courts, there was only one family case where participants asked to use Lower Sorbian.

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

Paragraph 2

The Parties undertake:

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

20925 The Committee of Experts did not comment on this undertaking because it did not pose any problems in Brandenburg and Saxony. There is no new information.

Article 10

Administrative authorities and public services

Paragraph 1

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

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

iv) to ensure that users of regional or minority languages may submit oral or written applications in these languages;”

or

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

21001 The obligations under sub-paragraphs (iv) and (v) have been accepted for administrative districts in the Sorbian language areas in Saxony and Brandenburg.

21002 The Committee of Experts refers to the opinion stated in the Third State Report that no practical measures need to be taken as long as there is the right to file applications with Brandenburg authorities in Sorbian (see No. 227 of the third evaluation report).

21003 In No. 228 of its third evaluation report the Committee of Experts points out, as in its last report, that the undertaking goes beyond merely removing legal restrictions to the use of Sorbian, but requires the creation of conditions so that it becomes practically possible to use the language and the need to make the speakers aware of this possibility.

21004 In this context, the Committees statement in No. 798 of its third evaluation report applies with reference to Recommendation no. 5 of the Committee of Ministers to “take action to establish a structured policy for making it practically possible to use regional or minority languages in dealings with the administration”. The Committee argued that a structured policy complying with the standard set (and required) by the Committee of Ministers has still not been adopted. The Committee stated that there was a “general lack of relevant organizational measures, such as a human resources policy taking account of civil servants’ skills in regional or minority languages,

facilities and incentives for them to improve these skills, or an adequate framework for and resources allocated to translation and interpretation". According to the Committee, the possibility to use regional or minority languages in dealings with judicial and administrative authorities in practice remains marginal, if not non-existent, especially with respect to written communication.

21005 According to No. 230 of the third evaluation report one way towards ensuring the possibility to submit oral and written applications in practice is to give preference to job applicants with a knowledge of Lower Sorbian/ or to state this as an asset or a requirement in the job announcement. According to representatives of the speakers, this has so far only happened very occasionally and there is a need to make it part of the job requirement in the job description.

21006 However, the Committee also noted that the Brandenburg Minister of the Interior has given instructions to review the demand for further training in Sorbian language skills for employees.

21007 In No. 231 the Committee of Experts welcomes this initiative but still considers that the undertaking remains only formally fulfilled.

21008 The Committee asked whether the German authorities took the necessary steps to ensure that the possibility to submit oral and written applications in Lower Sorbian is guaranteed in practice.

21009 Comment by Brandenburg:

Brandenburg does not share the Committee's view expressed in Recommendation No. 5 of the Committee of Ministers. It reiterates that structural measures, for example to allow applications to be submitted to administrative authorities in regional or minority languages, make sense only on the basis of identifiable need. For this reason the Brandenburg Minister of the Interior has given instructions to review the demand for further training in Sorbian language skills for employees. In this context, the following information is provided: Section 4 of the Brandenburg Administrative Procedure Act (VwVfGBbg; see annex) applies regarding the obligation to ensure that users of regional or minority languages may submit oral or written applications in these languages and validly submit a document in these languages. According to this provision, Section 23(2) to (4) of the Federal Administrative Procedure Act applies in the Sorbian settlement area under the condition that Sorbian participants in proceedings are not charged for interpreters and translators. Notwithstanding Section

23(3) of the Federal Administrative Procedure Act, the time limit begins the day an authority in the Sorbian settlement area receives a notice, application or statement of intent in Sorbian. This provision replaces the former version of Section 23(5) of the Brandenburg Administrative Procedure Act.

21010 As regards public administration in Saxony, the Committee of Experts stated in No. 152 of its third evaluation report – referring to the Third State Report – that the Academy of Public Administration and the College for Public Administration in Saxony review the requirements for language training and upon demand would also offer Sorbian language training for public service employees in Saxony.

21011 As regards federal authorities (e.g. the Federal Employment Agency), the Committee of Experts states in No. 153 of its third evaluation report that it is only possible to submit written applications – also in Sorbian – to these bodies.

21012 In the same paragraph, the Committee refers to information provided by Upper Sorbian speakers that an increasing number of state administrative bodies accepted written applications in Sorbian and replies are given in German but there are problems with *Land* administrative bodies physically situated outside the Sorbian language areas, but which nevertheless have responsibilities within those areas.

21013 The Committee of Experts nevertheless considers that the undertaking is fulfilled.

21014 The Committee asked whether *Land* administrative authorities which are physically situated outside the Sorbian language areas but nevertheless have responsibilities within those areas accept oral and written applications in Upper Sorbian. Saxony's reply to this question can be found in No. 21022.

21015

Article 10(2)

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

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

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

21016 The obligations under sub-paragraphs (a) and (b) have been accepted by the Free State of Saxony; also, the obligation under sub-paragraph (b) has been entered into by Brandenburg.

21017 In No. 234 et seqq. of its third evaluation report, the Committee of Experts objects to Brandenburg's view that structural measures must only be taken if there is a specific demand. It reiterates its view that the undertaking goes beyond merely removing legal restrictions to the use of Sorbian, but requires the creation of conditions so that it becomes practically possible to use the language and the need to make the speakers aware of this possibility.

21018 As regards the Committee's statement that the undertaking remains partly fulfilled please refer to No. 21002 et seqq. and as regards the Committee's request for information on necessary initiatives to ensure the use of Lower Sorbian in local and regional authorities to No. 21009.

21019 Brandenburg adds the following comment:

The Federal Ministry of the Interior repeatedly consulted the other ministries and suggested taking into account Sorbian language skills for staffing if this skill might be of use for performing the envisaged job. However, according to Article 33(2) of the Basic Law, which is implemented in Section 12 of the Act on *Land* Civil Servants, every German shall be equally eligible for any public office according to his aptitude, qualifications and professional achievements so that command of the Sorbian language cannot be considered a qualification criterion for employment with public authorities. In addition, the ministries were requested to review, within their respective area of responsibility, the extent to which actual use is being made of this possibility, and the further training demand as regards the Sorbian language. The ministries replied that there was no demand for further training and that no further training measures were provided or carried out. Only the Ministry for Education, Youth and Sport reported that extensive advanced teacher training measures were and are carried out to promote the Sorbian language, e.g. for bilingual instruction with Sorbian as a working language. The division responsible for basic and advanced

training at the Federal Ministry of the Interior stated that it is not aware of any Sorbian training courses or demand for such courses at local education institutes. The same information was supplied by a circular to the local self-administration units specified in Section 3 (2) of the Sorbs/Wends Act (SWG); those local authorities were also asked for information on the extent to which it was ensured that citizens using the Sorbian language could submit oral or written applications in this language or validly submit a document in this language. Local authorities in the Sorbian settlement area reported that on the one hand only a few staff speak Sorbian but that on the other hand applications, request and documents are very rarely submitted in Sorbian. They confirmed that translation of Sorbian documents is ensured.

21020 The Committee of Experts expresses its appreciation of the information provided in the third periodical report (paragraph 2035) that from 2004 to 2005, competitions *Sprachfreundliche Kommune* (language-friendly communities) were carried out in Saxony and Brandenburg under the auspices of the Saxon parliament's president and organized by the Council for Sorbian Affairs. The aim of the competition was to promote the use of the Sorbian languages only in No. 41 of its third evaluation report in connection with the undertaking under Art. 7(1)(d).

21021 Stating that it has not received any further information, the Committee therefore reiterated its view that the undertaking is fulfilled in the core area, and only formally fulfilled in other parts of the Upper Sorbian language area.

21022 Regarding the Committee's request for information on oral and written applications submitted to local and regional authorities in the Upper Sorbian language area outside the core area, Saxony reports that it offers the possibility to submit applications in Sorbian in line with the undertaking but does not solicit for such applications.

Art. 10(2)(g) - Place-names -

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

21023 The Committee of Experts did again not comment on this undertaking because it did not pose any problems in Saxony and Brandenburg.

Article 10(3)

With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:

Art. 10(3)(b) and (c) - Applications in a Regional or Minority Language with regard to Public Services -

Paragraph 3

b) to allow users of regional or minority languages to submit a request and receive a reply in these languages; or

c) to allow users of regional or minority languages to submit a request in these languages.

21024 The obligations under sub-paragraphs (b) and (c) have been accepted by Saxony and Brandenburg.

21025 In No. 239 of its third evaluation report the Committee of Experts states that it must assume that the undertaking is not fulfilled because it did not receive sufficient information.

21026 Regarding the Committee's request to provide information on the possibility of speakers of Lower Sorbian to submit an application in Lower Sorbian and receive a reply in Lower Sorbian, Brandenburg provides the following reply: See No. 21019. Local authorities in the traditional Sorbian settlement area confirmed that the translation of Sorbian documents is ensured.

21027 In No. 158 of its third evaluation report the Committee of Experts states that there are an increasing number of public bodies that accept written applications in Upper Sorbian. However, replies would be given in German.

21028 In No. 159 it states that in the light of this new information, the Committee of Experts considers the undertaking partly fulfilled and encourages the authorities to achieve complete fulfilment by ensuring that replies are given in Upper Sorbian.

21029 The Committee of Experts asked whether steps were taken to ensure that speakers of Upper Sorbian receive replies of public services in Upper Sorbian. Saxony replies that it is not aware of any significant activities in this field.

21030

Article 10(4)

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

Article 10(4)(a) - Translation or Interpretation -

a) translation or interpretation as may be required;

21031 The Committee of Experts did not comment on this undertaking because it did not pose any problems. No new information can be added to No. 2039 of the Third State Report.

Article 10(4)(c) - Appointment of Public Service Employees having a Knowledge of the Minority Language -

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

21032 Stating that according to No. 2040 of the Third State Report the *Land* authorities in Saxony and Brandenburg were not aware of any demand and did not feel the need to take a structured approach to an implementation of this undertaking (No. 241 of the third evaluation report), the Committee of Experts considers the undertaking not fulfilled.

21033 However, the *Länder* reiterate their view that there is no demand for further structural measures because neither the Charter nor any other provisions include such obligation and because there are no implementation or other deficits, in particular there are no reports on Sorbian speaking staff whose application to work in the Sorbian settlement area was rejected. Therefore, according to the *Länder* there is still no sufficient evidence (also not provided by the Committee of Experts) for assuming that the undertaking was not fulfilled.

21034 The Committee of Experts asked whether public service staff with Lower Sorbian language skills have the possibility to work in the area where the language is

used. Saxony and Brandenburg replied that this possibility of course still exists but that there is a difference between having the possibility to do something and doing it. We continue to object to adopting a legal instrument encouraging public service staff to use this possibility. There is no information available on how many Sorbian-speaking public service staff asked for being deployed in the traditional settlement area.

21035

21036

Article 10(5)

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

21037 The Committee of Experts did not comment on this undertaking because it did not pose any problems. Please refer to Nos. 220 to 225 of the Second State Report.

Article 11

Media

Paragraph 1

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

Art. 11(1)(b) (ii) - Broadcasting of Radio Programmes -

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

21101 In its second evaluation report the Committee of Experts considered that this undertaking is not fulfilled in Brandenburg and Saxony because measures were taken only in the field of public broadcasting whereas the undertaking concerns the private sector (see also No. 2042 of the Third State Report).

21102 However, from Nos. 17 and 800 of its third evaluation report we understand that the Committee has reviewed its interpretation leading to a more holistic assessment of the presence of regional or minority languages in the broadcasting media (private and public) which means that the Committee of Experts has found undertakings to be fulfilled where previously it had not because the measures taken did not affect the (public or private) area to which, in the Committee's view, they were supposed to apply.

21103 The Committee of Experts is aware of the particular sensitivities of the German authorities about requiring private broadcasters to include private programming in regional or minority languages, whether by regulation or license condition (No. 164 for Upper Sorbian in Saxony, No. 244 for Lower Sorbian in Brandenburg). Nevertheless, the Committee considers that promoting regional or minority language broadcasting through financial incentives, as is currently carried out, for example, for cultural programmes, would not infringe German law. The Committee of Experts encouraged the German authorities to do so in the case of Upper Sorbian.

21104 No. 01102 et seqq. includes the answer to the Committee's question whether measures were taken to encourage private broadcasters to broadcast Upper Sorbian radio programmes.

21105

21106

21107 In No. 245 and 246 of its third evaluation report the Committee of Experts considers that this undertaking is fulfilled in Brandenburg because there are 6.5 hours of broadcasting per week in Lower Sorbian on the regional public channel RBB.

21108

21109 In No. 165 of its third evaluation report the Committee of Experts considers that this undertaking is fulfilled in Saxony. The Committee notes that there continues to be a good coverage of radio programmes in Upper Sorbian on public channels and adds that the broadcaster MDR 1 Radio Sachsen broadcasts a daily three hour programme, a Sunday programme and a weekly youth programme and that MDR involves young Upper-Sorbian speakers creating their own programme which is also accessible via the Internet.

21110

Article 11(1)(c)(ii) - Broadcasting of Television Programmes -

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

21111 The Committee of Experts reviewed its opinion that the undertaking concerns only private broadcasting in Brandenburg and Saxony.

21112 However, as regards Brandenburg the Committee of Experts states that it is not aware of any television programmes in Lower Sorbian.

21113 In No. 249 of its third evaluation report the Committee also states that it has received no further information on the broadcasting of Lower Sorbian television programmes in the private media in Brandenburg.

21114 Nor did it receive any information about measures taken by the *Land* authorities to encourage and/ or facilitate the broadcasting of public or private television programmes.

21115 The Committee of Experts therefore maintains the conclusion that the undertaking is not fulfilled in Brandenburg.

21116 The Committee's question whether Brandenburg authorities have encouraged and/or facilitate the broadcasting of television programmes in Lower Sorbian on a regular basis is answered in No. 01102 et seqq.

21117

21118 In No. 167 of its third evaluation report regarding private television programmes in Saxony, the Committee of Experts states that it seems that programmes in Upper Sorbian are very sporadically aired on the private television channel Punkteins Oberlausitz TV (Sorbian features produced by the Saxon training channel SAEK).

21119 Therefore, the Committee asked whether authorities encouraged and/or facilitate the broadcasting of television programmes in Upper Sorbian on a regular basis.

21119a The question is answered in No. 01102 et seqq.

21119b In No. 169 of its report the Committee states that there continues to be coverage of television programmes in Upper Sorbian on public channels in Saxony. Therefore, it concludes that the undertaking is partly fulfilled. In this context, the Committee notes that the broadcaster MDR broadcasts a monthly magazine and a weekly children's programme in Upper Sorbian and has improved its programming with regard to Upper Sorbian.

21119c Update: Sorbian-language radio programmes can be received also via live stream on the Internet. Thus, everyone living outside the broadcasting area can listen to Sorbian radio programmes. The TV programme *Wuhladko* is available on the Internet for seven days after the first broadcast. From 1998 to 2009 a Domowina representative was a member of the MDR Broadcasting Board. In line with the

decision of the Saxon parliament of 11 November 2009, no Domowina representative participates in the Board in the new legislative term.

Art. 11(1)(d) - Audio and Audiovisual Works -

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

21120 The Committee of Experts did again not comment on this undertaking because it did not pose any problems in Saxony and Brandenburg. The situation has not changed since the Third State Report (see also No. 2045 of the Third State Report and Nos. 469 to 474 of the Second State Report).

Article 11(1)(e)(i) - Newspaper -

i) to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or

21121 The Committee of Experts did again not comment on this undertaking because it did not pose any problems in Saxony and Brandenburg. The situation has not changed since the Third State Report (see also No. 2046 of the Third State Report and Nos. 475 and 476 of the Second State Report).

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

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

21122 In No. 172 of its third evaluation report, the Committee of Experts contradicts the statements made in No. 2047 of the Third State Report by stating that Saxony does not fulfil the undertaking only because the Saxon training channels (SAEK) are funded mainly by the Saxon Supervisory Authority for Private Broadcasters and the Bautzen branch cooperates with Sorbian schools and institutions and carries out specific projects in Upper Sorbian. The Committee argues that the fulfilment of this undertaking requires financial assistance to audiovisual productions in a broader sense, including for instance mainstream documentary and drama.

21123 Saxony objects to the Committee's broad interpretation of the undertaking.

21124

Art. 11(2) - Freedom of Direct Reception of Broadcasts, and Freedom of Expression

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

21125 The Committee of Experts did again not comment on this undertaking because it did not pose any problems in Saxony and Brandenburg. For further information please refer to No. 2048 of the Third State Report or Nos. 481 and 482 of the Second State Report.

Article 12**Cultural activities and facilities***Paragraph 1*

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

- a) to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*
- b) to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- c) to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- d) to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*
- e) to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*
- f) to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*

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

h) if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.

21201 In previous evaluation reports, the Committee of Experts never noticed any problems with the undertakings under a) to h) in Saxony and Brandenburg. However, in its present report the Committee observes that there is a risk of this undertaking not being fulfilled (No. 174 for Upper Sorbian in Saxony and No. 250 for Lower Sorbian in Brandenburg) because representatives of the Sorbian language group expressed concerns about the insecure situation of the future funding of the Foundation for the Sorbian People and further funding of the Sorbian National Ensemble. According to the authorities, these concerns are unjustified.

21202 The Committee's question whether steps were taken to ensure the level of funding of the foundation and the continuity of the Ensemble, given its particularly significant position in Sorbian culture is answered in No. 00729. On 26 November 2009 the Board of the Foundation for the Sorbian People decided to grant the Ensemble an interest-free, reimbursable loan (to be reimbursed from 1 January 2011) of no more than € 400,000. At the same time, a consolidation strategy was to be prepared by spring 2010. The mid-term consolidation target is an annual allowance of no more than four million euros provided by the foundation and a maximum of 62 staff for the Ensemble.

21202a At the invitation of the Federal Chancellor, the four national minorities actively supported the team of the Federal Ministry of the Interior at the Brandenburg Gate during the public festival marking 60 years of the Basic Law on 23 May 2009. In addition, the national minorities presented themselves to visitors at the Federal Ministry of the Interior on the Federal Government's annual Open Day on 22 and 23 August 2009.

Article 12(2)

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or

minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

21203 The Committee of Experts did not comment on this undertaking because it did not pose any problems.

Article 12(3)

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

21204 In Nos. 252 (Lower Sorbian in Brandenburg and No. 178 (Upper Sorbian in Saxony) the Committee of Experts again considers that this undertaking is not fulfilled.

21205 In No. 177 of its third evaluation report the Committee of Experts states that no relevant information is given in the Third State Report, presumably because it considers that the information does not concern the Upper and Lower Sorbian language, e.g. a Sorbian folk dance group which was granted funding for performances at a festival in Canada by the Goethe Institute during the last monitoring cycle. Apparently, the Committee does also not consider that the Saxony's measures described in No. 2056 of the Third State Report fulfil the undertaking (e.g. support for the Domowina – Bund Lausitzer Sorben e.V. to preserve traditional Sorbian relations to the Wendish Seminar in Prague; support by the Saxon State Ministry for Science and Arts for the cross-border project of the Bautzen Sorbian Museum "*Im Reich der schönen, wilden Natur*"; and support for the 2005 Sorbian Cultural Days in Prague organized by the Foundation for the Sorbian People together with several cooperation partners). According to the Committee of Experts, the undertaking cannot be fulfilled by activities of the *Länder* but only by a foreign policy which takes a structured approach to fulfilling the undertaking.

21206 With regard to the Committee's question as to whether the German authorities made further provision, in pursuing their cultural policy abroad, for the Lower and Upper Sorbian language and the culture it reflects, see No. 01202 ff. above.

Article 13
Economic and Social Life

Paragraph 1

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

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

21301 The Committee of Experts did again not comment on the undertaking under a) because it did not pose any problems in Saxony and Brandenburg.

21302 The Committee did also not comment on the undertaking under c) regarding Lower Sorbian in Brandenburg; as regards Upper Sorbian in Saxony it reiterated that it is not yet able to decide on this issue.

21303 In No. 180 of its third evaluation report the Committee was pleased to note that in August 2006, a federal anti-discrimination act entered into force which prohibits among other things racial discrimination or ethnocentrism, the latter implying discrimination against members of a national minority and in certain circumstances their language. In addition, the Committee of Experts noted that the national minorities are represented by one member in the Advisory Council of the Federal Anti-Discrimination Bureau.

21304 The Committee did not conclude on this undertaking as regards Upper Sorbian because in No. 2059b of the Third State Report Saxony reported that in November 2003 the management of the centres for people with a disability of the St Marienstern monastery in Panschwitz-Kuckau instructed all staff to use German during working hours so that the use of Sorbian was restricted taking into account the special situation of the residents. The prohibition was reviewed by the Saxon State Ministry for Social Affairs (SMS) and the Saxon State Ministry for Science and Arts (SMWK) which was followed by an adaptation of the establishment's regulations on

language use. However, the Saxon authorities state that the issue has not been sufficiently settled. Therefore, the Committee stated that the issue needs to be followed up.

21305 Saxony's reply to the Committee's request for information about measures taken to oppose any practices (unreasonably) discouraging the use of Upper Sorbian in connection with economic or social activities:

In a joint letter of 25 February 2005 to the St Marienstern monastery the SMS and SMWK asked the monastery to amend or annul the service instructions prescribing the use of German in homes for people with a disability. Following another letter of 23 April 2007, the monastery explained that the instructions had already been amended on 8 December 2005 in line with the wording proposed in the ministries' joint letter. The instruction now reads as follows: "Common speech during working hours at facilities for people with a disability of the St Marienstern monastery must not exclude people from direct or indirect communication." The *Land* considers that this satisfies both the people with a disability and the Sorbian-speaking staff in these facilities.

21306

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

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

21307 The Committee of Experts did not comment on this undertaking as regards Upper Sorbian in Saxony because it considered that it was fulfilled already in the second evaluation report.

21308 In No. 254 of the third evaluation report, the Committee of Experts refers to No. 2061 of the Third State Report stating that the *Land* authorities provide some financial support to promote the use of Lower Sorbian at church services. Therefore, the Committee of Experts considers the undertaking partly fulfilled.

21309 The Committee asked for more practical examples how the use of Lower Sorbian is encouraged in other economic or social fields in Brandenburg. Brandenburg replies that at the moment, further examples cannot be provided.

21310

Article 13(2)*Paragraph 2*

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

Art. 13(2)(c) - Social Care Facilities -

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

21311 In No. 185 of its third evaluation report the Committee of Experts revises its previous conclusion and considers the undertaking not fulfilled because in No. 2064 of the Third State Report Brandenburg reported that in the Upper Sorbian region the possibility of receiving and treating in their own language persons using a regional or minority language in hospitals cannot be granted on a permanent basis, that none of the physicians working at the Saxon hospital in Großschweidnitz speaks Sorbian because all Sorbs are bilingual and that Sorbs living in the region do not affect the daily life of the nursing home *Heim für Menschen mit Behinderung "Anna Gertrud"* in Großschweidnitz. Comment by Saxony:

As compared to the last comment of 20 July 2006 the situation in hospitals in the Upper Sorbian region has improved as regards Sorbian-speaking staff.

Number of staff speaking Upper Sorbian in the hospitals concerned:

1. Oberlausitz hospitals in Bautzen and Bischofswerda:
12 staff
2. Hospital in Hoyerswerda:
2 staff (1 physician, 1 nurse)
3. Saxon hospital for psychiatry, psychotherapy and neurology in Großschweidnitz:
2 staff (1 psychologist, 1 social worker)

At the St Johannes hospital in Kamenz and the hospital in Weißwasser the staff's language skills are not recorded individually. It needs to be mentioned that in this region it is difficult to even recruit staff with sufficient German language skills, in particular for medical posts.

21312 In No. 184 of its third evaluation report the Committee of Experts underlined that the current undertaking requires the authorities to ensure that Upper Sorbian is used in these establishments which can only be achieved by a bilingual human resources policy.

21313 The Committee asked whether measures were taken to ensure that social care facilities can receive and treat the persons concerned in Upper Sorbian. Saxony answers as follows:

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

D.2.3 North Frisian in the North Frisian language area in Schleswig-Holstein

Article 8

Education

30801 With regard to Recommendation no. 2 of the Committee of Ministers concerning Article 8 of the Charter (“take action to improve provision and allocate adequate resources for regional or minority language teaching and in particular ... develop and implement the educational model for North Frisian proposed by the North Frisian speakers”) already issued in the second monitoring cycle and with regard to the Committee of Experts’ finding in No. 791 of its third evaluation report that this recommendation has not been implemented, Schleswig-Holstein responds in its general remarks as follows to the undertakings under Article 8 of the Charter listed below:

30802 With its new ordinance on Frisian at schools in the district of Nordfriesland and on the island of Helgoland of October 2008, the Ministry of Education has strengthened the position of Frisian at school. See Nos. 30811, 30815 and 30820.

30802a The reading competition “lees friisk” (Read Frisian) was held in 2009 for the eighth time, under the patronage of the minister for education: Ten schools entered their best young readers of Frisian in the final in Klockries. This competition, which receives funding support from the savings banks, also helps preserve the Frisian language.

Article 8 (1)

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

Article 8(1)(a) - Pre-School Education

- i) *to make available pre-school education in the relevant regional or minority languages; or*
- ii) *to make available a substantial part of pre-school education in the relevant regional or minority languages; or*

iii) to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or

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

30803 In Nos. 258 and 259 of its third evaluation report, the Committee of Experts apparently noted only the following information from Nos. 3001 and 3002 of the Third State Report:

- that the Act on Children's Day-Care Centres amended in 2005 was implemented which "places particular emphasis on the regional or minority languages of Schleswig-Holstein. However, the amended act itself does not seem to contain any reference to regional or minority languages";
- and that "the responsibility for day care centres lies at the municipal level. According to additional information provided by the authorities, the transfer of funding of day-care centres from the *Land* to the local level did not require any specific measures to ensure the teaching of North Frisian".

30804 The Committee apparently did not notice the information that the number of institutions with Frisian-language offerings increased from the 14 reported in the Second State Report to 16 in the Third State Report (see No. 518 in the Second State Report), meaning that at the time of the Third State Report, about 660 children were receiving Frisian-language offerings. This result led Schleswig-Holstein, unlike the Committee, to see the undertaking as fulfilled.

30805 Based on its findings, in No. 260 of its third evaluation report the Committee "regrets that the recommendation of the Committee of Ministers for the adoption of a systematic policy for North Frisian education has not been implemented by the authorities in relation to pre-schools. Such a policy is needed in order to meet the evident demand for pre-school education in North Frisian. The authorities should urgently adopt and implement a systematic policy of support for North Frisian pre-school education, taking account of the fact that an improvement for regional or minority language education requires special measures and additional funding."

30805a In No. 261 of its third evaluation report, the Committee states "that the undertaking is still only partly fulfilled".

30806 In requesting the present report, the Committee of Experts asked whether the German authorities had followed its urging to “make available, systematically and through adequate institutional and financial support, at least a substantial part of pre-school education in North Frisian to those pupils whose families so request.”

30807 Schleswig-Holstein refers to the general information provided in No. 10814.

30808 In addition, it should be pointed out that the Schleswig-Holstein Minister-President’s Commissioner for Minorities wrote an article in the region’s local government magazine drawing attention to the importance of multilingualism at an early age and advocating the use of Frisian in nursery schools.

30808a The Federal Government Commissioner for Culture and the Media adds that he supported projects aiming to provide advanced training for nursery school teachers so that they can teach children Frisian during their language-acquisition phase, almost exclusively in privately funded nursery schools.

In addition, Frisian nursery school teachers and volunteer Frisian language tutors have the opportunity to take part in two weekend courses offering instruction in the Frisian language and in teaching methods.

Article 8 (1) (b) - Primary Education

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

30809 In No. 263 of its third evaluation report, the Committee refers to the information given in No. 3003 ff. of the Third State Report as having been “confine[d] ... to statistical information, according to which there has been a slight decrease in the number of pupils receiving Frisian education since the last monitoring round” (in the 2005/2006 school year, 1,455 pupils at 27 schools were enrolled in Frisian classes taught by a total of 30 teachers).

30810 In Nos. 264 and 265 of its third evaluation report, the Committee states that “[a]ccording to the information received by representatives of the Frisian-speakers, North Frisian is still offered as an additional extra-curricular subject and not within the normal curriculum. Furthermore, it is often only offered in third and fourth class” and was difficult to offer North Frisian alongside English.

30811 In No. 265 of the third evaluation report, the Committee also states that “no steps have been taken to identify the demand and offer North Frisian in a more proactive way”.

In October 2008, the Ministry of Education enacted a new ordinance on Frisian at schools in the district of Nordfriesland and on the island of Helgoland. And the Nordfriesland education authority conducts a survey of demand for Frisian classes early every year. So far, the demand has always been met. Schleswig-Holstein therefore assumes that the concerns of the Committee of Experts have been addressed.

30812 Based on its findings, in No. 266 of its third evaluation report the Committee “regrets that the recommendation of the Committee of Ministers for the adoption of a systematic policy for North Frisian education has not been implemented by the authorities in relation to pre-schools. Such a policy is needed in order to meet the evident demand for primary education in North Frisian. The authorities should urgently adopt and implement a systematic policy of support for North Frisian primary education, taking account of the fact that an improvement for regional or minority language education requires special measures and additional funding.”

30813 In No. 267 of its third evaluation report, the Committee declares that, given the information received in the third monitoring round, it considers the above-mentioned undertaking to be not fulfilled, even though No. 3004 of the Third State Report indicated that in the 2005/2006 school year, 1,455 pupils at 27 schools were receiving Frisian instruction from a total of 30 teachers.

30814 With regard to the Committee’s question whether the German authorities had made North Frisian teaching available at least as an optional subject in the normal curriculum, Schleswig-Holstein responds:

30815 The new ordinance for Frisian at schools in the district of Nordfriesland and on the island of Helgoland went into force on 2 October 2008. The ordinance applies to primary and secondary education. The ordinance requires schools to inform parents that they may request that their child participate in Frisian instruction.

Art. 8 (1) (c) - Secondary education

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

30816 Based on the information contained in Nos. 3005 and 3006 of the Third State Report, in No. 269 of its third evaluation report the Committee states that “apart from two pilot projects carried out on the island of Sylt, the status of North Frisian in the education system has remained unchanged. North Frisian organizations therefore demand a legal basis for North Frisian [in addition to the Frisian Act] as a matter of raising its status in education and ensuring a continuous provision, for example by giving North Frisian the status of a *Wahlpflichtfach* (optional compulsory subject).”

30817 In No. 270 of its third evaluation report, the Committee states that “[t]here is a still lack of Frisian teachers at secondary schools” and in No. 272 considers this undertaking not fulfilled.

30818 However, the Committee does not mention the information in Nos. 3005 and 3006 of the Third State Report indicating that the barrier to additional offerings in North Frisian is not a lack of resources, but rather a lack of demand, and that the above-mentioned projects failed due to this lack of demand; nor does the Committee refer to the fact that the provision mentioned above requires North Frisian to be offered in accordance with demand. Nor does the Committee explain why, in No. 271 of its third evaluation report, it “regards the inclusion of North Frisian in the regular curriculum as a basic precondition for fulfilling this undertaking”.

30819 With regard to the Committee’s question as to which action the authorities have taken to make available North Frisian teaching at least as an optional subject within secondary education, Schleswig-Holstein responds as follows:

30820 Under the new ordinance, Frisian may be offered as an optional subject or as a Frisian-language cultural project in the fifth and sixth classes. Starting in the seventh class, Frisian may be offered in the framework of optional compulsory subjects. At the upper secondary level, Frisian can be chosen as a substitute for a foreign language, if sufficient staff is available.

Art. 8 (1) (d) - Technical and vocational education

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

30821 With regard to the obligations not accepted by Schleswig-Holstein, cf. No. 3007 of the Third State Report and No. 527 of the Second State Report concerning Frisian offered as an optional compulsory subject at the College for Social Pedagogy (*Fachschule für Sozialpädagogik*) in Niebüll.

Art. 8 (1) (e) – University and other higher education

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

30822 Based on the information provided in Nos. 3008 and 3009 of the Third State Report, the Committee of Experts noted in Nos. 274 and 275 of its third evaluation report that “despite the reform of university education, the study of North Frisian as a higher education subject remains at Kiel University within the new system. The study of North Frisian also forms part of the teacher training course at Flensburg university”. The Committee considers this undertaking fulfilled.

30823 Schleswig-Holstein describes the current provision of North Frisian in university and other higher education as follows: The universities of Kiel and Flensburg offer Frisian classes.

The University of Kiel has the North Frisian Dictionary Institute and a chair of Frisian philology.

The North Frisian Dictionary Institute has regular contacts with the Frisian Academy of Leeuwarden, with the Mertens Institute at the Royal Netherlands Academy of Sciences, with the professorial chairs for Frisian in Groningen and the University of Amsterdam, and with the North Frisian Institute (*Nordfriisk Instituut*) in Bredstedt, Germany.

Frisian philology may be taken at the University of Kiel to fulfil distribution requirements in a two-subject bachelor course or as an additional subject in a two-subject bachelor teacher training course; it may be studied as part of a two-subject master course leading to the Master of Arts degree, or as an additional subject in a two-subject master course leading to the Master of Education degree.

The two-subject bachelor course is intended for students who plan to seek work or continue higher education studies after receiving their bachelor degree. The additional subject is intended for students in teacher training courses who would like to learn more about a third subject. Successful completion of study of an additional subject leads to a certificate.

The University of Flensburg has a Frisian Institute, where two honorary professors and instructors currently offer ten semester hours of instruction. Thanks to the extensive activities of the honorary professors in various Frisian organizations, there is a great deal of cooperation with research and teaching institutions. For example, the North Frisian Institute is an independent institution affiliated with the University of Flensburg.

Following the introduction of the bachelor/master system at University of Flensburg, a multi-disciplinary bachelors course in education was set up to prepare students to teach at elementary, secondary modern and secondary technical schools and special remedial schools. As part of this course of studies, proof of the successful completion of a class in Low German or Frisian is required for admission to examinations in the subject "German". During the course students can choose other methodological competences to study. Some of them are taught in the regional or minority languages.

Since the 2008/2009 winter semester, the University of Flensburg's Centre for Advanced Training has offered a certificate course in Frisian studies open to students in the teacher training course, guest students at the University of Flensburg and

teachers. This course builds on the relevant modules in the multi-disciplinary bachelor course in education. Successful completion of the course qualifies graduates to teach Frisian at schools in Schleswig-Holstein.

30824

Art. 8 (1) (f) - Adult education

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

30825 The Committee of Experts did not comment on this undertaking because it did not pose any problems.

As indicated in No. 3010 of the Third State Report, see also Nos. 534 – 536 of the Second State Report for the offerings of the North Frisian Institute. In addition, three adult education centres in the district of Nordfriesland currently offer classes. In 2008, 64 persons took six classes at two adult education centres.

Art. 8 (1) (g) - Teaching of history and culture

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

30826 The Committee of Experts did not comment on this undertaking because it did not pose any problems.

As indicated in No. 3012 of the Third State Report, see also Nos. 537 – 539 and Nos. 179 – 184 of the Second State Report on the offerings to fulfil this undertaking. These offerings have not changed.

Art. 8 (1) (h) - Basic and further training of teachers

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

30827 In no. 277 of its third evaluation report, the Committee of Experts states that “[a]ccording to the information provided in the third periodical report (No. 3009), the restructuring of the university system led to the abolition of the State Examination courses of studies (i.e. the traditional teacher training courses) at the University of Flensburg. These courses have been replaced by a bachelor degree course as the

first part of the teachers studies under the Bachelor's/ Master's programme. Under this programme, North Frisian is not available as a subject in its own right, but the attendance of at least one course in North Frisian or Low German is a compulsory part of German as a subject."

30828 In No. 279 of its third evaluation report, the Committee cited information from representatives of the North Frisian-speakers indicating that "there is a lack of young teachers to fill the posts of retired teachers", for example in Fahretoft and Bredstedt.

30829 The Committee considers the undertaking partly fulfilled at present. However, the Committee writes that the restructured university system "seems inadequate to supply the teachers required to fulfil the undertakings under Art. 8" and "there is a risk that if the current trend continues the undertaking will not be fulfilled at all."

30830 With regard to the Committee's question whether action has been taken to ensure that appropriate facilities for teacher training are in place to meet the needs for education in North Frisian and to provide incentives aimed at increasing the number of North Frisian teachers at all levels of education, Schleswig-Holstein refers to No. 00771 ff. and the situation of higher education in Schleswig-Holstein described in No. 30823.

30831

Art. 8 (1) (i) - Supervisory bodies

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

30832 With regard to the Committee's findings in No. 281 ff. of its third evaluation report that the above-mentioned undertaking was not fulfilled for North Frisian, and to the Committee's question whether periodic reports (in addition to those currently required) had been drawn up and published as urged by the Committee, see Nos. 00803 – 00813.

30833

Article 8 (2)

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

30834 In No. 287 of its third evaluation report, the Committee states that it considered this undertaking fulfilled because it had “received no complaints that any demand for teaching in or of North Frisian elsewhere has been denied”. Schleswig-Holstein reports that no subsequent demands for teaching in or of North Frisian have been denied.

Article 9**Judicial authorities***Paragraph 1*

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

Art. 9 (1) (b) (iii) - Civil proceedings

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

30901 The Committee of Experts did not comment on this undertaking in its third evaluation report because it did not pose any problems.

For further details regarding fulfilment of the aforementioned undertaking under the established law, cf. No. 3019 of the Third State Report and No. 552 of the Second State Report.

30901a The Federal Ministry of Justice explains: The Frisian Council’s desire to amend Section 184 of the Judicature Act (GVG) to enable Frisians to use their

language before the courts in their home districts (see the comments of the Frisian Council on No. 3021 in Part E of the Third State Report) should not be accommodated. The current legal situation does not lead to intolerable results, nor does it violate the principle of equal treatment. The current law also complies with the European Language Charter.

30901b Schleswig-Holstein responds as follows: In No. 292 of its third evaluation report, the Committee of Experts referred to the individual case of a Frisian youth organization. The Frisian registered association Røkefloose submitted its new statute in the Frisian and German languages to the local court with the proviso that in case of doubt the Frisian text should prevail.

Under Section 184 first sentence of the Judicature Act (GVG), the official language in court is German. This also applies to proceedings in local courts in matters of non-contentious jurisdiction, including the registration of associations. As a result, some courts believe that the original version of an association's statutes must be in German (compare Palandt-Ellenberger, Civil Code, 68th ed., 2009, Section 57 No. 1). One exception with regard to Section 184 second sentence GVG applies to statutes written in Sorbian in the Sorbian language area, which may be submitted to the court with a German translation (ibid.).

With regard to Art. 9 (1) (b) (iii) of the European Charter for Regional or Minority Languages, which in Germany has the status of simple federal law, it also seems reasonable to submit association statutes in Frisian if accompanied by a (certified) German translation.

Under Section 184 first sentence GVG, the entry in the register of associations must be in German. This necessarily results from the fact that the register of associations is a public register open to viewing by all under Section 16 of the ordinance on the register of associations, for example to find out more about an association's rules on representation. If an entry in the register were made in Frisian, or the Frisian version of the association's statutes were entered as those binding for legal transactions, the register information would not be accessible to the general public.

The same would be true if the register were kept by a local court located in an area where the Frisian Act applies. It is in any case doubtful whether the Frisian Act applies to the *Land* courts of Schleswig-Holstein when it comes to decisions on register law. The Frisian Act does not require entries in public registers to be made in Frisian (see Section 1 (3) of the Frisian Act).

Article 9 (1) (c) (iii) - Proceedings before courts concerning administrative matters

in proceedings before courts concerning administrative matters:

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

30902 The Committee of Experts did not comment on this undertaking in its third evaluation report because it did not pose any problems.

For further details, cf. No. 552 and - with regard to the above branch of the judiciary - No. 554 of the Second State Report, as indicated in No. 3020 of the Third State Report.

Art. 9 (2) (a) - Validity of legal documents

The Parties undertake:

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

30903 The Committee of Experts did not comment on this undertaking in its third evaluation report because it did not pose any problems.

For further details, cf. No. 552 and - with regard to the above branch of the judiciary - No. 552 of the Second State Report, as indicated in No. 3021 of the Third State Report.

Article 10

Administrative authorities and public services

Paragraph 1

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

Art. 10 (1) (a) (v) - Submission of documents

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

31001 In No. 3022 of the Third State Report, the German side once again explained that this undertaking does not extend to encouraging the public to use a minority language when dealing with administrative authorities, but rather only grants the right to submit a document, in this case in Frisian, to the authorities.

31002 Nonetheless, with the Frisian Act in 2004 Schleswig-Holstein created additional possibilities for using Frisian in the public sphere in the district of Nordfriesland and on the island of Helgoland. No. 3023 of the Third State Report gives the results of a survey on the implementation of the Frisian Act roughly one year after its entry into force.

31003 In Nos. 291 and 292 of its third evaluation report, the Committee of Experts writes that a survey conducted after the entry into force of the Frisian Act had shown that “North Frisian was used in oral communication with administrative bodies on the *Land* and local level, but that there were no reports on written use. Other findings of the survey related to the scarcity of Frisian-speaking staff members and the apparent lack of knowledge of several authorities of the geographical scope of application of the law.” For the last-mentioned finding, in No. 292 of its third evaluation report the Committee cited the following example: A “document in North Frisian to register the newly founded youth organisation was rejected by the district court whose competency in this regard had been shifted from Niebüll to Flensburg which lies outside the Frisian-speaking area. The law on the Frisian language has no effect on this, since it only applies to the district of North Frisia.”

In No. 293 of its third evaluation report, the Committee therefore concluded “that the undertaking is formally fulfilled but there remain practical problems with regard to the implementation of this undertaking which must be addressed.”

31004 When requesting this report, the Committee asked

- whether steps had been taken to resolve the practical problem of the geographical scope of the Frisian Act, and
- whether it is possible to submit a document in North Frisian to the local court in Flensburg.

31005 Schleswig-Holstein responds

- with regard to these questions, and
- with regard to the Committee of Ministers’ Recommendation no. 5 (to “take resolute action to establish a structured policy for making it practically possible to use

regional or minority languages in dealings with the administration and, where relevant, in the courts”)

(in addition to the general information in No. 01004) as follows regarding the implementation of the above-mentioned provision:

31006 The Frisian Act applies in the district of Nordfriesland and the island of Helgoland. Thus the geographical scope of application is clearly defined. The Act also extends beyond the Frisian language area in the narrower sense, as parts of the district of Nordfriesland (Eiderstedt and eastern Geestrücken) are not part of the Frisian language area. Various possibilities for language promotion are associated with the Act, whether in dealing with the authorities (Section 1), hiring staff with Frisian language skills as necessary to perform specific tasks (Section 2) or posting building signs (Section 3) and town signs (Section 6). In this way, the *Land* has already taken the action recommended by the Committee of Experts.

The individual case described by the Committee (Nos. 31003 and 31004) falls within the area of the judicial authorities and thus Article 9 of the Charter. See No. 30901a in that section.

Article 10 (2) (g) - Place-names in Frisian

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

31007 In No. 294 of its third evaluation report, the Committee of Experts continues to consider this undertaking fulfilled, after No. 3027 of the Third State Report stated that fifteen local authorities had put up bilingual place names since January 2006. The Committee concludes that “this seems to have occurred as a result of the coming into force of the Frisian Law which, under Section 6, provides that the use of bilingual signs in the North Frisia Kreis should be promoted.” The Committee also noted that “bilingual railway station signs between Husum and Sylt have been installed, with the financial support of the Federal Government.”

31008 Schleswig-Holstein reports the following new developments with regard to the above-mentioned undertaking:

Since the Third State Report was presented, bilingual signs have been put up in two more cases. However, due to mergers between municipalities, the overall number of local authorities with bilingual place-name signs has not increased.

By order of 31 March 2009, the Ministry of Research, Economics and Transport created the possibility of bilingual German and Frisian information signs (Sign 385, StVO) and tourist information signs for special topographical features in addition to bilingual place-name signs (Sign 310, StVO). This order superseded the previous version of 11 June 2007.

Article 10 (4)

Paragraph 4

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

Article 10 (4) (c) - Appointment of public service employees having a knowledge of the Frisian language

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

31008 With regard to this undertaking, which was found in the second evaluation report to have been fulfilled (No. 288), see Nos. 564 – 568 of the Second State Report and No. 3028 of the Third State Report on activities to consider Frisian language skills when making hiring decisions. See also the statement that in certain cases, knowledge of Frisian is requested and used as a selection criterion when hiring, and that Section 2 of the Frisian Act allows the *Land*, the district of Nordfriesland and the municipalities in that district and on the island of Helgoland to consider Frisian language skills when hiring for the public service where needed to perform a specific task.

Article 10 (5)

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

31009 As indicated in No. 3029 of the Third State Report, see Nos. 220 – 225 of the Second State Report with regard to this undertaking, which the Committee did not mention in its third evaluation report.

Article 11

Media

Paragraph 1

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

Art. 11 (1) (b) (ii) - Broadcasting of radio programmes

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

31101 Although in its third evaluation report the Committee of Experts has changed its position that this undertaking applies only to private radio broadcasters, with regard to Frisian it did note in No. 299 of its third evaluation that “promoting regional or minority language broadcasting through financial incentives, as is currently carried out, for example, for cultural programmes, would not infringe ... German law. The Committee of Experts encourages the German authorities to do so in the case of North Frisian.”

31102

31103 With regard to public radio broadcasting, the Committee noted in No. 300 of its third evaluation report that there is a weekly three-minute broadcast in North Frisian.

31104 In No. 301 of its third evaluation report, the Committee finds that the “authorities do not seem to have taken measures to encourage and/ or facilitate the broadcasting of radio programmes” in North Frisian and therefore concludes that the undertaking remains not fulfilled.

31105 With regard to whether the authorities have taken measures to encourage and/or facilitate the broadcasting of radio programmes in North Frisian on a regular basis by private and public broadcasters, Schleswig-Holstein refers to the general description of this issue in No. 01104 above and adds:

31106 The series “Frasch for enarken” (Frisian for all) is a classic programme on NDR 1 Welle Nord. The series “SH Topographie” also features interviews with Frisian speakers in their native language. NDR 1 Welle Nord occasionally produces hour-long programmes in Frisian. Of special importance for the Frisian language is the storytelling contest, “Ferteel iinjens”, which the North Frisian Institute and the radio station NDR 1 Welle Nord put on every two years.

31106a The media authority Hamburg/Schleswig-Holstein (MA HSH) on 5 June 2009 called for bids for a private FM radio programme in the village of Oevenum on the island of Föhr to provide broadcasting for the islands of Föhr, Amrum and Langeness, the southern tip of Sylt and parts of the North Frisian mainland. The call for bids was explicitly directed at providers of offerings which could help promote the minority language Frisian in a special way. Bidders explicitly incorporated Frisian-language offerings into their planned proposals. In December 2009, the MA HSH media council decided to award the FM frequency 96.7 MHz on Föhr to the Open Channel Schleswig-Holstein (OKSH) for ten years. Public-service radio programmes from the West Coast Open Channel are intended to help promote the Frisian language. Cooperation between the OKSH and the Ferring foundation and between the Ferring foundation and the Frisian Council (Frasche Rädj) is intended to ensure the production of the Frisian programme. The OKSH hopes to expand Frisian-language programming to as many as seven hours a day. Federal funding for the Frisian Council (Federal Government Commissioner for Culture and the Media) will also be used to finance the programme.

31106b With a temporary permit from the MA HSH, the traditional North Frisian festival “Amrumer Biaken” (19 – 23 February 2010) will be covered for the first time by a local FM station. For this purpose, the local event radio channel Radio Öömrang was granted the FM frequency 88.1 MHz.

31106c Radio Schleswig-Holstein (R.SH) occasionally incorporates Frisian features in its programming.

Article 11 (1) (c) (ii) - Broadcasting of television programmes

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

31107 While the Committee of Experts is no longer of the opinion that this undertaking can be fulfilled only by the promotion of television programmes in the

private sector, in No. 303 ff. of its third evaluation report, it nonetheless finds that this undertaking remains not fulfilled, stating that while “there is some coverage of the Frisian minority and information about their language on public television, however, there are no programmes in the language itself.”

31108 With regard to the Committee’s question whether the authorities have taken measures to encourage and/ or facilitate the broadcasting of radio programmes in North Frisian on a regular basis, Schleswig-Holstein refers to its general explanations in No. 01104 above and adds:

31108a Programmes produced at the NDR broadcasting centre in Schleswig-Holstein (“SH-Magazin” and “SH 18:00”) regularly report on Frisian issues and personalities. This also applies to the longer features in the programmes “NORDstory” and “NORDabend” on the NDR television channel.

Art. 11 (1) (d) - Audio and audiovisual works

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

31109 With regard to this undertaking, which the Committee already considers fulfilled, we report that since 2003, a Frisian evening featuring the premiere of a documentary film in Frisian has become a regular part of the Husum Film Festival. In 2009, a 30-minute documentary film by Medienbüro Riecken, *Gåns natörlik*, shot in Frisian and Low German and with German subtitles, premiered at the festival. Funding is provided by the Federal Government Commissioner for Culture and the Media.

Art. 11 (1) (e) (ii) - Newspaper articles

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

31110 In No. 307 ff. of its third evaluation report, the Committee noted that “newspapers published in North Frisia by the publishing company *Schleswig-Holsteinischer Zeitungsverlag* feature a page in Frisian/ Low German about once per month.” However, it did not find the demand of then minister-president of Schleswig-Holstein to implement this undertaking (reported in No. 3033 of the Third State Report) sufficient encouragement as referred to in the above-mentioned provision

and stated that it had not been made aware of any form of encouragement or facilitation towards a more frequent publication of newspaper articles. It maintains its previous conclusion that this undertaking was not fulfilled, while noting that “encouragement or facilitation need not interfere with the freedom of press ... but can take the form of supporting journalist training, of providing different kinds of indirect financial assistance, for example via the Frisian language associations.”

31111 With regard to the Committee’s question whether the authorities have taken measures to encourage and/or facilitate the publication of newspaper articles in North Frisian on a regular basis, Schleswig-Holstein refers to its general explanations in No. 01104.

31112

Article 11 (1) (f) (ii) - Financial assistance for audiovisual productions

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

31113 Due to a lack of information, the Committee of Experts once again considers this undertaking as not fulfilled.

31114 With regard to the Committee’s question as to how the subsidy fund allows for the qualification of productions in North Frisian in practice, Schleswig-Holstein responds as follows:

Organizations of the Frisian ethnic group have the possibility to submit grant proposals for audiovisual projects to be paid from the project funds provided annually by the Federation and Schleswig-Holstein. As the umbrella organization of the North Frisians, the Frisian Council (Friesenrat Sektion Nord e.V.) is responsible for deciding whether these proposals can be submitted to the authorities.

From 2007 to 2009, the Federal Government Commissioner for Culture and the Media provided the Frisian ethnic group with about €175,000 for projects in this area: new media applications, Frisian radio, web videos, multi-media presentations on the Frisian language and culture.

Article 11 (2) - Freedom of direct reception of broadcasts, and freedom of expression

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or

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

31115 In the absence of issues to address, the Committee did not comment on this undertaking in its third evaluation report.

Article 12

Cultural activities and facilities

Paragraph 1

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

Article 12 (1) (a) - Types of expression and access to works

a) to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;

31201 Regarding the encouragement of initiatives on the cultural expression of regional or minority languages, within the meaning of the above undertaking, by the *Land's* promotional measures for Frisian institutions, the Committee of Experts did not comment in its third evaluation report in the absence of issues to address. As

indicated in No. 3037 of the Third State Report, see Nos. 595 to 598 of the Second State Report.

Article 12 (1) (b) - Access to works in the minority language

b) to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronization and subtitling activities;

31202 To follow up on Nos. 600 – 603 of the Second State Report and on No. 3038 of the Third State Report indicating that the Frisian films and videos (some dubbed, some with subtitles) were produced with the help of federal funding, with regard to the above-mentioned undertaking on which the Committee of Experts once again commented in its third evaluation report, we respond as follows:

31203 The cultural work of the Frisian ethnic group receives substantial federal and *Land* funding. All Frisian organizations may apply through the umbrella organization of the North Frisians, the Frisian Council (Friesenrat Sektion Nord e.V.) for support from the *Land* and the Federal Government Commissioner for Culture and the Media. Funds are provided and approved with a particular view to implementing the undertakings from the Charter. Lists of projects of the Frisian ethnic group which have received funding may be provided to the Committee if it so desires.

Article 12 (1) (c) - Access to works produced in other languages

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

31204 As indicated in 3039 of the Third State Report, see No. 604, in conjunction with Nos. 600 - 603, of the Second State Report.

Art. 12 (1) (d) - Taking account of the regional or minority language in cultural activities

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

31205 The Committee of Experts did not comment on this undertaking because it did not pose any problems. As indicated in No. 3040 of the Third State Report, see Nos. 605 and 606 of the Second State Report on the use of North Frisian in the organizations of the Frisian language group. It should also be noted that at key events, such as the biennial Schleswig-Holstein Day, the minorities are always invited to participate actively and take advantage of this opportunity to present themselves to the majority population.

Art. 12 (1) (e) - Employment of staff proficient in the language(s) concerned

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

31206 No. 3041 of the Third State Report indicated that bodies other than the Frisian associations could take advantage of government funding to hire staff with Frisian language skills. In Nos. 314 and 315 of its third evaluation report, the Committee states it “has not been made aware of how these subsidies are used in practice or how the authorities promote measures to ensure that Frisian-speaking staff is employed” and “considers that the undertaking remains partly fulfilled”.

31207 With regard to the Committee’s request for more information on how subsidies for cultural activities are used in practice and how the authorities promote measures to ensure that Frisian-speaking staff is employed, Schleswig-Holstein refers to the procedure described in No. 31203.

31208

Article 12 (1) (f) - (h)

31209 In No. 47 of its second evaluation report, the Committee of Experts referred to its finding in the first evaluation report that Schleswig-Holstein had encountered no difficulties in fulfilling the three obligations under (f) through (h). As noted in No. 3043 of the Third State Report, see the description of the North Frisian Institute in Bredstedt in No. 610 of the Second State Report and the discussion in Nos. 611 and 612 of the Second State Report.

Article 12 (1) (f) - Participation of representatives of the group speaking the given language in cultural activities

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

Art. 12 (1) (g) - Creation of archive bodies

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

Article 12 (1) (h) - Translation and terminological research services

h) if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.

Article 12 (2)

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

31213 As in No. 3045 of the Third State Report, with regard to this undertaking, on which the Committee of Experts did not comment in the absence of issues to address, see Nos. 613 and 614 of the Second State Report.

Article 12 (3)

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

31214 In No. 317 of its third evaluation report, the Committee again considers that the undertaking remains not fulfilled with regard to North Frisian in Schleswig-Holstein.

31215 The Committee failed to recognize the following activities as fulfilling this undertaking: the cross-border dissemination of Frisian culture by the Inter-Frisian Council; the exhibition for the 50th anniversary of the 1955 Bonn-Copenhagen Declarations shown at the Federal Foreign Office in Berlin in January and February 2005, which also dealt with legal protection for the minority languages Frisian and Danish; and the federally funded 2006 inter-Frisian congress held in Schleswig-Holstein, which included participants from Westfriesland (NL), all described in No. 3047 of the Third State Report.

31216 In the Committee's view, the undertaking could be fulfilled by the Goethe Institutes, however only through a structured approach to integrating the North Frisian language in Germany's cultural policy abroad.

31217 With regard to the Committee's question as to whether the German authorities make sufficient provision, in pursuing their (cultural) policy abroad, for the North Frisian language and the culture it reflects, see No. 01202 ff. above.

Article 13

Economic and social life

Paragraph 1

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

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

31301 As already noted in No. 3048 of the Third State Report, see No. 617 and Nos. 245 – 248 of the Second State Report with regard to the obligations accepted

under Art. 13 (1) (a) and (c). Further, it should be noted that the Committee of Experts did not comment on the undertakings under (a) through (d) in the absence of issues to address.

Article 14

Transfrontier exchanges

The Parties undertake:

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

31401 In No. 318 ff. of its third evaluation report, the Committee of Experts states that it is “not in a position to conclude on this undertaking” after noting that the Third State Report (No. 3050) stated that the negotiations for a cultural agreement between Schleswig-Holstein and the Netherlands came to an end in 2004 and the Committee “has no information about current negotiations”.

31402 With regard to the Committee’s request for information about possible further talks between Schleswig-Holstein and the Netherlands, for example in the framework of the North Sea Cooperation, which could foster contacts between the users of the same language in these two states, Schleswig-Holstein again refers to the difficulties of adjusting obligations accepted under the Charter as discussed in No. 00301 of this report.

31403 In addition, Schleswig-Holstein reports that the Nordic Institute at Christian Albrechts University (CAU) in Kiel maintains close relations with the Frisian Institute at the University of Groningen and the Fryske Akademy in Leeuwarden. For example, CAU and the University of Groningen jointly publish a series of scholarly papers. As part of their masters degree course, CAU students of Frisian philology complete an internship at either the University of Groningen or the Fryske Akademy, ensuring an active exchange at the level of students. Excursions to the Netherlands are offered for bachelors students to encourage such exchange.

D.2.4 Sater Frisian in the Sater Frisian language area in Lower Saxony

Article 8

Education

40801 With regard to Article 8 as a whole, in No. 322 of its third evaluation report the Committee of Experts expresses its view that the obligations accepted regarding Sater Frisian in Lower Saxony are insufficient, as they cover only pre-school and higher education and are missing essential components of primary and secondary education.

40802 In this context, in No. 52 of its third evaluation report the Committee refers to No. 3507 of the Third State Report which mentions the new curriculum of August 2006 making it mandatory to include the presentation of Sater Frisian in all types of schools in Lower Saxony within the core curricula subjects of English and Low German. However, according to the precise text of the curriculum, this only applies in cases where a speaker of the respective language is a pupil of the class.

40803 In No. 53 of its third evaluation report, the Committee notes that language encounter (*Sprachbegegnung*) is part of the general curricula at primary and secondary level and that the authorities also referred to the possibility of offering Sater Frisian as an optional class. This is apparently a reference to optional compulsory classes at lower secondary level which emphasize language acquisition.

40804 These demands by the Committee to accept and fulfil additional educational obligations concerning Sater Frisian should be seen in the context of Recommendation no. 2 of the Committee of Ministers, formulated in the second and third monitoring cycles: “to take action to improve provision and allocate adequate resources for regional or minority language teaching and in particular: ... adopt measures to improve teaching in and of Sater Frisian as a matter of urgency and ensure continuity in educational provision in this language”.

40805 In No. 792 of its third evaluation report, the Committee of Experts “observes that the authorities did not react positively to these recommendations” with regard to Sater Frisian. The Committee states: “The orientation plan of 2005 mentions regional languages, but it is not strong enough to have an effect on the situation of Sater Frisian in education in any way. Consequently, the teaching of Sater Frisian continues to depend on voluntary helpers and is insufficient in terms of the hours devoted to it. There is no financial or institution-based support by the authorities.”

40806 In No. 54 of the third evaluation report, the Committee then quotes representatives of Lower Saxony as stating “that no plans were envisaged to extend the scope of Part III protection to Sater Frisian in the field of education.”

40807 In response, it is first necessary to note that the Council of Europe may insist that existing obligations should be fulfilled, but may not insist that additional obligations be assumed; in this case, the only possibility is voluntary action by the *Land*. Because it is assumed that accepting additional obligations will result in excessive burdens, it is not likely that the necessary majorities will be found to support extending the scope of protection as recommended by the Committee. Regardless of the general considerations above, Lower Saxony reports as follows: The Saterland Frisian association Seelter Buund received project funding from Lower Saxony amounting to €10,000 each year in 2008 and 2009. The projects funded aimed among other things at teaching Sater Frisian in nursery and primary schools in the Saterland municipality.

40808 Regarding educational measures for Sater Frisian taken under Art. 7 (1) (f) rather than Art. 8, see Nos. 00746 – 753 above.

Article 8 (1)

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

Article 8 (1) (a) - Pre-school education

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

40809 Lower Saxony has accepted the undertaking under (iv).

40810 In No. 3501 of the Third State Report we stated that, although the wording of this provision does not specify the required extent to which such measures must be favoured or encouraged, we respected the Committee's concerns regarding the continued existence of the Sater Frisian language. We also reported there that the orientation plan of January 2005 on elementary education in Lower Saxony contains the statement "that in regions where a regional language (including the Sater Frisian minority language) is spoken, multilingualism is a good way of enhancing the children's language comprehension and their speaking skills."

40811 In No. 326 of its third evaluation report, the Committee stated that "[a]lthough it acknowledges the new plan, it does not seem to have affected the situation of Sater Frisian in education in any way" and maintained "its previous conclusion that this undertaking is not fulfilled" (No. 328). The Committee's finding is surprising, given the fact that in Nos. 603 – 606 of its third evaluation report it welcomes the same orientation plan with regard to Low German and sees the undertaking as partly fulfilled.

40812 With regard to the Committee's question as to whether adequate institutional and financial support was provided for pre-school education in Sater Frisian to those pupils whose families so request, Lower Saxony responds as follows, in addition to the information given above in No. 00753:

Lower Saxony does not have pre-schools. Pre-school education is provided at day-care centres/nursery schools. Lower Saxony does not run its own centres. There are five nursery schools in Saterland, four of which are run by the Catholic Church, while the fifth is run by the local authority. Volunteers teach one hour of Sater Frisian per week at the nursery schools to familiarize the children with the language. The Seelter Buund supports this volunteer activity by providing teaching materials, training courses and subsidies for travel expenses.

Article 8 (1) (e) (ii) - University and other higher education

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

40813 In No. 329 ff. of its third evaluation report, the Committee of Experts considered that this undertaking was not yet fulfilled, as the professorship for German philology at the University of Oldenburg with a focus on Low German and a

responsibility to teach Sater Frisian was still in the recruitment stage (No. 3503, Third State Report).

40814 In No. 795 of its third evaluation report, with regard to its Recommendation no. 3 (“reverse the decline in study and research opportunities for ... Sater Frisian ... and improve facilities for teacher training”) the Committee found that the “decline in study and research of these languages has not been reversed but it has been put on hold”.

40815 At the same time, the Committee expressed its concern that, due to “the twin impact of budgetary pressures in Higher Education and the Europe-wide Bologna Process leading to a standardized Bachelor and Master degree structure ... regional or minority languages are in danger of disappearing as higher education programmes”, with a particularly harmful impact on teacher training.

40816 With regard to this concern, see No. 00767 above.

40817 In No. 331 of its third evaluation report, the Committee asks the authorities to provide further information on the establishment and activities of the language centre for Dutch, Low German and Sater Frisian at the University of Oldenburg and the exact extent to which Sater Frisian is offered. Lower Saxony reports on this and on other developments as follows:

40818 Lower Saxony shares the Committee’s concern about preserving Sater Frisian and has therefore worked hard to establish a new position for a professor of German at the University of Oldenburg with a concentration on Low German and Sater Frisian.

In contrast to the Committee’s description, there is no language centre for Dutch, Low German and Sater Frisian at the University of Oldenburg, but rather an institute for German philology with a concentration on Low German and Sater Frisian, established in late 2007. The chair is held by Professor Peters (Professor of Germanic linguistics, linguistic pragmatics and sociolinguistics/Low German). With *Land* funding, the university also set up a laboratory of language sciences and musicology, where experiments, for example in the field of acoustic phonetics, can be conducted.

A class in the Sater Frisian language was offered at the university for the first time in August 2009. Two seminars on Sater Frisian will be offered in winter semester 2009/2010, in the framework of the course leading to a Master of Arts degree in language sciences offered in cooperation with the University of Bremen.

An academic research project dealing with the analysis of historical audio recordings from Saterland was completed. The University of Oldenburg is currently planning a grant-funded project on variations and language contact in Saterland: Prosody of Sater Frisian, Low German and High German. This project aims to lay the groundwork for long-term research on Sater Frisian at the University of Oldenburg. As a measure to preserve Sater Frisian, the University of Oldenburg is preparing a bilingual project (language immersion) at the St Jakobus nursery school in Ramslow and the Scharrel primary school. The second edition of the Sater Frisian dictionary by Dr Marron Fort is also in preparation. This dictionary is important for research purposes as well as for future measures of language cultivation and preservation.

Art. 8 (1) (g) - Teaching of history and culture

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

40819 As reported in No. 3507 of the Third State Report, in 2006, a new curriculum entered into force for the subjects German and English for all types of schools in Lower Saxony which calls for using Sater Frisian in class for linguistic studies and comparison. The core curriculum for German also further specifies the competence profiles.

40820 In No. 336 ff. of its third evaluation report, the Committee then reminded that “[t]his undertaking does not primarily concern making first acquaintance with the specificities of the language itself, but rather with the teaching of the history and specific traditions related to the language” and that “the new core curriculum could be seen as a step towards the fulfilment of this undertaking if it also applied to classes in which there is no speaker of Sater Frisian”; the Committee found that this undertaking remained partly fulfilled.

40821 With regard to the Committee’s question whether the teaching of the history and culture reflected by Sater Frisian had been extended to all schools in Saterland as it had recommended, Lower Saxony responds as follows:

40822 All new core curriculum since 2006 requires departments in all subjects to take the regional context into account when choosing topics and units for the teaching of skills. This applies especially to German, history and geography; the curriculum for these subjects also mentions the local area and region in formulating competences.

The extent to which Saterland's schools are committed to teaching about Sater Frisian culture is demonstrated for example by the fact that since March 2008 the Scharrel primary school has had a bilingual name: *Litje Skoule Skäddel – Grundschule Saterland* (Saterland primary school).

Art. 8 (1) (i) - Supervisory bodies

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

40823 With regard to the Committee's finding in Nos. 341 – 345 of its third evaluation report that this undertaking remains unfulfilled in the absence of the periodic reports referred to in this provision, and with regard to its finding in No. 796 of the third evaluation report that none of the *Länder* had implemented Recommendation no. 4 of the Committee of Ministers ("ensure that an effective monitoring mechanism exists in the field of education for all regional or minority languages covered under Part III") with regard to any of the protected languages and that therefore none had fulfilled this undertaking, see Nos. 00803 – 00813 and Nos. 10833 and 10834.

40824 In addition, Lower Saxony reports the following in connection with the structural changes in the field of education and the function of the specialist adviser for Sater Frisian referred to in No. 3509 of the Third State Report, in response to the Committee of Experts' question whether periodic reports (in addition to those currently required) had been drawn up and published as urged by the Committee:

40825 As described in No. 3509 of the Third State Report, the issue of a supervisory body and the related reporting requirement will be covered in the updated decree "Die Region im Unterricht" (The region in classroom instruction). This decree is currently being revised.

Article 9

Judicial authorities

Paragraph 1

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

Art. 9 (1) (b) (iii) - Civil proceedings

in civil proceedings:

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

40901 As indicated in No. 3510 of the Third State Report, with regard to this undertaking, on which the Committee of Experts did not comment in its third evaluation report, we refer to No. 643 of the Second State Report stating that current legislation already fulfils this undertaking without further measures.

Article 9 (1) (c) (iii) - Proceedings before courts concerning administrative matters

in proceedings before courts concerning administrative matters:

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

40902 The information provided in No. 40901 above applies to this sub-paragraph as well. In addition, as indicated in No. 3511 of the Third State Report, see No. 645 of the Second State Report concerning the obligation of administrative courts to conduct *ex officio* investigations.

Art. 9 (2) (a) - Validity of legal documents

The Parties undertake:

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

40903 The information provided in No. 40901 above applies to this sub-paragraph as well.

Article 10

Administrative authorities and public services

Paragraph 1

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

Art. 10 (1) (a) (v) - Submission of documents

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

Article 10 (1) (c) - Drafting of documents

c) to allow the administrative authorities to draft documents in a regional or minority language.

41001 With regard to the two undertakings mentioned above, in Nos. 3514 and 3515 of the Third State Report, we indicated that the authorities do not see a need for additional regulations and are not planning any to implement these provisions, among other things because they only refer to “allow[ing]” and because of the aim to reduce regulation. In No. 3516 of the Third State Report, we further explained that because regulation in this area would constitute intervention in the right of local self-government, it would require formal legislation or an ordinance on the basis of a law.

41002 In response, in No. 347 ff. of its third evaluation report the Committee argued that

- “these undertakings concern administrative bodies and public services responsible for Saterland that are answerable to the Land of Lower Saxony or the Federal authorities (such as employment offices)”,
- there are other possibilities besides issuing directives or formal guidelines, for example issuing informal guidelines,
- however, “as long as current legislation prescribes German as the official language of administration, an explicit clause ... is needed”, and
- these undertakings are not fulfilled.

41003 With regard to the Committee's question whether the necessary steps had been taken to ensure that the users of Sater Frisian may validly submit a document in Sater Frisian and to allow the administrative authorities to draft documents in Sater Frisian, we respond as follows:

41004 As argued above in No. 01004, in the German view, structural measures pursuant to the above-mentioned provision, for example to allow applications to be submitted to administrative authorities in minority languages, make sense only on the basis of identifiable demand; as explained in No. 216 of the Second State Report, such measures are considered only in regions inhabited traditionally or by large numbers of members of the language groups.

With regard to the federal authorities mentioned by the Committee in No. 347 of its third evaluation report, there are no plans to implement the undertakings under Art. 10 for Sater Frisian also for the reason that, while these authorities may occasionally work on behalf of members of the Sater Frisian language group, these authorities are not located in the Sater Frisian language area.

41005 Lower Saxony adds its comments on the above-mentioned undertakings, the above-mentioned question of the Committee, and on the Committee's statement in No. 798 of its third evaluation report that Recommendation no. 5 of the Committee of Ministers ("take resolute action to establish a structured policy for making it practically possible to use regional or minority languages in dealings with the administration and, where relevant, in the courts") made in the second and third monitoring cycles had not been followed:

41006 According to a study by Prof. Stellmacher in 2000, a maximum of 2,250 residents of the Saterland municipality speak Sater Frisian. According to this survey, only 325 persons responded that they were able to write in Sater Frisian. The small number of residents who are users of this minority language does not justify the measures under Art. 10 (1) of the Charter aimed at the administrative districts of the State. Given the clause "as far as this is reasonably possible", the obligations in (1) (a) (v) and (c) can be applied only to the local authorities in the Saterland municipality and not to federal administrative districts or administrative districts of Lower Saxony. With this in mind, Lower Saxony reports that the Saterland municipality ensures that users of Sater Frisian may submit documents in Sater Frisian. The Saterland municipality points out that this rarely if ever happens. The Saterland municipality also reports that administrative texts in Sater Frisian are available but are almost

never requested. In view of this lack of demand, there is no need which would justify the effort required to establish a structured policy as urged by the Committee.

41007

41008

Article 10 (2)

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

Article 10 (2) (a) - Use of a regional or minority language

a) the use of regional or minority languages within the framework of the regional or local authority

41009 With regard to this undertaking, on which the Committee has again not commented because no major issues were raised, we refer to Nos. 652 and 653 of the Second State Report on the use of Sater Frisian, as indicated in No. 3517 of the Third State Report.

Article 10 (2) (b) - Submission of applications

b) the possibility for users of regional or minority languages to submit oral or written applications in these languages;

41010 With regard to No. 353 of the third evaluation report in which the Committee notes that it was possible to submit applications to the municipality in Sater Frisian but said that the Committee was still unclear about the actual practical implementation of this undertaking, Lower Saxony responds as follows:

41011 The authorities are obligated only to allow and/or encourage oral and written applications in Sater Frisian to be submitted. The Saterland municipality offers this possibility, while noting that in practice, applications are almost never submitted in Sater Frisian.

Article 10 (2) (c) - Publication by regional authorities of official documents in the Frisian language

c) ***the publication by regional authorities of their official documents also in the relevant regional or minority languages;***

41012 Regardless of the fact that in No. 356 ff. of its third evaluation report, the Committee of Experts points out that “not all publications need to [be] published in Sater Frisian, but for example, key documents or documents related to Sater Frisian”, we still disagree with the Committee’s findings on this provision.

41013 The Committee’s view that “in order to comply with this undertaking, a certain degree of practical implementation must follow the mere ‘allowing’ of publications in Sater Frisian” contradicts the wording of the provision, which with Germany’s participation was deliberately limited. Because the possibility of publication was allowed, we reject the Committee’s finding that the undertaking was not fulfilled.

41014

Art. 10 (2) (d) - Publication by local authorities of official documents

d) ***the publication by local authorities of their official documents also in the relevant regional or minority languages;***

41015 Regardless of the fact that the Committee’s finding in No. 359 of its third evaluation report that this undertaking was not fulfilled must be rejected for the reasons given in Nos. 41012 and 41013 above, Lower Saxony responds as follows to the Committee’s question as to whether the relevant documents are published:

41016 The Saterland municipality publishes official documents in German, which is the official language.

Art. 10 (2) (e) - Use by regional authorities of the minority language in debates in their assemblies

e) ***the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;***

41017 In Nos. 361 and 362 of its third evaluation report, the Committee states its view that, in place of the municipal district (*Bezirk*) level dissolved in the recent reform of public administration, this undertaking applies also to the *Kreis* level; in the absence of any positive evidence that Sater Frisian is used in debates in the assemblies of the *Kreis* (*Kreistag*), the Committee finds that this undertaking is not fulfilled. We disagree with this opinion, because the provision specifies only that the “Parties undertake to allow” the use of the minority language, which was never in question.

41018 Nonetheless, Lower Saxony responds as follows to the Committee’s question as to whether Sater Frisian is used in the assemblies of the *Kreistag*. Out of a total of 48 members of the *Kreistag* for the county of Cloppenburg, who represent the 13 towns and municipalities belonging to the county, four members are from the Saterland municipality. Of these four, only one speaks Sater Frisian. Out of consideration for the members of the *Kreistag* and committees who do not speak Sater Frisian, only German is spoken at their meetings. Any contributions to discussions made in Sater Frisian are not refused but translated for the remaining members of the *Kreistag* and committees.

Article 10 (2) (f) - Use by local authorities of the minority language in debates in their assemblies

f) ***the use by local authorities of regional or minority languages in debates in their assemblies***, without excluding, however, the use of the official language(s) of the State;

41019 This undertaking was deliberately worded so that it may be fulfilled by simply allowing the use of the minority language. As already reported in No. 327 of the Third State Report, Sater Frisian is not used in the council meetings of the Saterland municipality because neither the mayor, his deputy nor the majority of council members have a command of Sater Frisian. Thus the Committee’s remarks in Nos. 364 and 365 of its third evaluation report and its finding that the undertaking is only formally fulfilled seem odd, and its question as to whether Sater Frisian is now being used in meetings of the municipal council can only be understood as asking whether the composition of the council has now changed to the extent that it has freely decided to make the extra effort of holding its meetings in Sater Frisian with German translation.

41020 Lower Saxony responds as follows:

As before, the majority of the democratically elected members of the council of the Saterland municipality does not speak Sater Frisian. By agreement of all council members, council and committee meetings are held in German as the language which all council members speak. Any contributions to discussions made in Sater Frisian are not refused but translated for the remaining members of the municipal council and committees.

Article 10 (2) (g) - Place-names in Frisian

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

41021 In No. 368 of its third evaluation report, the Committee considers this undertaking fulfilled, after noting that “all four districts of the Saterland municipality have posted bilingual signs [and] street name signs in Sater Frisian have also been put up, especially in the new building areas”.

Article 10 (4)

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

Article 10 (4) (a) - Translation or interpretation

*a) **translation or interpretation as may be required;***

41022 With regard to this undertaking, on which the Committee of Experts did not comment in its third evaluation report because no major issues were raised, we refer (as already in No. 3530 of the Third State Report) to the possibilities for translation and the resulting effort described in No. 661 of the Second State Report.

Article 10 (4) (c) - Appointment of public service employees having a knowledge of the Frisian language

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

41023 We disagree with the Committee's conclusion in Nos. 370 and 371 of its third evaluation report that this undertaking is not fulfilled in the absence of personnel incentives: As already stated in No. 3531 of the Third State Report, we disagree with this conclusion because there is no evidence to suggest that any requests for appointment within the meaning of this undertaking were not granted (rather, such wishes have not even been made known) and because the above undertaking only calls for compliance with requests to this effect, but not for any other action, e.g. awakening any such wishes.

41024 Nonetheless, Lower Saxony responds as follows to the Committee's question as to whether the authorities have complied as far as possible with requests from public service employees who are Sater Frisian speakers to be assigned in Saterland:

Six employees at the town hall of the Saterland municipality speak Sater Frisian. They mainly work in areas with a high level of public interaction. A sign in Sater Frisian on their office doors indicates that they speak Sater Frisian ("Hier wäd uk seeltersk baalt"). This demonstrates that the Saterland municipality assigns staff in line with their linguistic skills and complies as far as possible with their wish to use these language skills at work.

Article 10 (5)

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

41025 The Committee of Experts did not comment on this undertaking because it did not pose any problems.

In this respect, see also the comments in No. 664, in conjunction with Nos. 220 to 225 of the Second State Report, as referred to in No. 3533 of the Third State Report.

Article 11

Media

Paragraph 1

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

Art. 11 (1) (b) (ii) - Broadcasting of radio programmes

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

41101 Although in its third evaluation report the Committee of Experts has changed its position that this undertaking applies only to private radio broadcasters, with regard to Sater Frisian it did note in No. 374 of its third evaluation that “promoting regional or minority language broadcasting through financial incentives, as is currently carried out, for example, for cultural programmes, would not infringe ... German law. The Committee of Experts encourages the German authorities to do so in the case of Sater Frisian.”

41102 In No. 375 of its third evaluation report, the Committee stated that it was not aware of any broadcasting on public radio channels in Sater Frisian.

41103 In No. 373 of its third evaluation report, however, the Committee refers to information provided in the third periodical report about the weekly programme “Saterland aktuell” which is broadcast in Sater Frisian on the non-commercial radio station *Ems-Vechte-Welle* and developed in close cooperation with the Sater Frisian organization Seelter Bund. Representatives of the Sater Frisian speakers informed the Committee of Experts that the programme was set up with financial support from Lower Saxony although the programme itself is carried out on a voluntary basis. Representatives of the Sater Frisian-speakers said they would welcome an increase in the broadcasting time and a shift of the programme to another time slot.

41104 In No. 376 of its third evaluation report, the Committee of Experts stated that it “nevertheless considers the undertaking fulfilled”.

41105 With regard to the current status of support for broadcasting of Sater Frisian radio programmes, Lower Saxony adds the following information to the general discussion in No. 01104 above:

It is not possible for the government to exert influence on the broadcasting of Sater Frisian radio programmes, because broadcasters have autonomy in their programming decisions. However, Seelter Bund is able to take the initiative and submit proposals to the Ems-Vechte-Welle radio station for producing and broadcasting Sater Frisian programmes. Under the guidelines of Lower Saxony's media authority, financial support is possible in the form of institutional or project funding to promote non-commercial radio.

As a measure to support regional and minority languages in private radio broadcasting, Lower Saxony is examining the possibility of adding a provision to its Media Act to strengthen regional and minority languages.

Further, in a personal letter to radio broadcasters and print media companies of 18 September 2009, the minister-president of Lower Saxony praised their efforts to preserve the minority languages and encouraged them to continue and increase their activities in this area, because regional and linguistic identity is an important part of cultural and social diversity.

Article 11 (1) (c) (ii) - Broadcasting of television programmes

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

41106 In No. 3537 of the Third State Report, we reported with regard to this undertaking that no amendment of media law to ensure the regular broadcasting of Sater Frisian television programmes should be expected, as this would violate constitutional law; that the above undertaking, too, is already fulfilled by "encouraging" broadcasting of such programmes; that the undertaking does not require ensuring the success of such encouragement; and that "encouragement" can be advisable only where it is not manifestly pointless.

41107 In Nos. 379 and 380 of its third evaluation report, the Committee considers that the undertaking remains not fulfilled because it was "not aware of any television programmes in Sater Frisian broadcast on public or private channels".

41108 With regard to the Committee's question whether positive measures aimed at encouraging and/ or facilitating the broadcasting of television programmes in Sater Frisian on a regular basis had been taken, as the Committee urged, Lower Saxony refers to the general description of the difficulties in No. 01104 above and adds the following:

41109 On 29 August 2008 at 19.30, NDR aired a feature about Saterland in the programme “Radeln mit Lars und Ludger” on its Lower Saxony channel. The feature included an interview with the incumbent mayor which provided information about the Sater Frisian language. On a set designed to look like a classroom, questions about Sater Frisian words were raised and explained. See also No. 41105 about the letter by the minister-president of Lower Saxony.

On 16 August 2009, ARD aired a three-part programme about Saterland in its morning show. The programme reported on Sater Frisian culture and schools where Sater Frisian is the language of instruction. In an interview with Ems-Vechte-Welle radio, the chair of Seelter Buund, who also produces and hosts Sater Frisian programmes for that radio station, discussed the special geographical situation of Saterland and the unique aspects of the Sater Frisian language.

Art. 11 (1) (d) - Audio and audiovisual works

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

41110 In No. 3540 of the Third State Report, we reported with regard to this undertaking that Lower Saxony is willing to give preferential treatment in practice to funding applications for the production and distribution of audio and audiovisual works in regional or minority languages without needing special regulations to do so, but that so far no such applications for works in Sater Frisian had been submitted; and that under budget rules, it is not appropriate to use further proactive measures to create artificial demand where none otherwise exists.

41111 In Nos. 382 – 384 of its third evaluation report, the Committee replied that “the encouragement of audio and audiovisual works is also important with regard to the implementation of the above undertakings concerning radio and television broadcasting” and that the undertaking remains not fulfilled.

41112 With regard to the Committee’s question as to whether the authorities had taken steps to encourage and/or facilitate the production and distribution of audio and audiovisual works in Sater Frisian, Lower Saxony responds as follows:

41113 Despite targeting potential applicants, no relevant applications were submitted. We therefore regard the information given in No. 3540 of the Third State Report as sufficient encouragement.

Art. 11 (1) (e) (ii) - Newspaper articles

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

41114 In No. 386 of its third evaluation report, the Committee states: “From the statement given in the third periodical report (paragraphs 3541 – 3543), the Committee of Experts understands that no measures have been taken by the authorities to encourage and/ or facilitate the publication of newspaper articles in Sater Frisian. According to additional information received from the authorities, of the three regional newspapers mentioned in the periodical report, the *General-Anzeiger Rhauderfehn* publishes weekly articles in Sater Frisian.”

41115 In No. 387 of its third evaluation report, the Committee of Experts considers that the undertaking is fulfilled, but “nevertheless encourages the authorities to take steps to facilitate the publication of newspaper articles in Sater Frisian”.

41116 To respond to the Committee’s question whether the authorities had taken the appropriate steps, Lower Saxony refers to the discussion of this issue in No. 01105 above.

41117

Article 11 (1) (f) (ii) - Financial assistance for audiovisual productions

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

41118 With regard to Nos. 389 and 390 of the third evaluation report, in which the Committee “understands that no measures have been taken by the authorities towards a practical implementation of this undertaking” and thus finds that the undertaking has not been fulfilled; and with regard to the Committee’s question about how “existing measures of financial assistance were designed in such a way that programmes in Sater Frisian could qualify for them in practice”, Lower Saxony refers to Nos. 41112 and 41113 above and adds the following:

41119 No financial assistance for audiovisual productions has been granted because no applications for such assistance were submitted.

Article 11 (2) - Freedom of direct reception of broadcasts, and freedom of expression*Paragraph 2*

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

41120 The Committee of Experts did not comment on this undertaking because it did not raise any issues. See also Nos. 226 and 239 of the Second State Report.

Article 12**Cultural activities and facilities***Paragraph 1*

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

Article 12 (1) (a) - Types of expression and access to works

a) to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;

41201 The Committee of Experts did not comment on this undertaking because it did not raise any issues; see No. 3548 of the Third State Report for a description of support for the promotion of Sater Frisian literature (measures to promote production, distribution, reception) in Lower Saxony and advising for the Saterland municipality. Lower Saxony reports the following new developments:

41202 Lower Saxony promotes Sater Frisian cultural projects by application through the Lower Saxony Ministry for Research and Culture, through the regional associations (*Landschaften* and *Landschaftsverbände*) and through the adult education system. The Sater Frisian organization Seelter Buund works with the Ministry for Research and Culture in this area.

Article 12 (1) (b) - Access to works in the minority language

b) to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronization and subtitling activities;

41203 The Committee of Experts did not comment on this undertaking because it did not raise any issues; as indicated in No. 3550 of the Third State Report, see Nos. 684 and 685 of the Second State Report.

Article 12 (1) (c) - Access to works produced in other languages

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

41204 The Committee did not comment on this undertaking in its third evaluation report because it did not raise any issues; as indicated in No. 3551 of the Third State Report, see Nos. 684 and 685 of the Second State Report.

Art. 12 (1) (d) - Taking account of the regional or minority language in cultural activities

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

41205 The Committee considers that this undertaking is fulfilled. In No. 392 of its third evaluation report the Committee asks what effect transferring the task of promoting regional culture to the *Landschaftsverbände*, and in the case of Sater Frisian to the *Oldenburger Landschaft e.V.* has had in practical terms on the promotion of the Sater Frisian language. Lower Saxony responds that regional promotion of culture in Lower Saxony has seen a very positive development since 2005, when the transfer took place.

Art. 12 (1) (e) - Employment of staff proficient in the language(s) concerned

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

41206 The Committee of Experts did not comment on this undertaking because it did not raise any issues; see No. 3553 of the Third State Report on activities promoting language learning, especially those carried out by the Saterland Catholic Educational Association (Katholisches Bildungswerk Saterland) and on Sater Frisian-speaking staff. See also Nos. 684 and 685 of the Second State Report.

Article 12 (1) (f) - Participation of representatives of the group speaking the given language in cultural activities

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

41207 The Committee did not comment on this undertaking because it did not raise any issues. As indicated in No. 3554 of the Third State Report, see No. 691 of the Second State Report on the engagement of Sater Frisian speakers and their opportunity to participate in the Day of the People of Lower Saxony.

Art. 12 (1) (g) - Creation of archive bodies

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

41208 The Committee considers that this undertaking is fulfilled. In No. 392 of its third evaluation report the Committee asks what effect transferring the task of promoting regional culture to the *Landschaftsverbände*, and in the case of Sater Frisian to the *Oldenburger Landschaft e.V.* has had in practical terms on the promotion of the Sater Frisian language. For Lower Saxony's response, see No. 41205 above.

Article 12 (2)

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

41209 The Committee did not comment on this undertaking because it did not raise any issues. As indicated in No. 3557 of the Third State Report, see No. 694 of the Second State Report. We also note that cultural activities and facilities as referred to in this undertaking which are within the framework of general laws are allowed in any case.

Article 12 (3)

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

41210 In No. 396 in conjunction with Nos. 103 – 106 of its third evaluation report, the Committee considers that this undertaking is not fulfilled with regard to Sater Frisian: In the Committee's view, the undertaking could be fulfilled by the Goethe Institutes, however only through a structured approach to integrating the North Frisian language in Germany's cultural policy abroad.

41211 With regard to the Committee's question as to whether the German authorities make sufficient provision, in pursuing their (cultural) policy abroad, for the Sater Frisian language and the culture it reflects, see No. 01202 ff. above.

41212 Lower Saxony also reports as follows:

Lower Saxony is considering organizing an event at its representation in Brussels devoted to Low German and Sater Frisian. The *Land* has not yet reached a decision.

Article 13

Economic and social life

Paragraph 1

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

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

41301 The fact that the Committee did not comment on the undertakings under (a) and (c) because they did not raise any issues can be attributed to the fact that German law already meets these requirements, as indicated in No. 3561 of the Third State Report and the reference there to No. 697 of the Second State Report.

Article 13 (1) (d) - Facilitating the use of the regional or minority language

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

41302 In view of No. 3562 of the Third State Report describing support for converting the Scharrel railway station into a cultural centre in Saterland, the Committee did not comment on this undertaking because it did not raise any issues.

D.2.5 The Romani language in the federal territory and the various *Länder*

50001 In No. 724 of its third evaluation report, the Committee of Experts referred to its assessment of the application of Part III of the Charter to the Romani language of the German Sinti and Roma in Hesse (Nos. 744 and 755 of its second evaluation report), stating that there was a significant gap between the undertakings chosen and the level of legal and practical implementation, also due to the fact that the Romani language has so far not been codified, in accordance with the wishes of a number of speakers.

In No. 725 of its third evaluation report, the Committee observes that the difficulties encountered above still persist during the present monitoring cycle.

50002 In response, one can only refer to No. 4001 of the Third State Report explaining that while this gap is an especially striking example in this context, in general such gaps can always emerge because international conventions to protect specific categories of persons can be interpreted and applied only in consultation with the persons concerned; the Contracting State cannot be held responsible for any implementation deficits that may result.

Article 8

Education

50800 We refer to No. 4002 of the Third State Report. With regard to the fundamental differences between the wishes of groups of German Sinti and Roma on the type and extent of protection for themselves and their language(s), see the general remarks on the Romani language in Nos. 00112 – 00115 above and Nos. 704 – 706 of the Second State Report indicating that many speakers oppose outsiders teaching and learning Romani within the public education system. While the Central Council of German Sinti and Roma is in favour of extra instruction in Romani at school and outside of school provided by members of the minority for members of the minority, the Sinti Alliance of Germany is not.

Article 8 (1)

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

Article 8 (1) (a) - Pre-school education

i) to make available pre-school education in the relevant regional or minority languages; or

ii) to make available a substantial part of pre-school education in the relevant regional or minority languages; or

50801 Both obligations have been accepted by the *Land* of Berlin.

50802 As already indicated in No. 4004 of the Third State Report, the implementation of these undertakings is not being pursued, in agreement with the Berlin-Brandenburg *Land* Association of German Sinti and Roma.

Article 8 (1) (a) (iii) - Pre-school education

iii) to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or

50803 With regard to all undertakings in the field of education accepted by Hesse, in No. 727 of its third evaluation report the Committee refers to No. 4006 of the Third State Report, in which “the Hesse authorities state that the *Land* provides both institution based and project based support to the Hessian *Land* Association of German Sinti and Roma, which in turn manages the major part of these funds independently, according to the priorities defined by the *Land* Association itself. Such priorities lie currently in the field of social inclusion of Sinti and Roma on the one hand, and awareness raising with regard to the history and culture of Sinti and Roma among the majority population on the other.”

50804 In No. 728 of its third evaluation report, the Committee then noted

- that no Romani education is apparently taking place in Hesse,
- that the Hessian authorities are willing to provide the means and the general framework for Romani education, if a demand for such was ascertained,
- that the Education Bureau for National Minorities in Marburg which, according to the authorities is supposed to carry out works in relation to Romani, appears to be focusing exclusively on raising awareness of the history and culture of Sinti and Roma in education and erasing prejudices.

Hesse comments as follows:

The Education Bureau for National Minorities: Sinti and Roma (Pädagogische Büro nationale Minderheiten: Sinti und Roma) has been modified and further developed based on experience gained in the area of advanced teacher training since its founding in 1989. A cooperation agreement between Hesse (represented by the

Office for Teacher Training) and the Department of History and Cultural Studies at the University of Marburg was concluded in summer 2005. As part of the reorientation of teacher candidate training, in addition to its previous tasks the Education Bureau offers in particular education seminars and specialized seminars on the history and culture of the Sinti and Roma for teacher candidates. These seminars are also open to students in other degree courses to familiarize additional target groups with these topics. These seminars are elements of a module and are conducted in cooperation with other departments. In this way, the seminars reach a broad student audience each semester, presenting these topics as potential subjects of instruction and practising them in applied exercises. So a growing implementation of this topic can be seen, demonstrated by an increasing number of student projects, exam questions and publications. Advanced training for teachers also continues to be offered, developing potential synergies between training for teacher candidates and further training for practising teachers. It should also be noted that the Education Bureau for National Minorities: Sinti and Roma never carried out works in relation to Romani.

50805 In No. 729 of its third evaluation report, the Committee then states that “in the view of the Committee, priority setting must not exclude the development of Romani language education if financial and human resources were expanded, especially given the demand for such education. The Committee of Experts has been informed that teaching in or of Romani takes place in other *Länder*” (see No. 00758).

50806 With regard to the Committee of Ministers’ Recommendation no. 2 of the second monitoring cycle (Recommendation no. 3 in the third monitoring cycle) (“take action to improve provision and allocate adequate resources for regional or minority language teaching and in particular: ... adopt a structured policy with respect to Romani in the field of education, in co-operation with the speakers”), in No. 794 of its third evaluation report, the Committee of Experts stated, “[w]ith regard to **Romani**, the authorities have not adopted a structured policy in the field of education. No teaching in or of Romani currently takes place on any school level in the *Land Hesse*.”

50807 With regard to Recommendation no. 2 above and the Committee of Expert’s question as to whether the necessary action had been taken and adequate resources allocated in order to organize teaching in or of Romani at all school levels in cooperation with the speakers, Hesse responds as follows:

50808 Hesse clearly promotes the appreciation of special minority languages by having made dealing with individual differences and socio-cultural difference a

priority of its education and care plan for children up to ten years of age. This plan provides an orientation framework for the various sites where education takes place (day-care centre, school, family). At Hessian day-care centres, children of different cultural backgrounds are given appropriate attention and consideration within educational processes. This education and care plan gives high priority to respecting the child's first language.

Improving the school-based integration and educational participation of the children belonging to the national minority of German Sinti and Roma is another important objective of Hesse, which is making enormous and exemplary efforts to ensure lasting improvement in equal opportunity of children. It intends to further reduce the number of children who do not finish school. As part of this effort, remedial German language classes (pre-school classes and remedial and intensive classes for school pupils so that they can participate successfully in school) for all children with insufficient German skills are a special priority. These courses are generally open to all pupils, i.e. also to children belonging to the national Sinti and Roma minority.

50809 In the 2009/2010 winter semester, the adult education centre in the city of Marburg is offering a Romani class for adults which may also be open to children if necessary. The class is not open to non-Romani speakers. The class is offered at the initiative of the local adult education centre itself, which receives funding from the city of Marburg. This initiative is the result of a social dialogue in Marburg to improve relations among different segments of the population which has been pursued for years.

50810 - 50813

Article 8 (1) (a) (iv) - Pre-school education

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

50814 As indicated in No. 4007 of the Third State Report, with regard to implementation of the above undertaking by Baden-Wurtemberg, see Nos. 712 to 714 of the Second State Report that all nursery schools are open to Sinti and Roma children and that the providing bodies of these nursery schools are free to employ staff having a command of the Romani language if necessary, although this option has not been used so far.

50815 In view of No. 794 of the third evaluation report in which the Committee of Experts states that the authorities had not adopted a structured policy in the field of education as recommended in Recommendation no. 2 (Recommendation no. 3 in the third monitoring cycle) of the Committee of Ministers, Baden-Württemberg responds as follows:

In the *Land's* view, promotion of children/youth from Sinti and Roma families leaves no questions open. In Baden-Württemberg, all children and young people have the same access to the different types of education offered by the *Land*. These educational offerings support and promote all children and young people equally at the pre-school and school level according to their needs. It is decisive for successful school careers that parents/guardians of the aforementioned target groups understand the importance and value of regular school attendance. The subject-related and general skills conveyed through regular attendance lay the essential foundation for successful completion of school. It is helpful and beneficial for parents to encourage their children's active participation in school. Parents' organizations can help to increase awareness of the importance of parental support.

Baden-Württemberg supports the Baden-Württemberg *Land* Association of German Sinti and Roma by financing a half-time position at the education counselling centre in Mannheim.

Other *Länder* comment on the above undertaking as follows:

1. Hesse

50816 See the comments in No. 50807 above.

2. Rhineland-Palatinate

50817 In view of No. 794 of the third evaluation report in which the Committee of Experts states that the authorities had not adopted a structured policy in the field of education as recommended in Recommendation no. 2 of the Committee of Ministers, Rhineland-Palatinate reports as follows:

As described at length in No. 00756 above, the framework agreement concluded with the Rhineland-Palatinate *Land* Association of German Sinti and Roma provides that the measures for promoting the minority language Romani in the field of education are to be developed by the association itself and carried out on its own responsibility. This arrangement, explicitly desired and approved by the association and its

members is intended to ensure that, for example, also the Charter's provisions are not interpreted in a way contrary to the minority's interests.

As the association has recently indicated, members of the minority do not currently want such offerings to be provided in public institutions such as nursery schools, schools or higher education facilities, etc., for fear that they would be identified against their will as members of the minority.

3. Free and Hanseatic City of Hamburg

50818 As indicated in No. 4011 of the Third State Report, Hamburg has not been made aware of any relevant wishes by the members of this language group.

50819

Article 8 (1) (b) - Primary education

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

1. Berlin

50820 As already stated in No. 4013 of the Third State Report, implementation of the undertakings under (i) through (iv) accepted by Berlin is not being pursued, in consultation with the Berlin/Brandenburg *Land* Association of German Sinti and Roma.

50821

2. Hesse

50822 As regards the undertaking under (iv) accepted by Hesse, see No. 50807 above.

3. Free and Hanseatic City of Hamburg

50823 With regard to the undertaking under (iv) accepted by Hamburg, No. 4016 of the Third State Report stated that German Sinti in Hamburg do not receive instruction in Romani, but that East European Roma (who, however, are not a national minority protected in Germany under the Council of Europe Framework Convention for the Protection of National Minorities and whose language is therefore not covered by the European Charter for Regional or Minority Languages) can take part, on a voluntary basis, in state-provided Romani language activities.

50824 Further, No. 4017 of the Third State Report stated that a total of five Roma and one Sinto are working at Hamburg schools for the special promotion of Sinti and Roma, and that the schools were selected on the basis of urgency and willingness to cooperate. The main tasks of Roma and Sinti teachers and social workers at schools are to participate in classroom instruction and to advise and support their fellow teachers as well as pupils and parents. In addition they act as contact persons for other schools and for child and youth institutions. In this way, the activity of Roma and Sinti teachers and school-based social workers reaches out to the respective city district: District institutions and, above all, the resident Roma and Sinti families are thus provided with an on-site point of contact. The German language is used in these activities. (In this context, the Sinti Alliance of Germany wants to make it quite clear that such a "Sinti teacher" is not a member of the teaching profession in the traditional sense, but an assistant without professional teacher training.) However, as indicated in the last State Report, in Hamburg no remedial German classes are offered specifically for Sinti and Roma. Like all other pupils, Sinti and Roma children and adolescents can take part in activities offered under the provisions of the Language Promotion Concept which entered into force on 1 August 2006.

50825 In No. 4018 of the Third State Report, Hamburg also explained that the instruction mentioned under No. 4016 of that report refers to teaching in the Romani language of the East European Roma, and that the activities mentioned under No. 4017 of that report are conducted in the German language and are offered to all children needing extra tuition.

50826 In No. 58 of its third evaluation report, the Committee commended the Hamburg authorities for the activities described in Nos. 4016 and 4017 of the Third State Report, although the Romani language taught in Hamburg in optional courses if

at least five pupils demand it is the Romani of the East European Roma and is thus not covered by the Charter or the Committee's evaluation mandate. This is because the German Sinti explicitly reject having their language taught in school and German Roma have not requested such instruction.

A total of eight Roma and Sinti now work in Hamburg schools, successfully supporting and promoting school attendance by Roma and Sinti children. Seven are members of the Roma group and one is a member of the Sinti group. Of the eight, six work as Roma and Sinti teachers and school-based social workers; one Rom is active in the region's advising and support centres (REBUS) and is available to help colleagues with individual cases. Together they conduct family visits; the main problem is absenteeism (see assistance in individual cases, below). The Sinto works at schools and in the regions of Lurup and Osdorf.

Roma and Sinti teachers and social workers primarily participate in classes and provide native language teaching, advising and support for teachers, students and parents, as well as cooperating with REBUS. They also act as contact persons for other schools and for child and youth institutions. In this way, the activity of Roma and Sinti teachers and school-based social workers reaches out to the respective city district: District institutions and, above all, the resident Roma and Sinti families are thus provided with an on-site point of contact.

Some of the Roma school-based social workers incorporate Romani into subject-related instruction and in their counselling at schools. Native-language offerings at school have significantly increased the children's identification with and trust in school and – according to the schools – improved their performance. This is especially apparent from the fact that the children now usually manage the transition to secondary school, unlike the past, when they transferred to remedial schools like other family members before them.

There are no native-language offerings for Sinti children, as the German Sinti oppose this.

50827 The following offerings in Hamburg for speakers of the Romani of the German Sinti and Roma are listed in Nos. 12134 – 12137, 14078 and 14079 of the Third State Report in accordance with Art. 25 (2) of the Framework Convention for the Protection of National Minorities:

Various schools in Hamburg with a large proportion of Roma children employ Roma as teachers and social workers. Their work focuses on the culture of Sinti and Roma

and on art. The *Land* Institute for Teacher Training and School Development (*Landesinstitut für Lehrerbildung und Schulentwicklung*, LI) offers on-the-job training to those Roma working at Hamburg schools. At eight Hamburg schools (primary, secondary modern and secondary technical schools and one remedial school) six Roma teachers and social workers provide assistance to pupils. In addition, Sinti social workers provide homework assistance to Sinti students at two Hamburg schools (Wilhelmsburg and Lokstedt districts). Measures not provided in German are provided in the Romani of the German Roma but not in the Romani spoken by German Sinti since the members of this part of the national minority oppose this.

Since 1993, the *Land* Institute for Teacher Training and School Development in Hamburg has promoted and supported school education of Roma and Sinti children, including:

- conceptual development of school programmes also for German Roma and Sinti children;
- further training of teachers and of Roma employed in schools;
- the development of instruction materials in connection with the training of the Roma teachers and social workers;
- the production of an information film on school-related issues for Roma and Sinti parents, available in the three Romani dialects and provided to Roma and Sinti parents on request;
- counselling for parents, pupils, schools and the competent authority.

The Hamburg *Land* Institute for Teacher Training and School Development also takes care of the counselling of specialized teachers who receive further training or additional qualification for teaching in the minority language Romani spoken by the Roma. The Institute keeps a list of the relevant offerings of Hamburg schools; information on such activities is given at irregular intervals in the periodical *LI Magazin*. In consultation with the responsible authority, the Institute decides on whether programmes should be expanded or revised.

For further information on the Hamburg curriculum for Roma without a school-leaving certificate to qualify for university admission to become assistants in children and youth organizations and schools, in particular for children from the minority, see No. 12189 and No. 04035. This aspect is relevant regarding both teacher training and equal opportunities for Roma children.

Art. 8 (1) (c) - Secondary education

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

1. Hesse

50828 See the comments in No. 50807 above.

2. Free and Hanseatic City of Hamburg

50829 See Nos. 50823 to 50827 above.

Art. 8 (1) (d) - Technical and vocational education

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

50830 With regard to Hesse, see No. 50811 above.

Art. 8 (1) (e) – University and other higher education

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

50831 As already stated in No. 4024 of the Third State Report, implementation of the undertakings under (i) and (ii) accepted by Berlin is not being pursued, in agreement with the Berlin/Brandenburg *Land* Association of German Sinti and Roma.

Article 8 (1) (e) (iii)

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

50832 For some of the *Länder* which accepted this undertaking (Baden-Württemberg, Berlin, Hesse, North Rhine-Westphalia, Rhineland-Palatinate), as indicated in Nos. 4025 – 4030 of the Third State Report, this undertaking in the alternative “to allow” is fulfilled by Art. 5 (3) of the Basic Law guaranteeing the freedom of arts and sciences, research and teaching and the autonomy of higher education based on this article. No further measures are necessary.

50833 Rhineland-Palatinate refers to Nos. 00756 and 50817.

50834

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Article 8 (1) (f) (iii) - Adult education

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

50836 After the Committee of Experts concluded in Nos. 749 – 750 of its second evaluation report that this undertaking, accepted for the entire Federal Republic of Germany, was not fulfilled, the German authorities insist, as argued in No. 4031 ff. of the Third State Report, that funding from the Federation and from Baden-Württemberg (which is not obligated in this regard) for the Documentation and Cultural Centre of German Sinti and Roma fulfils the undertaking under (iii) for the entire country.

50837 With regard to the Committee's conclusion in No. 732 ff. of its third evaluation report that this undertaking remains not fulfilled in Hesse, and to the Committee's question whether the authorities had clarified whether there was a demand for Romani education in the field of adult education, had taken necessary measures and allocated appropriate funds with a view to favouring and/ or encouraging the offering of Romani as a subject of adult and continuing education, see No. 50813.

Art. 8 (1) (g) - Teaching of history and culture

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

50838 In view of the national activities to promote the teaching of the history and culture reflected by the Romani of the German Sinti and Roma, including funding from the Federation and from Baden-Württemberg for the Documentation and Cultural Centre of the German Sinti and Roma, funding for the *Land* associations of German Sinti and Roma, for example from Rhineland-Palatinate and Hesse, which support such teaching, and the activities of educational institutions in Hesse described in No. 4036 of the Third State Report, the Committee of Experts once again did not comment on this undertaking in the absence of issues raised.

50839 The *Länder* report:

The Bavarian Ministry of Education and Culture/*Land* Office for Civic Education provides annual institutional funding to the Bavarian Land Association of Sinti and Roma in the amount of €180,000.

In Hesse, this issue is continuously implemented at schools in the subjects of history, politics, economics and ethics through the advising activity of the Education Bureau/Cooperation Model for teachers. In this regard, too, the further development of the Education Bureau into a model for cooperation has proven effective and goal-oriented. It is apparent that special projects devoted to this issue have increased the number of presentations on the history and culture of the Sinti and Roma in the *Abitur* school-leaving examinations. In 2010, for the first time pupils may complete a special project on the music of the Sinti and Roma for credit in the *Abitur*.

To raise awareness among additional segments of the population, the Education Bureau/Cooperation Model offers lectures at various institutions (e.g. also in private industry) and organizes regular memorial events with pupils of Marburg schools to

remember the deportation of Sinti and Roma in 1943. For the 2010 memorial event, a music project carried out by a Marburg school together with Sinti musicians and funded by the city of Marburg is planned, in which the Sinti musicians teach the pupils about the unique characteristics of their music and pupils and musicians together put on a public concert.

Hesse is also planning a central further training class for school directors, teachers and school administrators on the history and culture of the Sinti and Roma in Hesse. The aim of this training is to gain multipliers who can help increase awareness of this issue in the schools even more.

During the teacher training course (first training phase), Rhineland-Palatinate's rules for the first state examination for teachers in the subject of pedagogy include the following: heterogeneity, individual, social and cultural diversity as conditions of school and teaching, as well as social and intercultural differences as prerequisites for education and learning. During preparatory service (second training phase), seminars in history, social studies, German and religion, memorial work, interaction with minorities and cultural diversity offer an opportunity to address issues of the history and culture of the Sinti and Roma.

During further training for teachers (third training phase), a series of classes takes up issues addressed in the first two phases and studies them in further detail. The schools' pedagogical service facilities also provide support in planning and conducting in-house further training (e.g. study days) on these issues.

In the schools the history and culture of German Sinti and Roma, in particular their persecution under the Nazis, are part of the history and social studies curricula.

The State Pedagogical Centre and the *Land* Agency for Civic Education, partly in close cooperation with the Rhineland-Palatinate *Land* Association of German Sinti and Roma, have produced informational materials on the Sinti and Roma as a German minority. This material is available to the schools in this *Land*. To help use this material in class, lesson plans have been developed, focusing especially on the history, culture, traditions and civil rights movement of the German Sinti and Roma.

The Rhineland-Palatinate *Land* Association of German Sinti and Roma is the schools' point of contact for all issues concerning the Sinti and Roma minority; on request, it organizes seminars and conferences for education multipliers and teachers on the Nazi persecution of the Sinti and Roma as well as on the history and

culture of the minority. The history curriculum for lower and upper secondary schools and the social studies curriculum for comprehensive schools includes units for the ninth and tenth grades covering local history during the Nazi period using group projects with concrete materials and portraying the fates of individual Sinti and Roma in the local area.

In 2008, the Rhineland-Palatinate *Land* Association of German Sinti and Roma initiated close cooperation with the *Land* institution for professional teacher training with regard to primary and lower secondary schools in Kaiserslautern. Department heads were informed in detail about the history and culture of the minority. In the area of values education, a class for teacher candidates on minorities using the example of the history of Sinti and Roma was conducted in cooperation with the chair of the Rhineland-Palatinate *Land* Association of German Sinti and Roma. This cooperation is being expanded and continued at *Land* level.

The North Rhine-Westphalia *Land* Association of German Sinti and Roma is engaged in a constructive dialogue with the Ministry of Schools and Further Education concerning promotion of Romani. The *Land* Association is currently developing a handbook on school and extra-curricular promotion of pupils from Sinti and Roma families, including additional tuition in Romani. This handbook will be given to the Ministry of Schools and Further Education to determine how it can be implemented.

Article 8 (1) (h) - Basic and further training of teachers

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

50840 In Nos. 753 and 754 of its second evaluation report, the Committee of Experts found that this undertaking, accepted for the Federal Republic of Germany, was not fulfilled, and in Nos. 736 and 737 of its third evaluation report found that this undertaking remains not fulfilled for Hesse. We refer to No. 4046 of the Third State Report in which we argue that the Charter for Regional or Minority Languages can only be implemented by mutual agreement with the persons concerned, and that it has not been possible to report any demand for educational measures within the meaning of (a) to (g) of Article 8 (1), at least with regard to the language spoken by the German Sinti and Roma, which is the only Romani language of relevance to the implementation of the Charter. This, in turn, might result from the fact that it is not possible to offer measures under the public education system *exclusively* to German

Sinti or German Roma and that consequently many members of these groups accept teaching of their language only within the family or group.

The efforts in Hamburg reported in No. 50827 above are the most that can be provided to fulfil this undertaking, and only when several favourable factors, such as a sufficient number of relevant persons, coincide.

50841 Hesse, which was the main focus of the Committee's criticism, responds to the Committee's question as follows: There have been no requests from German Sinti and Roma for teacher training with regard to teaching Romani.

Art. 8 (1) (i) - Supervisory bodies

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

50842 With regard to the Committee's finding in No. 738 ff. of its third evaluation report that this undertaking, which was accepted by Berlin and Hesse, is not fulfilled at least by Hesse, and with regard to the Committee's question whether steps have been taken to monitor the measures taken and progress achieved in the teaching of Romani and whether periodic reports have been drawn up, see Nos. 00803 – 00813 above and the statement in No. 4049 of the Third State Report that there is no evidence of any demand for educational measures which would require monitoring.

50843 The *Land* of Berlin adds: In cooperation with the association Regionale Arbeitsstellen für Bildung, Integration und Demokratie Berlin e.V. (RAA, Regional workplaces for education, integration and democracy in Berlin), the Senate Department for Education, Science and Research produces an annual newsletter for teachers and education specialists, providing them with news and information about further training opportunities. In addition, two specialist conferences are held every school year for teachers in Berlin schools as well as private schools and youth services offices. These conferences are designed and organized by the RAA.

50844 Hesse comments as follows: All curricular offerings in Hesse are subject to appropriate supervision. For the reasons already given, there are no special remedial measures specifically for Sinti and Roma speakers.

Article 8 (2)

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

50845 With regard to this undertaking, which was accepted by Berlin, Hesse and North Rhine-Westphalia, in No. 741 of its third evaluation report the Committee of Experts states that it has received no further information with regard to this undertaking and therefore urges the authorities to provide relevant information as to whether the authorities encourage or provide teaching in or of Romani at all the appropriate stages of education in territories other than those in which this language is traditionally used.

50846 As already indicated in No. 4051 of the Third State Report, the alternative of *allowing* such teaching, which is explicitly formulated in this undertaking, is fulfilled nation-wide for all regional and minority languages, on the basis of Article 5 (3) of the Basic Law (autonomy of higher education), and there are no obstacles to allowing such teaching at all appropriate stages of education; however, there is little demand for teaching in or of the minority language.

50847 We disagree with the Committee's view that an undertaking is fulfilled only when the most extensive alternative is fulfilled and consider this view to be *contra legem*.

Article 9**Judicial authorities***Paragraph 1*

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

Article 9 (1) (b) - Civil proceedings

in civil proceedings:

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

Article 9 (1) (c) - Proceedings before courts concerning administrative matters

in proceedings before courts concerning administrative matters:

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

50901 In view of the information given in No. 4054 of the Third State Report that Baden-Württemberg and North Rhine-Westphalia, for example, maintain lists of interpreters and translators for the courts and state prosecutors, in No. 743 of its third evaluation report the Committee again considered “that these undertakings were formally fulfilled as the domestic legal framework provides for that” and stated that the “Committee ... has not been made aware of any examples that these formal provisions in the law are followed by any degree of practical implementation”.

50902 With regard to its request for examples of the practical implementation of these provisions involving the use of Romani in the justice system, we respond that there will hardly be any such examples as long as Romani speakers believe their language should not be used for communicating with non-speakers.

The provisions of law allowing the use of Romani in the justice system are occasionally practically implemented in Hesse: For example, interpreters of the Romani language have been used in isolated cases. Over the past four years, a Romani-speaking interpreter was used in a criminal case before the local court of Lampertheim. The interpreter was needed due to the various dialects of those concerned. And at the administrative court of Frankfurt (Main) in 2002, an interpreter was used to interpret into and out of Romani for the plaintiff, a member of the Roma ethnic group, at the request of the plaintiff’s legal representative.

Art. 9 (2) (a) - Validity of legal documents

The Parties undertake:

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

50903 The Committee of Experts again did not comment on this undertaking. As indicated in No. 775 of the Second State Report, this undertaking is fulfilled by the legal system in Germany.

Article 10

Administrative authorities and public services

51001 With regard to Recommendation no. 5 of the Committee of Ministers (“take resolute action to establish a structured policy for making it practically possible to use regional or minority languages in dealings with the administration and, where relevant, in the courts”), and with regard to its finding in No. 798 of the third evaluation report that such a structured policy is still lacking, see No. 00252 and 01004 above explaining that there are no plans to take measures in the absence of any conceivable demand. We also remind the Committee that such demand will remain inconceivable as long as the persons concerned also speak German and in particular as long as Romani speakers do not want their language used for general communication accessible to persons outside the language group.

Paragraph 1

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

Article 10 (1) (a) (v) - Submission of documents

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

51002 In its third evaluation report, the Committee of Experts did not comment on this undertaking accepted for Romani and the other regional or minority languages used in Schleswig-Holstein, following reference in No. 4056 of the Third State Report to No. 776 of the Second State Report describing its fulfilment on the basis of Section 82a (2) of the *Land Administration Act*, and to No. 777 of that report providing information on the divergent opinions held by various groups of speakers as regards acceptance of this undertaking.

Article 10 (2)

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

Article 10 (2) (b) - Use of a regional or minority language, and applications to local and regional authorities

b) the possibility for users of regional or minority languages to submit oral or written applications in these languages;

51003 The Committee did not comment on this undertaking, accepted by Schleswig-Holstein for the Romani of the German Sinti and the German Roma as well as for Low German, in its third evaluation report.

As indicated in No. 4057 of the Third State Report, see Nos. 778 – 780 of the Second State Report for a description of fulfilment on the basis of Section 82 of the *Land Administration Act* and of the differing opinions on this undertaking held by the speakers.

51004

Article 10 (2) (e) and (f) - Use of a regional or minority language in debates of their assemblies

e) the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;

f) the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;

51005 With regard to these undertakings, which Hesse accepted for its territory and which are fulfilled by allowing the use of regional or minority languages, the Hesse authorities stated that they have encouraged the local authority associations to make arrangements at the regional level to allow the use of Romani in debates of the assemblies at regional and local level. However, this statement did not change the Committee's view in No. 746 of its third evaluation report that that the undertakings are only formally fulfilled.

51006 With regard to the Committee's question whether Romani is now being used in debates of the assemblies at regional and local level, we can only report that it is impossible to fulfil the Committee's wishes any further than described above as long as no one appears willing to speak the Romani of the German Sinti or Roma at such

assemblies because the speakers themselves want to keep their language for exclusive use within the group and not share knowledge of it with outsiders.

Article 10 (3)

Paragraph 3

With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:

Article 10 (3) (c) - Requests in the minority language

c) to allow users of regional or minority languages to submit a request in these languages.

51007 As long as speakers of the Romani of the German Sinti and Roma want to keep their language for exclusive use within the group, we will have to accept the Committee's view that this undertaking remains not fulfilled. See No. 4059 of the Third State Report.

As a result, it is impossible to satisfy the Committee's persistent request for information on practical implementation, pertinent legal provisions and positive measures with regard to this undertaking.

Article 10 (4)

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

Article 10 (4) (c) - Appointment of public service employees having a knowledge of the minority language

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

51008 Stating (in No. 751 of its third evaluation report) that it "has received no information on any kind of positive practice or incentives or structural approach with regard to this undertaking", the Committee "therefore considers this undertaking remains not fulfilled", at least with regard to Hesse, even though the *Land*

government has declared its willingness to agree to any requests for transfer by Romani-speaking public service employees to the territory in which that language is used. This undertaking was accepted by Baden-Württemberg, Hesse and Schleswig-Holstein. The German side regards this undertaking as applying only to existing requests for transfer.

51009

See No. 51001

- with regard to Recommendation no. 5 (“take resolute action to establish a structured policy for making it practically possible to use regional or minority languages in dealings with the administration and, where relevant, in the courts”);
- with regard to the Committee’s finding in No. 798 of its third evaluation report that measures “such as a human resources policy taking account of civil servants’ skills in regional or minority languages” are still lacking; and
- with regard to the Committee’s question whether the authorities (especially in Hesse) have introduced positive practices or incentives or a structured policy to enable public service employees with knowledge of Romani to be appointed in the territory in which that language is used.

51010 In this regard, Baden-Württemberg reports that no public service employees have made such requests. If any employees of the *Land* administration should make such a request, the authorities will examine whether it can be fulfilled. We point out that this undertaking applies only to the broadest possible agreement with existing appointment requests.

51011 Hesse reports that it is not aware of any employees of the Hesse *Land* administration having knowledge of Romani. No requests of this nature have been submitted to the *Land* government.

51012

Article 10 (5)

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

51013 The Committee of Experts did not comment on this undertaking, accepted for the entire federal territory for the Romani of the German Sinti and Roma, in its

third evaluation report in the absence of any apparent issues. As indicated in No. 4062 of the Third State Report, see Nos. 220 – 225 of the Second State Report for more information.

Article 11

Media

Paragraph 1

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

Article 11 (1) (b) (i) - Radio broadcasting

i) to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; or

51101 As indicated in No. 4063 of the Third State Report, with regard to this undertaking, accepted by Berlin, see No. 787 of the Second State Report stating that its fulfilment is possible under the existing legal provisions, but that it has not been fulfilled in practice in the absence of demand from the language group concerned.

Article 11 (1) (b) (ii) - Radio broadcasting

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

51101a As reported by the Sinti Alliance of Germany, the Lower Saxony Land Association of the Sinti Alliance of Germany has produced and funded a radio programme by Sinti for Sinti and their friends since 2000. This music and cultural programme, *Latscho Dibes*, airs every third Sunday of the month from 14.00 – 15.00 on five private radio stations in Lower Saxony, and in Kassel (Hesse), Tübingen and Reutlingen (Baden-Württemberg). The programme ranges from interviews and news to the presentation and review of relevant literature as well as a large variety of Gypsy music in the Sinti language (Sintetikes).

Article 11 (1) (c) (ii) - Broadcasting of television programmes

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

51102 See the description under No. 01102 ff. above with regard to the undertakings accepted for Berlin, Hamburg, Hesse, Schleswig-Holstein and (with regard to Art. 11 (1) (c) (ii)) Rhineland-Palatinate

- concerning the issues of fulfilment by public and private broadcasters;
- concerning the limits of government influence under German law; and
- concerning the measures taken and planned within these limits.

51103 With regard to Hesse, in No. 752 ff. of its third evaluation report, the Committee of Experts concluded that the undertaking remains not fulfilled,

- despite the fact that Hesse's Act on Private Broadcasters stipulates that programmes shall contribute "to the protection of ethnic, cultural and linguistic minorities";
- despite the *Land* government's intention to inform the public broadcaster Hessischer Rundfunk about Germany's obligation and about its preparations to initiate a dialogue between the broadcaster and the Hesse *Land* Association of German Sinti and Roma;

and despite the information that

- according to the Hesse *Land* Association of German Sinti and Roma, Romani speakers would welcome a Romani-language radio or television programme,
- but that the Committee was not aware of any positive measures taken by the authorities to encourage the broadcasting of radio and television programmes in Romani.

51104 With regard to the Committee's question whether the authorities have taken such measures in the meantime, Hesse reports as follows (see also No. 01102 ff. above):

On the basis of German constitutional law (principle of government non-intervention in broadcasting), no government may determine programming content. Thus the *Land* has no way to exert influence on the design or selection of programmes. Instead, Hesse has informed the broadcaster Hessischer Rundfunk about Germany's obligations accepted under Art. 11 (1) (b) (ii) and (c) (ii) and initiated a dialogue between the *Land* public service broadcasting corporation and the Hesse *Land* Association of German Sinti and Roma, while respecting the constitutional principle of government non-intervention in broadcasting. However, according to Hessischer

Rundfunk, representatives of the Sinti and Roma have not asked the *Land* public service broadcasting corporation for any programming in the Romani language.

51105 - 51107

Art. 11 (1) (d) - Audio and audiovisual works

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

51108 With regard to the Committee's conclusion in No. 758 of its third evaluation report that this undertaking, accepted for the entire federal territory, remains not fulfilled, and with regard to the Committee's question as to which measures have been taken to encourage and/or facilitate the production and distribution of audio and audiovisual works in Romani, we report (as already in No. 4097 of the Third State Report) that the Federal Republic continues to believe, as indicated in No. 801 of the Second State Report, that its funding for the Documentation Centre of German Sinti and Roma fulfils this undertaking, regardless of the decisions made there concerning the use of funds. In this case, too, we point out that the undertaking calls for encouragement, but not for the success of such encouragement as well.

51109

Article 11 (1) (e) (i) - Newspapers

i) to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or

Article 11 (1) (e) (ii) - Newspaper articles

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

51110 With regard to the undertaking under (e) (i) accepted for Berlin and Hesse, and to the undertaking under (e) (ii) accepted for the entire federal territory, the Committee of Experts found in No. 759 ff. of its third evaluation report that these undertakings remain not fulfilled and asked for information about measures taken in cooperation with Romani speakers to encourage the creation of at least one newspaper in the Romani language.

51111 See No. 4098 of the Third State Report.

51112

Article 11 (1) (f) (ii) - Financial assistance for audiovisual productions

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

51113 In Nos. 761 and 762 of its third evaluation report, the Committee found that this undertaking, accepted for the entire federal territory, remained not fulfilled

- despite the reference in No. 4101 of the Third State Report to No. 808 in conjunction with Nos. 226 – 230 of the Second State Report describing the difficulties of direct financial assistance and to the funding for the Documentation and Cultural Centre of German Sinti and Roma, mentioned in No. 810 of the Second State Report, for this reason;
- and despite the information that the existing financial assistance is also to be applied to productions in the Romani language.

The Committee justified its finding by stating that the applicability of this financial assistance to the Romani of the German Sinti and Roma was not apparent.

51114 The comments in No. 4101 of the Third State Report continue to apply.

Article 11 (1) (g) - Training of journalists

g) to support the training of journalists and other staff for media using regional or minority languages.

51115 With regard to the Committee's conclusion in Nos. 763 and 764 that this undertaking, accepted for the entire federal territory, remains not fulfilled, we disagree again with the Committee's view that fulfilling this undertaking requires at least some degree of practical implementation. Instead, as already indicated in No. 4102 of the Third State Report referring to No. 811 of the Second State Report, we believe that this undertaking is already fulfilled by the funding for the Documentation and Cultural Centre of German Sinti and Roma.

51116 With regard to the Committee's question whether the authorities have taken measures to support the training of journalists and other staff for media using the Romani Language, we report that no further measures are planned as long as the speakers of the Romani of the German Sinti and Roma do not view their language as a lingua franca.

Article 11 (2) - Freedom of direct reception of broadcasts, and freedom of expression

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

51117 The Committee of Experts did not comment on this undertaking, accepted for the entire federal territory, in the absence of apparent issues. As indicated in No. 4103 of the Third State Report, see No. 812 in conjunction with Nos. 226 – 239 of the Second State Report for a description of the legal framework conditions corresponding to this undertaking.

Article 12

Cultural activities and facilities

Paragraph 1

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the

extent that the public authorities are competent, have power or play a role in this field:

Article 12 (1) (a) - Types of expression and access to works

a) to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;

51201 With regard to this undertaking, accepted for Baden-Württemberg, Berlin, Hamburg, Hesse, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate and Schleswig-Holstein, in Nos. 765 – 767 of its third evaluation report the Committee of Experts repeated that “in order to fulfil this undertaking, it is not sufficient to put such promotion of regional or minority language on equal footing with mainstream promotion, this being already covered by the principle of non-discrimination enshrined in Article 7, paragraph 2” and concludes that the undertaking is not fulfilled, at least in Hesse.

51202 In response to the Committee’s question whether the authorities have undertaken any measures in the meantime to encourage types of expression and initiative specific to Romani and foster the different means of access to works produced in these languages, we point out (as in No. 4105 of the Third State Report) that the undertaking is to be considered fulfilled by the existence of funding which recipients are free to use for the above-mentioned specific purpose as well as other activities aimed at raising awareness of issues related to this language group. In view of Germany's recent history, there is no conceivable way of making allocation of funds dependent on whether or not these will be used for a desired form of language promotion.

51203 As in No. 4106 of the Third State Report, the following *Länder* report current funding to be used at least in part as indicated in this undertaking:

51204 Lower Saxony provided funding for the annual Sinti music festivals in Hildesheim each year from 2005 to 2008.

51205 North-Rhine/Westphalia has funded the Sinti and Roma counselling bureau in Düsseldorf since 1985. This bureau is responsible for raising awareness and providing further training in schools and workshops, for providing individual advice in schools, for organizing commemoration days and for settling conflicts with other

institutions. The bureau, run by the North Rhine-Westphalia *Land* Association of German Sinti and Roma, also assists Sinti and Roma in communicating with authorities. Moreover, compensation for injustice suffered during the Third Reich has become a key issue of counselling.

A new research project at the University of Bielefeld also deserves special mention: Professor Bogdal, a literary historian, is planning a complete history of the “Gypsies” in European literature from the 15th century to the present.

51206 Rhineland-Palatinate supports the Sinti and Roma music and cultural festival “Aven” with funding from Kultursommer e.V. In 2008, for example, the Rhineland-Palatinate *Land* Association of German Sinti and Roma displayed traditional Sinti crafts and organized a concert featuring well-known Sinti musicians as part of the festival focus on “Arbeitswelten-Lebenswelten” (worlds of work, ways of life). The *Land* also provided funding for local one-time events, such as the world music festival “Horizonte” in Koblenz. Municipalities also provide funding for cultural projects.

Rhineland-Palatinate has also subsidized the cultural work of the Rhineland-Palatinate *Land* Association of German Sinti and Roma for years in the framework of institutional funding for its office and of special project funding for volunteer activities by its members.

For information about funding for the Sinti Union of Rhineland-Palatinate, see No. 00756a.

51207 The Philharmonic Society of Sinti and Roma of Frankfurt, which aims to preserve the musical heritage of the Sinti and Roma, received funding from the Hesse government in 2004, 2005, 2006 and 2008.

51208

Article 12 (1) (d) - Taking account of the regional or minority language in cultural activities

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

51209 With regard to this undertaking, in No. 768 ff. of its third evaluation report the Committee stated that during its on-the-spot visit in Hesse it did not receive any information about bodies other than the *Land* Association of German Sinti and Roma which are responsible for organizing cultural activities in relation to the Romani language. As a result, it considers that the undertaking is only partly fulfilled.

51210 With regard to its request for information about measures taken to ensure that the bodies responsible for organizing or supporting cultural activities of various kinds (other than the Hesse *Land* Association of German Sinti and Roma) make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures, we refer to No. 4116 of the Third State Report:

In the view of the German authorities, this undertaking can be fulfilled only by providing support for cultural activities of the associations of the respective language groups or at the very least by involving these associations in such activities.

Particularly in view of the autonomy of associations as guaranteed under German law, these associations - in accordance with their declared purpose - can be assumed to make appropriate allowance for incorporating the knowledge of their language. As regards the Romani language of the German Sinti and the German Roma, however, it must be borne in mind that knowledge of the minority language should not be imparted to outsiders since the majority of speakers apparently wish to confine use of the language exclusively to their families and their own group.

51211 This undertaking, too, can be fulfilled only through the activities mentioned in No. 51203 ff. above.

Article 12 (1) (f) - Participation of representatives of the speakers

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

51212 The Committee of Experts did not comment on this undertaking, accepted for Baden-Württemberg, Berlin, Hamburg, Hesse, Lower Saxony, North Rhine-Westphalia and Schleswig-Holstein. As in No. 4117 of the Third State Report, we can only reiterate that it can be fulfilled only when associations of Romani speakers are involved in or independently organize the activities mentioned in No. 51203 ff.

Art. 12 (1) (g) - Creation of archive bodies

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

51213 With regard to this undertaking, accepted for the entire federal territory, in light of the information provided by the Central Council of German Sinti and Roma that the Documentation and Cultural Centre of German Sinti and Roma, which is funded by the Federation and Baden-Württemberg, produces and collects works, such as recordings of poetry, songs and theatre plays in the Romani language, in No. 771 ff. of its third evaluation report the Committee considers that this undertaking is fulfilled.

Article 12 (2)

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

51214 In Nos. 774 and 775 of its third evaluation report, the Committee stated that it “was not in a position to conclude on the fulfilment of this undertaking”, accepted for Baden-Württemberg, Hesse, North Rhine-Westphalia and Schleswig-Holstein, due to a lack of information. With regard to this statement and to the Committee’s question whether measures have been taken to allow, encourage and/or provide appropriate cultural activities and facilities to promote the Romani language in territories other than those in which this language is traditionally used, Germany is still of the view, as explained in Nos. 4128 and 4129 of its Third State Report, that this undertaking can be fulfilled by allowing such activities and facilities and that this undertaking is therefore fulfilled as a matter of course due to the German legal system.

51215 If one agreed with the Committee’s view that fulfilling this undertaking required positive measures of encouragement, it would have to be pointed out that there are no territories in Germany where the Romani of the German Sinti and Roma is traditionally used, because the members of the national minority of the German Sinti and Roma do not live in clearly defined settlement areas, and because they regard their language as a language for communicating within the group. As a result,

all of the funding measures mentioned above in No. 51203 ff. would have to be regarded as measures of encouragement expected by the Committee of Experts.

Article 12 (3)

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

51216 The Romani of the German Sinti and Roma is the only minority language in Germany for which the Committee did not consider that this undertaking is not fulfilled.

51217 For this reason, it suffices to refer to No. 4132 of the Third State Report and the statement by the Documentation Centre of German Sinti and Roma that the cultural affairs division of the Federal Foreign Office, the German diplomatic missions abroad and the branch offices of the Goethe-Institut in Hungary, the Czech Republic, Poland and the United States provided extraordinary support for the preparation and organization of the exhibition "The Holocaust against the Sinti and Roma, and present-day racism in Europe", thereby clearly showing that they attach great importance to this issue.

51218 The announcement that the Documentation Centre would continue to work with these institutions was put into practice as follows: During the reporting period, the German embassies and Goethe institutes in Stockholm and Bucharest were involved in preparing, presenting and following up on (press releases, etc.) the Documentation Centre's international exhibition on the Holocaust and the Sinti and Roma. The Documentation Centre had a very positive assessment of this cooperation, which continues with the preparation of a presentation in Helsinki in spring 2010.

Article 13

Economic and social life

Paragraph 1

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

- a) *to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents*

- relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*
- b) to prohibit the insertion - in internal regulations of companies and private documents - of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*
 - c) to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*
 - d) to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.*

51301 In No. 776 ff. of its third evaluation report, the Committee considered that the undertakings under (a), (c) and (d), accepted for the entire federal territory, were fulfilled in view of the federal anti-discrimination act which continues in force (*Allgemeines Gleichbehandlungsgesetz, AGG*).

51302 With regard to the undertaking under Art. 13 (1) (d), also accepted for the entire federal territory,

- to the Committee's statement in No. 779 ff. of its third evaluation report that this undertaking also includes the facilitation of the oral use of the minority language and could therefore be implemented despite the lack of a written form of the Romani of the German Sinti, and that in the apparent absence of measures, the Committee considers that this undertaking is not fulfilled, at least in Hesse; and
- to the Committee's question whether measures had been taken in the meantime to facilitate and/or encourage the use of Romani in connection with economic or social activities,

Germany still considers that this undertaking is fulfilled by the funding for the office of the Central Council of German Sinti and Roma.

51303 In a letter dated 18 September 2009, the Hesse *Land* government asked the federation of Hesse employers' associations to encourage its members to facilitate and support the use of Romani in the context of economic activities of all kinds.

Article 14

Transfrontier exchanges

The Parties undertake:

- a) to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if*

necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;”

51401 In response to No. 4139 of the Third State Report stating that there is no indication that speakers of the Romani of German Sinti and Roma are interested in any agreements of the kind mentioned in this undertaking, which was accepted for the entire federal territory, in Nos. 784 – 786 of its third evaluation report the Committee found that the undertaking was not fulfilled, arguing that the “reason that demand for such agreements has not yet been made by Romani speakers may lie in the fact that they are not aware of the possibility to reach such agreements related to the Romani language” and that there “was however an interest in ... the European Roma Forum”.

51402 Germany disagrees with this statement, noting among other things that (as reported in No. 4139 of the Third State Report) representatives of Germany’s Federal Government participated from the very beginning in the Council of Europe working group which drafted the Forum’s statutes and the cooperation agreement with the Council of Europe.

The Federal Government forwarded subsequent information about the Forum without delay to the federal organizations it was aware of, the Central Council of German Sinti and Roma and the Sinti Alliance of Germany.

However, the Federal Government does not know who appointed the German representative to the Forum for its first term. According to the statutes, every state is supposed to send a representative of the umbrella organizations of the Sinti and Roma to be created in this state. According to the Federal Government’s information, these two competing and non-cooperating organizations at federal level have been unable to agree on a joint umbrella organization or on a joint representative to the Forum.

51402 Germany is involved in efforts of all international organizations to promote the Roma, such as the OSCE’s Roma Action Plan. Questions from other countries, such as Hungary, about the promotion of Sinti and Roma in Germany have shown that the framework conditions in the various countries differ so greatly that there does not seem to be any point to cooperation. In particular, Germany has no plans for agreements containing provisions for Roma who are foreign nationals which diverge from the provisions of German law applicable to all foreigners.

D.2.6 Low German

60000 Low German is protected under Part III of the Charter in the following *Länder*: Free Hanseatic City of Bremen, Free and Hanseatic City of Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein. In the *Länder* of Brandenburg, North Rhine-Westphalia and Saxony-Anhalt, Low German falls under the protection afforded under Part II, since the required quorum of 35 obligations has not been attained.

Article 8

Education

60801 With regard to the overarching obligations arising from Article 8 of the Charter and with regard to the second Recommendation given by the Committee of Ministers at the suggestion of the Committee of Experts during the second monitoring cycle, which was “to take action to improve provision and allocate adequate resources for regional or minority language teaching and in particular: increase the number of hours devoted to, and provide clear guidelines for, Low German teaching in the *Länder* concerned”, the Committee of Experts made the following statements in no. 793 of its Third Evaluation Report:

“With regard to Low German, the number of hours devoted to Low German have not increased in any Land where Low German is spoken. In most cases, Low German continues to be taught as a part of other subjects, which in practice limits the actual amount taught to a minimum. Low German as a subject in its own right is only more widespread in schools in Mecklenburg-Western Pomerania. A new directive for pre-schools has been adopted in Hamburg, which strengthens the teaching of Low German. In Lower Saxony, the decree which prescribed the teaching of Low German has expired, and the new orientation plan seems to have a lesser level of commitment to the teaching of Low German. In Bremen, the new framework curriculum no longer mentions the teaching of Low German, although this is to be redressed with guidelines. Most *Länder* have carried out surveys on the extent to which Low German is taught in schools. Concepts for Low German education could and should be developed based on the outcome of these. The Committee of Experts has no information on the amount of Low German taught in those *Länder* where Part II of the Charter applies (Saxony-Anhalt, Brandenburg and North-Rhine/Westphalia).”

Land Saxony-Anhalt makes the following comments:

All types of schools offer optional courses in Low German. These offers cannot always be recorded in the school statistics, especially when there are too few pupils attending these courses. For instance, for the school year 2008/09, only one two-hour Low German course is recorded, which was attended by nine pupils. Schools seek to improve their recording of such courses in the school statistics for the school year 2010/11.

60802 In no. 398 of its Third Evaluation Report, the Committee of Experts refers to the information contained ad no. 5018 of the Third Periodical Report that a survey was conducted in the Free Hanseatic City of Bremen to find out the extent to which Low German was taught at schools in Bremen, including a register of the number and location of teachers with Low German language skills. Based on the findings, a concept for teaching Low German is to be developed and implemented together with the Land Institute for Schools and the Low German Institute (INS). The Committee welcomed this initiative and requested further information on the development and implementation of this concept.

60803 With regard to the obligations pursuant to Article 8 and Hamburg's compliance with these obligations, the Committee of Experts, in no. 469 of its Third Evaluation Report, referred to the information given in nos. 470 – 477 of the periodical report, where it says that the framework curriculum for German at primary and secondary level requires schools in the Free Hanseatic City of Hamburg to provide Low German lessons. In connection with a survey conducted at 333 schools in Hamburg to look into the implementation of the curriculum it furthermore reported that, excepting 45 schools, all schools met the requirement of providing Low German. Finally the Committee stated that, at the time, 48 had taken part in the Low German reading competition.

60804 With regard to the promotion of Low German in education institutions in Lower Saxony, the Committee of Experts, ad nos. 50/601 of the Third Evaluation Report, criticized that the German Part III ratification for Low German in Lower Saxony pursuant to Article 8 covers only pre-school and higher education, and that the essential components of primary and secondary education are missing.

The *Länder* addressed make the following comments with regard to the statements and assessments made and the questions by the Committee of Expert:

60805 Brandenburg refers to the statements made in no. 00765.

60806 The Free Hanseatic City of Bremen refers to the information contained in no. 00762. With regard to no. 60802 Bremen states that the linguistic-cultural preconditions for the promotion of Low German at schools have deteriorated, because those who speak Low German tend to live in rural the areas on the outskirts of Bremen and not to move in school circles. That said, all the measures mentioned in no. 00762 seek to draw attention to the regional language and give incentives for Low German language teaching at school.

60807 The Free and Hanseatic City of Hamburg refers to the comments regarding the education levels defined in Article 8 (cf. nos 60812 - 60813, 60822 - 60823, 60835, 60849-60850, 60875 - 60876, and 60882).

60808a Mecklenburg-Western Pomerania refers to the statements in nos. 60 825 and 60 836.

60808b Lower Saxony refers to no. 40807, stating that the Council of Europe should monitor compliance with existing obligations, and not make any additional demands; Lower Saxony might take additional voluntary contribution, if it so wished. In actual fact Lower Saxony has already taken such measures without having ratified obligations under Article 8 in Part III of the Charter on Languages. Lower Saxony strongly denies the statements by the Committee of Experts contained in no. 60801 above, according to which in Lower Saxony the decree which prescribed the teaching of Low German has expired, and the new orientation plan seems to have a lesser level of commitment to the teaching of Low German. The decree at hand "Die Region im Unterricht" was only intended as an appeal. The curricula for German as a school subject issued in 2006 were the first to make Low German language lessons in primary and secondary schools compulsory. Furthermore, pupils at all types of schools may opt to learn Low German (during activity groups or as required optional subjects); where the person entitled to bring up the child approves, pupils may also be taught other subjects in Low German in total immersion, a method approved by the relevant *Land* authorities.

Article 8, para. 1

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

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

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

60809 The *Länder* Brandenburg (cf. para. 849 seqq. of the second State Report), the Free Hanseatic City of Bremen (cf. para. 854 seqq. of the second State Report), the Free and Hanseatic City of Hamburg (cf. para. 852 seqq. of the second State Report), Mecklenburg-Western Pomerania (cf. para. 856 of the second State Report), Lower Saxony (cf. para. 857 seqq. of the second State Report), Saxony-Anhalt (cf. para. 859 seqq. of the second State Report) and Schleswig-Holstein (cf. para. 862 seqq. of the second State Report) have accepted the obligation under sub-paragraph (a) (iv).

1. Brandenburg

60809a Brandenburg continues not to have statistical material showing to what extent Low German is spoken at children's day-care facilities. For this reason no sustainable estimates can be made as to the number of learning groups which teach rhymes or songs in Low German, create bilingual learning situations or use Low German media. Pre-school education in Brandenburg is incumbent on the municipalities, which are not required to report back to the *Land* level with regard to Low German. It is safe to assume, though, that Low German is used in the day-care centres in the districts Uckermark, Prignitz, Ostprignitz-Ruppin and Oberhavel when speaking about local lore, events or places.

2. Free Hanseatic City of Bremen

60810 In no. 401 et seqq. of its Third Evaluation Report, the Committee of Experts stated that it had been informed, in no. 5003 of the Third State Report, that Low German is used to some extent in pre-schools in areas bordering the Land of Lower Saxony, and in other parts of Bremen mainly in the form of rhymes and songs. However, it was not clear to the Committee of Experts whether the extent to which

Low German is used in the pre-schools located in the outskirts of Bremen meets at least the requirement of a substantial part of education

60811 The Free Hanseatic City of Bremen comments as follows with regard to the above-mentioned question and to the question raised by the Committee of Experts whether or not the authorities have provided constantly Low German pre-school education in line with demand, and in keeping with the need for a systematic approach in the field of pre-school education in Low German:

At present, there is no demand for pre-school education in Low German beyond what is presently on offer.

3. Free Hanseatic City of Hamburg

60812 In no. 471 of its Third Evaluation Report the Committee of Expert welcomed the directive – mentioned in no. 5004 of the Third State Report – on “pre-school education” (Richtlinie für die Bildung und Erziehung in Vorschulklassen), which was issued by the Hamburg Senate on 15 June 2005 and makes the “cultivation of the Low German language” in pre-schools legally binding. According to this directive, an examination of the language shall be conducted where larger groups of children speak Low German, in a suitable manner for children. For all other pre-school classes in Hamburg, children should be acquainted with Low German through rhymes and poems.

The Expert Committee in return stated that the wording of the directive does not make it clear to what extent Low German should be taught at pre-schools and asked the authorities for clarification and further information on the practical implementation of the new directive.

60813 In reply, the following information is provided by the Free and Hanseatic City of Hamburg:

The “Directive on pre-school classes” requires the learning institutions to create a “great variety of learning situations enabling pupils to acquire the basic interaction means and skills”. This also holds good for Low German where it is spoken as a second language. The teaching time dedicated to the regional languages can therefore not be determined without taking into account the actual learning group and the language skills they start with.

All pupils who do not (yet) speak Low German, should be familiarized with suitable texts. In pre-school classes, teachers tend to present Low German poems and songs, as can be derived from the fact that schools have a high demand for song

books and recorded material (e.g. a playback CD). It can therefore be assumed that the directive is implemented in a motivating manner.

4. Mecklenburg-Western Pomerania

60814 In no. 545 et seqq. of its Evaluation Report, the Committee of Experts considered the undertaking only partly fulfilled:

- According to information received from a representative of the Land authorities, there is wide-spread use of Low German in pre-schools in Western Pomerania. In Mecklenburg, Low German is offered in Mecklenburg-Strelitz and in Schwerin and in some other towns.
- Representatives of the Low German-speakers claimed that the offer of Low German in pre-schools was patchy, though.
- According to the information given in no. 5005 of the Third State Report, the Zentrum für Niederdeutsche Sprache Vorpommern e.V. (Centre for Low German - Western Pomerania e.V.) in Wilmshagen, which was founded in 2004 and receives support from the responsible district, organizes Low German courses for nursery-school teachers, in cooperation with the Landesheimatverband Mecklenburg-Vorpommern e.V. (Mecklenburg-Western Pomerania Land Union for Local and Regional Traditions). The Centre also supplies teaching material which is distributed in some districts in Western Pomerania.
- Furthermore, representatives of Low German speakers said that the Centre for Low German is seriously understaffed and would need an increase of human and financial resources to carry out its work.

60815 In reply to the above-mentioned questions and in response to the Committee's recommendations encouraging the authorities to provide adequate resources to the Centre for Low German with a view to meeting the growing demand for the teaching of Low German in pre-school education and offering Low German more systematically, Mecklenburg-Western Pomerania provides the following information:

The 2004 Act to Promote Children in Day Care and Child-Minding (Kindertagesförderungsgesetz - KifÖ-G-M-V) defines the framework for the pedagogical work at the 1,077 day-care centres in Mecklenburg-Western Pomerania. 97% of all three- to six-year-olds in Mecklenburg-Western Pomerania attend day-care institutions, 70% of which are privately run, and 30% state-run.

The above-mentioned Act to Promote Children in Day Care defines, in its section 1, the following as the aims and tasks of promoting "communication, speaking and

language(s)”: The 2004 Framework Plan lists as one of the tasks dealing with the language of everyday communication. Low German is taught in all day-care centres to varying degrees. It is up to the nursery school teachers to decide whether they want to teach German, English, French, Polish or Low German as a second language. The Landesheimatverband Mecklenburg-Vorpommern e.V. (Mecklenburg-Western Pomerania Land Union for Local and Regional Traditions), the „Klön snack Rostocker 7“ association (Rostock Low German speaking association) or the *Volkskulturinstitut* (Rostock Institute for Folk Culture) provide further training for nursery and pre-school teachers. The voluntary contribution of Low German speakers has helped in Low German teaching.

A total of 585 nursery children and pupils took part in the 2008/2009 all-Mecklenburg-Western-Pomerania Low German competitions in the Hanse cities of Greifswald and Rostock, in Stavenhagen and in the regional capital Schwerin. 50% of the participants in regional competitions are children from day-care institutions.

Finally, the Zentrum für Niederdeutsche Sprache Vorpommern e.V. (Centre for Low German - Western Pomerania e.V.) in Wilmshagen, has ceased its work owing to internal considerations.

5. Lower Saxony

60816 603. In their third periodical report (paragraph 5006), the authorities state that according to the new Orientation Plan of January 2005 on elementary education, “in those regions where a regional language is spoken (for example Low German), multilingualism is a good way of enhancing the children’s comprehension skills and language competence”. This is a fact welcomed by the Committee of Experts in the Third Evaluation Report in no. 603 et seqq. Furthermore, the Committee stated, that, according to the Land authorities, no surveys have been made with regard to the extent to which Low German is available in practice; on the other hand, there were 60 bilingual nursery schools in East Frisia, a fact which the local speakers of Low German were very happy about.

60817 The Committee therefore considered the undertaking only partly fulfilled and requested concrete information regarding the situation of Low German at pre-schools outside East Frisia; in response, Lower Saxony provides the following information: Lower Saxony does not have pre-schools as such; pre-school education is provided by privately- or publicly-run children’s day care centres. Lower Saxony does not run its own centres. The region does not collect statistics about regional language

teaching in the day-care centres. It is part of the individual concept of each centre and institution and in keeping with the Orientation Plan to use the regional language in the everyday communication with the children. It is therefore obvious that the number of bilingual nursery schools in East Frisia was stated by the Low German speakers there, because they would be the ones to know best.

6. Saxony-Anhalt

60818 The Committee of Experts did not comment on Low German in the pre-schools in Saxony-Anhalt in its Third Evaluation Report.

Reference is made to paragraph 5007 of the Third State Report which stated that, in early 2006, a Working Group on Low German (AG Niederdeutsch) was set up in the Ministry for Culture, and that, in consultation with the officer from the Ministry of Health and Social Matters responsible for pre-school education, the situation was analysed. In 2006/07 an expert group was established which discussed targeted measures to promote Low German in nursery schools in the various language areas (further training measures for nursery school teachers; provision of teaching material etc.).

Saxony-Anhalt provides the following information regarding the implementation of the discussion results:

So far, the results have not been implemented on a broad basis, but only in individual cases and on a voluntary basis. This is due to the fact that the focus has been on other aspects of pre-school education, which have come with financial support from the government. This is not surprising, as most day-care centres are run by the local government.

7. Schleswig-Holstein

60819 In the absence of visible problems, the Committee of Experts once again made no comments on Low German in the pre-schools in Schleswig-Holstein in its Third Evaluation Report.

Reference is made to paragraph 5008 of the Third State Report which stated that local public child and youth welfare agencies are responsible for day-care centres and need to decide what, if any, regional or minority languages should be offered; therefore, they also need to negotiate means of assistance with the district concerned.

Furthermore, in no. 5008 of the Third State Report, it was pointed out that the significance of the minority languages and the regional language of Low German has been expanded into the “Leitlinien zum Bildungsauftrag von Kindertageseinrichtungen” (Guidelines for the educational mandate in children’s day-care centres).

Reference is also made to the information provided there that the Centres for Low German (Zentren für Niederdeutsch, ZfN) in Leck and Ratzeburg offer assistance to the children’s day-care centres as regards the integration of Low German (through further training courses, provision of teaching materials, tutoring by external speakers of Low German).

In addition, Lower-Saxony provides the following information with regard to Low German at their nursery schools:

Pre-school Low German education has come to be a focus for the Centres for Low German in Leck and Ratzeburg. Measures to co-ordinate and design Low German education at pre-school level have been introduced, both at the regional and higher level.

The ADS-Grenzfriedensbund e.V. (a border organization) offers Low German in 14 nursery schools as part of the language teaching concept “multilingualism in nursery schools”. Please go to paragraph 10815 above for information concerning organization and methodology.

On 24 November 2009, an event was held in the parliament of Schleswig-Holstein to discuss Low German in day-care centres. The event was organized by the parliament’s President. Papers and discussions were held with approx.

120 participants, many of them nursery school teachers; experience was shared, successful projects were presented and information was provided about new methods to convey Low German. The speakers concluded the spokesperson of the Federal Council for Low German.

Finally, it should be pointed out that the Minister-President’s Commissioner for Minorities wrote an article in the region’s local government magazine, drawing attention to the importance of multilingualism at an early age and advocating the use of Low German and Frisian in nursery schools.

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

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

60820 The Free Hanseatic City of Bremen (cf. para. 866 of the second State Report), the Free and Hanseatic City of Hamburg (cf. para. 867 seqq. of the second State Report), Mecklenburg-Western Pomerania (cf. paras. 870-874 of the second State Report) and Schleswig-Holstein (cf. para. 875 seqq. of the second State Report) have accepted the above obligation.

1. Free Hanseatic City of Bremen

60821

- With regard to the Committee of Experts's view stated in no. 404 et seqq. of its Third Evaluation Report that this undertaking remains not fulfilled;
- With regard to the question raised in the Third Periodical Report (paragraph 5010) whether or not the guidance material has been finalized in an attempt to make up for the step backwards which new the Framework Curriculum presents on the previous curriculum; and
- With regard also to the question raised by the Committee of Experts whether or not the authorities of Bremen have adopted a structured approach with a view to ensuring that Low German is systematically taught within primary education with regular school hours allocated to it, as encouraged by the Committee, Bremen comments as follows:

Firstly, nursery school attendance is not compulsory, as opposed to school attendance; secondly, children's day-care institutions can only to a limited extent be required to present specific contents. This is due to the structure and the legal provisions of the Social Code, Book VIII.

The "Framework Plan for Elementary Education" (Rahmenplan für Bildung und Erziehung im Elementarbereich) adopted by Bremen makes "verbal and non-verbal communication a focal area; however, the promotion of Low German has not been mentioned explicitly, nor have other languages, for that matter. The Framework Plan does not present a curriculum to be implemented by the day-care centres.

Nonetheless, Low German is promoted as described above.

Schools have been given teaching materials as mentioned in no. 0762 above. A hand-out with texts for the reading competition and with didactic information is being prepared.

Owing to what is called the core competences and tasks as regards lessons and school development it is not possible to dedicate regular lessons to Low German or to use some of the regular German lessons to teach Low German.

2. Free Hanseatic City of Hamburg

60822 In its Second Evaluation Report (see paragraph 473 et seqq.), the Committee of Experts concluded that the undertaking was only partly fulfilled, despite the new framework curriculum making the teaching of a degree of Low German in Hamburg mandatory, as set out in no. 5011 of the Third State Report; however, Low German should be taught as a separate school subject, and not only as part of the general German lessons, which led to the tendency of it being neglected and therefore did not constitute an integral part of the curriculum.

60823 Hamburg replies as follows to the above-mentioned statements and to the Committee's question whether measures have been taken, in line with the above-mentioned recommendation, to make Low German an integral part of the curriculum; Hamburg also provides information about the provision of Low German at primary schools:

Current surveys (conducted by GETAS – Gesellschaft für angewandte Sozialpsychologie und IPSOS – Ipsos GmbH; Society for Applied Social Psychology and IPSOS) show that the number of Hamburg citizens speaking Low German has gone down dramatically. It is against this background that the level of Low German lessons required by the framework plans no longer suffices. Therefore the responsible authority is planning to introduce courses for the acquisition of Low German as of the school year 2010/11. The Framework Concept for Primary Schools of February 2009 states: “Low German is at least provided in the rural areas which are part of the Low German linguistic landscape (Finkenwerder, Neuenfelde, Cranz, Vier- und Marschlande).” In these places, Low German is provided as a separate school subject. The Land Institute for Teacher Training and School Development (Landesinstitut für Lehrerbildung und Schulentwicklung) will present a Framework Plan for Low German, which is currently being prepared for grades 1 - 6. The Institut für Niederdeutsche Sprache (Institute for Low German) and Hamburg University (Institute for Germanistics I, Low German and Literature) are helping to prepare the above-mentioned Framework Plan.

In addition, a group of members of the “Plattdütsch in Hamborg e.V.” association (an association of Low German speakers in Hamburg) have come together in the Bergedorf district, especially in Vierlanden and Marschlanden, in order to actively

implement what they call the “Plattsnacker Vier- und Marschlande concept”. This means that they hold Low German lessons, in consultation with the headmasters and the relevant teachers,

The relevant authorities very much appreciate the voluntary work of the “Plattsnackers“ at schools and nursery schools in Vierlande and Marschlande. The schools provide teaching materials, where appropriate; expenses are reimbursed. The *Land* Institute for Teacher Training and School Development (Landesinstitut für Lehrerbildung und Schulentwicklung) co-operates with the “Plattdütsch in Hamburg” association. This association makes a contribution towards implementing the objectives of the Languages Charter as a non-profit-making association; for this reason, the authority for schools and occupational training grants it a lump-sum financial grant for 2009/2010 upon application.

Furthermore, in 2008, Hamburg’s biggest reading event (“Seiteneinsteiger”) took place as commissioned by the responsible authorities (schools and culture); Low German readings and workshops for primary and secondary schools were offered to an increasing extent. The same will hold good for 2009.

Specifically, these were as follows in 2008:

Gerd Spiekermann: "Hör mal'n beten to" ["Just listen for a bit"] Introduction into Low German; songs and short stories (grades 5-6)

Jasper Vogt: Wilhelm Busch, Astrid Lindgren and fairy tales – all in Low German! (grades 4-6),

Hartmut Cyriacks/Peter Nissen: Asterix snackt Platt – Low German from Asterix to Harry Potter (as of grade 8),

Wibke Quast, from the Oldenburg State Theatre: Jenny Hübner greift ein – a classroom play in High and Low German (grades 3-5),

Bolko Bullerdiek: Laat di wat vertellen (Reading and discussion as of grade 8),

Jutta Mackeprang: The Fisherman and His Wife

47 schools took part in the 2008/2009 “Jungs un Deerns leest Platt” reading competition, 34 of which were primary schools (grades 3 and 4); the final event took place in the “Ohnsorg” Theatre in Hamburg, which is famous for its Low German productions.

3. Mecklenburg-Western Pomerania

60824 The Committee of Experts considered the above-mentioned undertaking only partially fulfilled in its Third Evaluation Report, after stating, in no. 551 of the Report,

that – according to findings of the Second Monitoring Cycle – Low German was taught as part of other school subjects at primary and secondary schools, outside the curriculum at secondary schools, as a required optional subject or as an optional subject as of grade 7 in many different ways,

- that the administrative ordinance “Low German in the Classroom” (Niederdeutsch in den Schulen) adopted in 2004 provides for several measures to promote the teaching of Low German in primary and secondary schools, including the appointment of Low German advisers at the L.I.S.A. (Land Institute for Schools and Training), at some State education offices and at schools,
- that it had not been informed in detail about the effects of the findings of the survey mentioned in the Third State Report in no. 5012 and conducted at the general-education schools regarding the situation of Low German,
- that there is a Framework Plan for Low German and that optional Low German classes are offered twice a week as of grade 7,
- that, however, the numerous initiatives – many of which are run by voluntary helpers – reach just about half the schools in Mecklenburg-Western Pomerania,
- that Low German competes with foreign language courses,
- that, according to no. 5012 of the Third State Report, the education advisers are involved in the further training courses for teachers, e.g. the certificate course “Niederdeutsch für tätige Lehrer” (Low German for Teachers), in the course of which 86 teachers have so far been qualified to teach Low German at schools in Mecklenburg-Western Pomerania.

60825 Mecklenburg-Western Pomerania responds as follows to the statement of the Committee of Experts that – despite the above-mentioned measures expressly welcomed by the Committee – it seems to consider the undertaking only partially fulfilled, and to the question whether the measures have been continued and - finally - to the current use of German at primary schools: Mecklenburg-Western Pomerania continues to be committed to passing Low German on to the next generation and to make various efforts in schools to this end. The region conducted a survey in the school year 2003/2004 on the situation of Low German at all schools in Mecklenburg-Western Pomerania providing general education. As a result, targeted administrative measures have been taken to develop an overall concept for the promotion of Low German. The tried and tested 2004 Administrative Ordinance „Low German at School“ (Niederdeutsch in der Schule) and the Framework Plan on Low German lay down how the use of Low German is promoted at schools. Also, the new School Act for the region (Schulgesetz - SchulG M-V), adopted on 13 February 2006 and amended by law on 28 January 2009, states in its section 2 (educational mandate of

schools), paragraph 3: “The attachment of pupils to their natural, social and cultural environment, and the cultivation of the Low German language shall be promoted”.

What is vital for the region-wide, constant and high-quality provision of Low German classes is the qualification of teachers. In spring 2009, 86 teachers from all types of school passed the certificate course “Low German for Teachers”.

For Low German, there are the following offers as part of the Independent School:

1. An internal Low German curriculum can be drawn up for grades 1-4, i.e. for primary schools. In order to make the plan compulsory for all pupils at primary schools, German, social studies and music should be involved as subjects. There are three ways to teach German:

- Language encounter, which means that Low German is not taught as a separate subject, but that other subjects are taught in Low German whenever an encounter with Low German is deemed appropriate.
- “Early immersion” lessons and bilingual education [immersion meaning that the language is not the subject being taught, but the language is used to convey contents. Some of the subjects are taught in Low German (e.g. social studies, literature, philosophy, religion)];
- early-age foreign language lessons: Once the children reach the primary level, Low German is taught in a practical, situational and playful manner.

2. A school-related Low German curriculum in primary schools, across grades and subjects, taking into account the following approaches:

- language encounter
- early immersion lessons and bilingual education.

In 2008/2009, too, a Low German competition took place for the whole of Mecklenburg-Western Pomerania. The regional competitions in Greifswald, Rostock, Stavenhagen and Schwerin met with great interest. The regional winners took part in the “Festival of Low German” in Neubrandenburg. A total of 585 (nursery) school children took part in the 9th Low German competition in 2008/2009.

4. Schleswig-Holstein

60826 In Schleswig-Holstein, too, the Committee of Experts considered these undertakings only partly fulfilled and encouraged the authorities to pursue their efforts with a view to ensuring that Low German is systematically taught within primary and

secondary education to the extent envisaged by these undertakings, by adopting clear guidelines and other structural measures.

60827 In this context, Schleswig-Holstein stated that the revision of the applicable Low German decree is being prepared to promote and develop Low German offers at schools and to accommodate the constant development of everyday school life.

60827a With the new school year 2009/2010, the Low German reading competition "Schölers leest Platt" started anew.

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

iv) to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;

60828 The above undertaking was adopted by the *Länder* Brandenburg (para. 883-887 of the second State Report) and Saxony-Anhalt (para. 888-894 of the second State Report) and has resulted in special provisions in this respect.

60829 Brandenburg refers to number 00765.

60830 Saxony-Anhalt refers firstly to the measures mentioned in no. 5016 of the Third State Report:

- Assistance programmes/promotion directives:

1. Programme "Kultur in Schule und Verein" (Cultural activities pursued by schools and clubs)

2. "Richtlinie über die Gewährung von Zuwendungen zur Förderung von Kunst und Kultur" (Directive on the Allocation of Grants for the Promotion of Arts and Culture) - Circular instructions of the Ministry for Cultural Affairs of 22.12.08 (MBI. LSA 47/2008 of 8 August 2005, p. 878)

3. "Richtlinie über die Gewährung von Zuwendungen für bildungsbezogene Projekte und Angebote" (Directive on the Allocation of Grants for Educational Projects/Offer) - Circular instructions of the Ministry for Cultural Affairs of 1 October 2004 (SVBl. LSA No. 13/2004 of 23 November 2004, p. 304)

- reading competition "Schülerinnen und Schüler lesen PLATT"

- Theaterwerkstatt "Niederdeutsch" (theatre workshop)

- Low German theatre competition (alternating annually with the Low German theatre workshop),

- collecting school data on the number of pupils opting for Low German offers such as activity groups or optional-subject courses
- Introduction and funding of the school book "Our Low German primer. Learning Low German in Saxony-Anhalt" for grades 1 to 6.

and informs about the following more recent developments:

The edition "Our Low German primer. Learning Low German in Saxony-Anhalt" (grades 1 – 6) has been very well received, not only in Saxony-Anhalt. A new edition is planned for 2010.

Furthermore, a flyer "Plattdütsch för Kinner" (Low German for kids) has been developed, which addresses bilingual education for very young children.

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

- i) to make available secondary education in the relevant regional or minority languages; or
- ii) to make available a substantial part of secondary education in the relevant regional or minority languages; or
- iii) to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

60831 The obligation under (iii) has been adopted by the *Länder* Free Hanseatic City of Bremen (para. 895 of the Second State Report), Free and Hanseatic City of Hamburg (para. 896-898 of the Second State Report), Mecklenburg-Western Pomerania (para. 870-874 and para. 899 of the Second State Report) and Schleswig-Holstein (para. 900-904 of the Second State Report) and relevant measures have been taken.

1. Free Hanseatic City of Bremen

60832 The Committee of Experts, in no. 407 et seqq. of its Third Evaluation Report, considered that the Free Hanseatic City of Bremen had once again only partially fulfilled the undertaking, after stating

- that, in its view, and according to the information provided in no. 5018 of the Third State Report, Low German was only taught outside the regular curriculum and in the afternoons, leaving aside the minimum lessons prescribed in the curriculum in the form of compulsory reading and language encounter,
- that Low German is offered as a basic course at two out of 16 grammar schools, but only in the last school year, as far as it could tell.

60833 Bremen provides the following information with regard to the assessments of the Committee of Experts and concerning its question whether the necessary measures have meanwhile been taken, in line with its recommendation, to make the teaching of Low German within secondary education more systematic with regular school hours allocated to it, and with regard to the latest developments in the field of Low German education at secondary schools:

It is only where teachers are particularly qualified to teach Low German that this language is taught at secondary schools beyond what is required by the curriculum in the field of regional languages, language history, social dialects, a fact already pointed out in no. 60821 above and all the more true for older pupils. The curricula for the lower secondary grades are currently being revised in order to restore the importance formerly attached to Low German. The plan is to earmark more funds for Low German classes (projects or working groups) in the coming budget (which will be valid for two years).

2. Free Hanseatic City of Hamburg

60834 In no. 476 et seqq. of its Third Evaluation Report, the Committee of Experts firstly referred to the argument stated by the Hamburg authorities in no. 5020 of the Third State Report that the undertaking did not oblige the authorities to enforce a Low German education on pupils and parents against their will. The Committee of Experts held that the authorities could envisage offering Low German as an optional subject in a certain number of secondary schools, to ensure a systematic offer of Low German.

Furthermore the Committee reflected the information provided by the Hamburg authorities that the possibility of introducing Low German as a separate subject had in fact already been examined, but that it could not be implemented, but that, however, Low German was already offered as an optional subject at some schools in the margin areas of Hamburg.

60835 Hamburg provides the following information with regard to the assessment of the Committee of Experts that the undertaking has again only partially been fulfilled, and concerning its question whether the necessary measures have meanwhile been taken, in line with its recommendation, to make the teaching of Low German within secondary education more systematic with regular school hours allocated to it, and with regard to the latest developments in the field of Low German education at secondary schools: With the introduction of primary schools in Hamburg as of the

school year 2010/11 (with 24 starter schools) and across the district as of 2011/12, the acquisition of Low German will be offered, also in grades 5 and 6, in the rural areas which are part of the Low German linguistic landscape (Finkenwerder, Neuenfelde, Cranz, Vier- und Marschlande (cf. no. 60823 above).

3. Mecklenburg-Western Pomerania

60836 The Committee of Experts held that the undertaking was only partially fulfilled with regard to secondary schools, stating the same reasons as with regard to primary schools. Therefore, Mecklenburg-Western Pomerania first of all wishes to refer to what it stated in no. 60825 et seqq. above, and to provide the additional information with regard to secondary schools:

The Independent Schools provide the following offers for Low German:

1. Acquisition of Low German as a second foreign language (grade 7) or as a third foreign language (grade 9) with three lessons per week. The assessment and the standard can be compared with those for a second foreign language (B2 of the Common European Framework of Reference for Languages, CEFR);
2. Acquisition of Low German as a required optional subject: All pupils are required to learn Low German for at least one year. After one year, pupils can opt out (entry grade 7 as stated in no.1 above, CEFR: A3)
3. Low German as a required optional subject: Pupils opt for Low German for six months; level comparable to that of Swedish, Danish etc for tourists as a language encounter, which means that learners are made aware of linguistic and cultural particularities;
4. Low German has its place in the full-day offerings, as an optional subject, in working groups, project work, and as part of language encounters, which means that it is not necessarily a subject in its own right, but that language encounters take place where this is deemed appropriate.
5. A school-related Low German curriculum in secondary schools, across grades and subjects, taking into account the following approaches:
 - language encounter
 - early immersion lessons and bilingual education.

A Plan to Promote Low German across Mecklenburg-Western Pomerania (Landesplan Niederdeutsch in Mecklenburg-Vorpommern) is to be drafted under the leadership of the working group on Low German in Schools (Arbeitsgruppe Niederdeutsch in der Schule), in order to promote Low German at general-education schools and beyond.

Furthermore, Mecklenburg-Western Pomerania established a “Centre for Low German Language and Culture” (Zentrum für Niederdeutsche Sprache und Kultur) in Haus Mecklenburg in Ratzeburg. The *Land* Commissioner for Low German was allocated half a teaching post to set up this centre. The Centre for Low German Language and Culture in Ratzeburg seeks to deepen co-operation with neighbouring Schleswig-Holstein. The motto is “Two regions – one language without borders” (Zwei Länder – eine Sprache ohne Grenzen), and the aim is to establish cross-regional activities for Low German as the common regional language.

The Low German Bible Centre “St. Jürgen zu Barth”, which was visited by 12,000 persons in 2008 (among them 500 pupils from general-education institutions, 200 teachers, 200 eighth graders undergoing special religious education provided at that age) is designed for exhibitions and lectures to inform about Low German, in particular with regard to letterpress printing and the German Reformation. In this context, information is also provided with regard to the history of the German Hanse and its links to Northern Europe, and Low German as the language of communication within the Hanse.

There are special offers for pupils in Neubrandenburg in 2009/2010 to mark the 200th birthday of Fritz Reuter, one of the most famous poets writing in Low German. A research expedition will be arranged to commemorate this anniversary, aiming to inform about Fritz Reuter's life and achievements and to document the times he lived in by telling about important events, inventions, discoveries, and contemporaries.

As part of the 2010 Reuter year, pupils can deepen their information skills, acquire knowledge, do independent research, engage in team work to test whether they are team players and take their work results home. They will find support in using Low German.

Interested classes and groups of pupils can experience these different topics as a voyage back in time and use the offerings of the regional museum, the regional library and the Fritz-Reuter Society free of charge to help them with project work at Neubrandenburg schools.

4. Schleswig-Holstein

60837 The Committee of Experts held that the undertaking was only partially fulfilled with regard to secondary schools, stating the same reasons as with regard to

primary schools. Therefore, Schleswig-Holstein first of all wishes to refer to what it stated in no. 60827 above, and to provide the additional information that a new decree regarding Low German in schools will concern both primary and secondary schools.

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

iv) to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;

60838 This obligation has been accepted by two *Länder*. In addition to the measures referred to in no. 905 (Brandenburg) and nos. 906 – 908 (Saxony-Anhalt) of the Second State Report, the following information is provided in compliance with the above-mentioned obligation:

60839 Brandenburg refers to the statements made in no. 00765.

60840 Saxony-Anhalt provides the following information:

Activity groups or optional courses in Low German are offered at all types of schools. These offers cannot always be recorded in the school statistics, especially when there are too few pupils attending these courses. For instance, for the school year 2008/09, only one two-hour Low German course is recorded, which was attended by nine pupils. Schools seek to improve their recording of such courses in the school statistics for the school year 2010/11.

In 2007/2008, a reading competition called “Kinder lesen Platt” (Children Read Low German) was held, in which 48 children from 24 schools (grade 3 and 4), 14 children from 11 schools (grades 5 and 6) and five pupils from five schools (grades 7 – 9) took part.

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

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

60841 The Committee of Experts, in nos. 481 and 482 of its Third Evaluation Report, stated that Hamburg once again failed to fulfill this undertaking, after finding that the authorities failed to examine whether Low German could be offered at catering schools training, and that there were several different kinds of technical and

vocational schools in Hamburg for social pedagogy and other relevant fields where Low German could be included in the curricula.

60842 Hamburg replies as follows to the above-mentioned statements and to the Committee's question whether measures have been taken, in line with the above-mentioned recommendation, to make Low German an integral part of the curriculum for vocational schools:

So far, Low German has not been made an integral part of school curricula, but the plan is to include it in the future. Some vocational schools use elements of the Low German culture and language or make reference to them. It has to be kept in mind, though, that the core tasks of vocational schools include job-related skills, teaching maths, German and English.

60843 With regard to Mecklenburg-Western Pomerania, the Committee of Experts, in nos. 556 and 557 of its Third Evaluation Report, stated that it was once again not in a position to conclude on this undertaking, after finding

- that, admittedly, it had been informed, in no. 5030 of the Third State Report, that the Low German Framework Curriculum (Rahmenplan für Niederdeutsch) also applied to vocational training and
- and that, in 2007, a survey was conducted to assess the situation of Low German education in technical and vocational education
- but that it had not been informed about the results of the survey.

60844 Mecklenburg provides the following information with regard to the above-mentioned requests for information:

In Mecklenburg-Western Pomerania, there are 35 public vocational schools, which are governed by the new School Act for the region (Schulgesetz - SchulG M-V), of 28 January 2009, and have the following mandate, in line with section 2 of the above act (educational mandate of schools), paragraph 3: "The attachment of pupils to their natural, social and cultural environment, and the cultivation of the Low German language shall be promoted". In this context, Low German is part of the subject German and of the field of communication. The students attending vocational schools learn about the linguistic history, and sociology, and about the Low German culture and history of the region.

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

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

60845 This is an undertaking given by Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein with regard to Low German. In this context, the Committee of Experts made the Committee of Ministers recommend, in the second evaluation cycle, that the *Länder* “...reverse the decline in study and research opportunities for (i.a.) Low German and improve facilities for teacher training ...” In no. 795 of its Third Evaluation Report, the Committee pointed out that the decline in study and research of these languages had not been reversed but it had been put on hold and that the regional and minority languages were in danger of disappearing as higher education programmes due to the twin impact of budgetary pressures in Higher Education and the Europe-wide Bologna Process leading to a standardised Bachelor and Master degree structure. In particular, that might harm teacher training.

First of all, reference is made to the general description of the problem in no. 00771 et seqq.

60846 The following is reported for the *Länder* bound by the obligation:

1. Free Hanseatic City of Bremen

60847 In no. 411 et seqq. of its Third Evaluation Report, the Committee found that the undertaking was fulfilled, after stating

- that it was no longer possible to study Low German as a subject at Bremen University (and had not been possible at the time of the second monitoring cycle),
- but that the language Low German is “a regular element in the syllabus” of the Department of Languages and Literary Studies,
- and that, in October 2005, an agreement was signed between the University of Bremen and the Institute for Low German (INS) according to which up to three seminars related to Low German are to be offered per term.

60848 There is no new information to provide.

2. Free Hanseatic City of Hamburg

60849 After observing, in nos. 484 and 485 of its Third Evaluation Report,

- that, in the course of the change-over to BA/ Ma courses, it seems that Low German is no longer offered as a separate subject,
- but that there is a Chair for Low German at Hamburg University so that students who choose the subject German Literature and Language in the Bachelor course

have the possibility to focus on Low German studies, for which reason it considered the undertaking fulfilled.

60850 It seems that the Committee of Experts did not receive any information regarding master courses and teacher training during the third monitoring cycle. For this reason, Hamburg provides the following information regarding recent developments in the field of Low German studies:

Meanwhile, master courses have been introduced at Hamburg University. Students can opt for a Low German profile both in the MA course “German linguistics” and in the BA course “German language and literature”. Also, all students doing a teachers’ BA course in German can opt for Low German as a focal subject.

This is a positive picture blemished by the fact that Hamburg is currently not in a position to make regular Low German language courses a part of the training measure. Students may add Low German courses onto their regular studies. These are offered by the university in co-operation with the Adult Education Centre, and are open to students of all faculties. This means that the university is currently being stretched too far.

For the current regulations governing the courses, please go to

http://www.slm.uni-hamburg.de/BA/DSL_5Aufl_DRUCK.pdf

- for the BA course on German language and literature

http://www.slm.uni-hamburg.de/masterstudium/dateien/MA-GL_1Aufl_ONLINE.pdf

- for the MA course on German linguistics

http://www.slm.uni-hamburg.de/ifg2/pdf/FSB_LA_DE_2.pdf

- for the training course for German teachers.

3. Mecklenburg-Western Pomerania

60851 The Committee of Experts, in no. 559 of its Third Evaluation Report and relating to information provided in no. 5034 of the Third State Report, stated that Low German is not offered as an independent subject under the newly introduced Bachelor (BA) and Masters (MA) studies at Rostock University, nor as a subject within teacher training studies. Although the Chair for Low German Philology still exists at Rostock University, Low German studies have been integrated into German

Philology studies. Within this frame, a MA degree in German with advanced studies in Low German/ Cultural Anthropology is currently under preparation.

In no. 560 of its Third Evaluation Report, the Committee of Experts pointed out that the Chair for Low German at Greifswald University was cut in 2003 and has been replaced by a 50% lectureship position. Low German can be studied as a minor subject within a BA degree and as a subsidiary subject for the teaching profession for primary schools and various types of secondary schools

The Committee of Experts is concerned with the reduction of the offer of Low German at both universities, against the further decline of which the students' initiative Low German was launched in 2003, among other measures. It nevertheless considered that the undertaking was fulfilled at the time.

60852 The Committee of Experts encouraged the authorities to take efforts against a further decline; against this backdrop, Mecklenburg-Western Pomerania reports the following changes: Since 1 February 2009, the W2 chair "Low German Language and Literature" at Rostock University has been held by a new professor. This chair offers an integrated range of fields covering linguistics as well as literature. Low German is a compulsory part of all teacher training courses, and also a compulsory subject of choice in the BA and MA courses.

The Institut für Volkskunde (Institute of Cultural Anthropology) of Rostock University (Wossidlo Archives) continues to be involved in seminars held by the Low German chair.

In 2008, Rostock University marked the 150th anniversary of German studies – including Low German studies. Two projects have drawn attention to Low German research: The exhibition "German studies and society. German philology in Rostock from 1858 to 2008" and the meeting on "German studies in the GDR", which dealt with the history of science.

Greifswald University introduced a two-semester continuation course of studies in 2007/08 to enable students to acquire a master in Low German. The BA course for Low German was discontinued at the same time.

There are lectures, seminars, practice-related project surveys and practical language courses, dealing with the study of the following mandatory modules: History of Low German; forms of existence of Low German; practical training I; practical training II, and Low German literature. The lectures and courses are covered by teaching

assignments, a lecturer working part-time (on a limited contract) at the Institute for German Philology, and a research assistant working for the Pomeranian Dictionary (Pommersches Wörterbuch).

Due to the low demand for the MA course (one graduate), the Institute for German Philology has decided to offer Low German as a subsidiary subject and to integrate it into the Low German teacher training course. The study regulations have been amended accordingly. The plan is to open the study course for the winter semester of 2009/2010, and to discontinue the Low German Masters course at the same time.

Lecturers of various north German universities from several *Länder* (Greifswald, Rostock, Magdeburg, Hamburg, Kiel) met at the suggestion of the Verein für Niederdeutsche Sprachforschung (Association for Low German Language Research) to discuss to what extent Low German currently has a fixed place in the teaching courses of north German universities. Furthermore they looked into the establishment of a decentralized Low German Masters course and the introduction of a Low German Certificate. A Working Group has been set up to implement the theoretical results.

4. Lower Saxony

60853 The Committee of Experts, in its Second Evaluation Report, thought that the above-mentioned undertaking was not fulfilled in Lower Saxony, as the study course “Low German Language and Literature” at Göttingen University was discontinued and the chair for Low German had not been filled again; in no. 608 et seqq. of the Third Evaluation Report, the Committee considered the undertaking partially fulfilled, as, in the context of the assignment of a new professorship for German Philology at the University of Oldenburg, a focus on Low German research had been assigned to the new professor. Low German was not offered as a subject in its own right, but in the form of modules within the German course of Bachelor and Masters studies; also, a language centre for Dutch, Low German and Sater Frisian was to be established.

60854 The Committee of Experts observed that the extent to which Low German was offered at Oldenburg university did not correspond to the requirement of this undertaking, which was all the more important given the need for qualified teachers.

The Committee of Experts therefore considered that the undertaking was only partly fulfilled at the time. It asked the authorities to provide further information on the above-mentioned language centre in the next periodical report. Accordingly, Lower Saxony provides the following information:

Since the beginning of the winter semester of 2008/09, students at the Institute for German Studies who study Low German and Sater Frisian can choose Low German as the focus of their studies, embedded in the traditional BA and MA courses for German studies. Students may thus acquire a “Low German BA Certificate” and a “Low German MA Certificate”. Examination codes for the BA programme and the various Master programmes have been adapted accordingly.

For the specialized studies, Low German modules were created. Since the 2008/2009 winter term, there has been a Low German advanced module for the BA programme and a Low German master module for the MA programme. Moreover, in the basic module there is at least one course on Low German per semester, which is mandatory for obtaining the Low German Certificate.

Students doing Low German may learn to speak and write Low German at Oldenburg University, which is a particular feature; special courses for beginners and advanced learners have been introduced, and start every semester. These courses are also open to other students. To this end, specific professionalization modules have been set up.

The Low German modules are also open to German studies students not having opted for Low German as a special subject area. Some other Low German seminars are also open to guest students, unless they are fully booked by those doing German studies.

Oldenburg University seeks to place students doing Low German as trainees. To this end, the university has contacted various schools and the public radio and television broadcaster for the North of Germany, NDR.

A co-operation agreement has been concluded with the Oldenburg State Theatre in particular for students not wishing to become teachers. Students may do their traineeship with the Low German department of the State Theatre. Students particularly deserving promotion may get paid jobs assisting the director. In return, amateur actors may attend Low German lessons as part of the general education programme at Oldenburg University.

Also, seeing Low German theatre plays has been made an integral part of Low German literature studies. This includes plays produced by Oldenburg State Theatre; tickets are funded from students' fees.

Since 2006, four students' writing their doctoral theses have been supported in the university's research field, and two externally funded projects have been conducted.

The research project on language contact based on written information, Transcribing High and Low German. Furthermore, Oldenburg University engages in measures to preserve the Low German language. It is planned to conduct a project in which laymen and –women make voice recordings of Low German, in co-operation with the Kreisheimatbund Bersenbrück. The aim is to record the local dialects as spoken by members of 31 local clubs working for the preservation of local traditions. These recordings are to be made available for research and teaching purposes and to be provided on a Web portal or as audiobooks. Furthermore, a survey is being prepared to cover the immersion language classes at Warstade-Hemmoor Grammar School (grades 5 and 6), in 2009/10 and 2010/11.

With regard to the information requested by the Committee of Experts concerning the language centre for Dutch, Low German and Sater Frisian, reference is made to no. 40818 above.

5. Schleswig-Holstein

60855 After stating, with regret, that Low German is no longer provided as a subject in its own right as part of the new Bachelor and Masters Degrees, the Committee of Experts continued to consider the undertaking fulfilled, as it had found

- that Kiel University has a chair for German linguistics with a focus on Low German language and literature,
- that Low German is offered as a module within the Bachelor degree at Kiel University, and
- that Low German seminars are offered within German studies at Flensburg University.

60856 Schleswig-Holstein reports the following changes:

A half-time position for a research assistant has been created at Flensburg University.

Low German can be selected at Kiel University as a focal subject in the two-subject BA course, as part of the two-subject MA course, or as an additional subject to supplement the two-subject MA of Education course. The two-subject bachelor course is intended for students who plan to seek work or continue higher education studies after receiving their bachelor degree. The additional subject is intended for students in teacher training courses who would like to learn more about a third subject. Successful completion of study of an additional subject leads to a certificate.

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

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

60857 North-Rhine/Westphalia wishes to point out the following new aspects, after highlighting the fact that the above-mentioned undertaking is already fulfilled by admitting lessons in Low German, and after referring to nos. 937 and 938 of the Second State Report and no. 5037 of the Third State Report (where reference is made to the activities of the Germanistisches Institut of Münster University regarding "*Alt- und mittelniederdeutsche Sprache*" (Old and Middle Low German Language), to the research activities regarding the micro- and macro-linguistic status of Low German, Low German grammar and Low German in other states and eras carried out by the the Faculty of Linguistics and Literature at Bielefeld University):

The Department for Low German Language and Literature at Münster University has the following new focal research areas:

- the Project "Middle Low German Body of Glossaries" (Mittelniederdeutsches Glossarienkopus), which aims to collect and publish the terms and words contained in late Middle Age Latin-Middle Low German glossaries and Middle Low German – Latin glossaries;
- the project "Atlas frühmittelniederdeutscher Schreibsprachen" (Linguistic atlas of early Middle Low German written languages), which seeks to give a cartographic description of the regional Low German written languages of the 14th century;
- the research into historic urban languages;
- the collection of early Low German prints, forming the basis for the history of literature of the late Middle Ages;
- the edition of Middle Age autographs and prints.

The Faculty of Linguistics and Literature of Bielefeld University has also launched a new research project:

- "Repertory of Middle Age Authorities (Middle High German and Middle Low German)" (Repertorium der mittelalterlichen Autoritäten (mittelhochdeutsch und mittelniederdeutsch).

It is meant to provide concrete and easily understandable examples of how literature conveyed important knowledge in pre-modern times. Furthermore, prints and autographs from the Middle Ages make the project a case study of intermediality in the Middle Ages.

Both universities take part in the DFG-funded project on linguistic variations in Northern Germany (SiN), alongside Hamburg, Kiel, Potsdam and Frankfurt/Oder. This is the first large-scale survey to document and analyze the conditions in 18 regions within the Low German language area and to take stock of the everyday use of Low German. For instance interviews and discussions within the family or among friends will be recorded, providing authentic material and yielding findings about the current situation of Low German dialects, the Berlin dialect, and about the High German spoken in the North of Germany, and allowing a comparison of the linguistic features of the regions involved.

Both universities continue to offer lectures and seminars on Low German, which meet with great interest also beyond the academia.

The following changes have occurred in terms of staff:

Professor Dr. Honemmann, who used to run the Department for Low German Language and Literature at Münster University together with Professor Dr. Macha on a rotation basis, has retired. The selection process for the new head of department is currently underway. Low German will be considerably upvalued, also in official terms: Professor Dr. Honemann used to hold a chair for German literature of the Middle Ages, but the post has now been advertised as a "professorship for linguistics, with Low German as a focal area". Also, the professorship is designed to take particular account of Low German as a contemporary language.

Professor Dr. Wirrer, of Bielefeld University, has retired, but will continue to support the Low German studies project. As for the rest, the field of Low German has been and will be run by Professor Dr. Seelbach until the appointment of a new head.

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

Di) to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or

60858 With regard to this undertaking adopted by the Free Hanseatic City of Bremen, reference is made to para. 939 of the second State Report - as already pointed out in no. 5038 of the Third State Report - where it is noted that courses on Low German language and literature are organized by adult education centres in the region; in addition the following newer trends are reported: The adult education centre in Bremerhaven has also introduced a Low German course. Due to the lacking demand, no courses were held at the adult education centre in Bremen in the last two semesters. Courses are still on offer, though.

The Institut für Niederdeutsche Sprache (InS) has for the first time designed a Low German language course for adult learners, which is called "Plattdeutsch lernen" and is available on CD. Furthermore there are some associations in Bremen which regularly meet to speak Low German.

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

ii) to offer such languages as subjects of adult and continuing education

60859 In its Third Evaluation Report, the Committee of Experts once again did not comment on this undertaking adopted by the Free and Hanseatic City of Hamburg, after it had been noted in no. 5039 of the Third State Report that the Low German courses offered by the Hamburg adult education centre had continuously been increased due to a rise in demand in recent years.

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

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

1. Brandenburg

60860 In its Third Evaluation Report, the Committee of Experts once again did not refer to the fulfilment of this undertaking.

Reference is also made to no. 5040 of the Third State Report and to the information provided in nos. 941 and 942 of the Second State Report where it is noted that state-supported adult education in the adult education centres in Uckermark, Prignitz, Ostprignitz-Ruppin and Oberhavel, in line with the freedom of action of schools, also extends to courses in Low German.

2. Lower Saxony

60861 The Committee of Experts did not comment again on the above-mentioned undertaking in Lower Saxony in its Third Evaluation Report; the following information is provided with regard to Low German courses: In 2007, 5,905 Low German lessons were held in adult education. Of these, 4.660 were eligible for funding; Lower Saxony paid out 23,000€ to promote these measures.

3. Schleswig-Holstein

60862 The Committee of Experts once again did not refer to the fulfilment of this undertaking, because it considered it fulfilled; for this reason, the institutions and offers mentioned in nos. 945 - 948 of the Second State Report generally continue to exist, as has already been noted in no. 5042 of the Third State Report.

Schleswig-Holstein continues to provide a wide range of further training opportunities for those wishing to keep up or learn Low German. Apart from the centres for Low German in Leck and Ratzeburg there are a number of adult education centres which offer Low German courses. In 2008, 27 adult education centres offered a total of 54 courses, attended by 580 learners. This compares well with 1998, when there were only 36 courses with 478 participants. These courses also include groups where participants meet to speak Low German. The latest information about Low German courses can be searched at www.sh.kursportal.info.

Art. 8 Abs. Art. 8(1)(g) - Teaching of the History and Culture Education -
(g) to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

60863 Brandenburg, the Free Hanseatic City of Bremen, the Free and Hanseatic City of Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, and Schleswig-Holstein – the *Länder* which adopted the above obligation – provide the following information:

1. Brandenburg

60863a In its Third Monitoring Report the Committee of Experts did not comment on this obligation; for this reasons reference is made, as has been done in no. 5044 of the Third State Report, to the information provided in nos. 951 and 952 of the Second State Report, which is still valid.

2. Free Hanseatic City of Bremen

60864 It had been noted in the Third State Report (no. 5045), that the planned overall concept on Low German intends to lead to compliance with the requirements of the Charter, including the teaching of the history and culture related to Low German, whereupon the Committee of Experts, in no. 415 of its Third Evaluation

Report, had requested further information on this concept and how it ensures the teaching of the history and culture of Low German. Bremen in return provides the following information:

60865 Curricula are increasingly designed as broad-based education plans, both in Bremen and elsewhere. This is in keeping with the growing responsibilities of schools, also with regard to the teaching contents, and also with the increasing focus on skills-oriented standards. Therefore, Low German can be listed as a compulsory subject area, but it would not be possible to prescribe details.

It is safe to assume, though, that Low German lessons – when taught in a meaningful and inspiring manner – would be bound to look at the history, culture, and socio-culture involved. The increase in the number of Low German books and magazines for children and adolescents, and of didactic publications on the history and situation of Low German in the region may benefit Low German in schools.

3. Free and Hanseatic City of Hamburg

60866 Hamburg refers to the information stated in no. 955 of the Second State Report, as already pointed out in no. 5046 of the Third State Report, namely that in Hamburg, the Low German culture was flourishing primarily at the time of the Hanseatic League.

4. Mecklenburg-Western Pomerania

60867 The Committee of Experts, in no. 562 et seqq. of its Third Evaluation Report, considered that the obligation continued to be fulfilled, based on the information given in no. 5047 of the Third State Report according to which Low German history and culture is taught at all educational levels and is part of the certificate course, and that teaching materials are provided in the form of hand-outs relating to the framework curriculum for Low German. Against this backdrop, Mecklenburg-Western Pomerania provides the following information: Low German history and culture continue to be taught comprehensively in the region. The “cultural” portal for Low German in Mecklenburg-Western Pomerania also provides information about questions concerning the Low German history and culture.

5. Lower Saxony

60868 In no. 612 et seqq. of the Third Monitoring Report, the Committee noted that, according to no. 5048 of the Third State Report, the decree “Die Region im

Unterricht" (the region in classroom instruction) expired, and that a new decree had so far not been adopted. It also noted that a new core curriculum entered into force in August 2006, but was not relevant for the teaching of Low German culture and history. Against this backdrop it considered that the undertaking had ceased to be fulfilled and requested information as to whether the authorities ensured that the new decree regulates the teaching of the history and culture related to Low German, as the Committee recommended.

60869 All new core curricula since 2006 require departments in all subjects to take the regional context into account when selecting topics and units for the teaching of skills. This includes linguistic, historic, and cultural aspects. The above-mentioned decree was only intended as an appeal, whereas the new core curricula are binding on all schools. Currently, there are no further-reaching provisions, as the decree is currently being updated.

6. North Rhine-Westphalia

60870 Reference is made to no. 5049 of the Third State Report and to no. 00762 above.

In addition, attention is drawn to the fact that, when new curricula are drafted for German as a school subject, specifically under the aspect of "reflections on language" (Reflexion über Sprache), express mention is to be made to Low German under the heading "language varieties and language change" (Sprachvarianten und Sprachwandel).

7. Saxony-Anhalt

60871 Reference is made to no. 969 of the Second State Report, as had been made in no. 5050 of the Third State Report; as for the rest, reference is made to no. 60830.

8. Schleswig-Holstein

60872 The curricula of publicly maintained schools provide for many ways of including Low German in classroom instruction. Reference is made to the Decree for Low German in School (Erlass für Niederdeutsch in der Schule), which has already

been mentioned before, and to no. 970 of the Second State Report read together with nos. 875 – 882 and 900 – 904 of said Report.

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

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

1. Free Hanseatic City of Bremen

60873 The Committee of Experts, in no. 418 of its Third Evaluation Report, stated that the above-mentioned undertaking was not fulfilled, after it had found

- that, according to the information provided in no. 5052 of the Third State Report, retired teacher trainers had not been replaced and that the offer of further training courses was to be transferred from the Land Institute for School to external providers, and
- that there continues to be no offer of basic teacher training.

60874 Bremen provides the following information with regard to the Committee's question as to whether provision has been made for the basic and further training of Low German teachers, in line with its recommendation:

Optional Low German modules continue to be provided as part of teacher training at Bremen University.

Both municipalities in the region (Bremen and Bremerhaven) have increased and consolidated their commitment regarding further training for Low German instruction and school life, as stated in no. 00762 above. There are currently no further training offers.

2. Free and Hanseatic City of Hamburg

60875 In spite of the low demand, the Committee of Experts, in no. 486 et seqq. of its Third Evaluation Report, considered the above undertaking fulfilled, because

- the Hamburg Land Institute for Teacher Training and School Development (Landesinstitut für Lehrerbildung und Schulentwicklung) incorporated the promotion of the Low German language into a series of advanced training courses with mandatory participation for teachers and educators of pre-school classes,
- teachers are supported by means of a training programme for Low German established by the Land Institute for Teacher Training and School Development, as set out in no. 5011 of the Third State Report,

- and that a series of follow-up training courses are offered mainly for teachers in lower secondary education who will receive a certificate upon successful completion of the course, as stated in no. 5021 of the Third State Report.

The following subsequent developments are to be noted:

The Land Institute for Teacher Training and School Development (Landesinstitut für Lehrerbildung und Schulentwicklung) supplies professional and voluntary teachers with the handout "Low German books for children and adolescents" issued by the Low German Institute (INS). The handout contains information regarding suitable books in Low German for children and adolescents in primary and secondary education.

60876 Hamburg provides the following information in response to the Committee of Experts' question as to how the authorities meet the requirements under the Charter when seeking to reform teacher training:

At present, there are no concrete plans. However, as Hamburg provides Low German language acquisition classes in primary education, it currently looks into whether and how their hiring policies can give preference to teachers of German who have done Low German language and literature as an optional required university module.

3. Mecklenburg-Western Pomerania

60877 Mecklenburg-Western Pomerania refers to the detailed information provided in no. 5054 of the Third State Report; further, the following is noted:

86 teachers have successfully attended the certificate course Low German for active teachers. In October 2006, the course started with teachers from all types of school from across Mecklenburg-Western Pomerania. The certificate was formally handed out to 86 teachers on 31 January 2009. This further training measure has already proved very effective: Low German is already taught to a much larger extent at schools, because these teachers have taken part in the further training measure. The regional Low German Commissioner offers 60-hour Low German language acquisition courses in Schwerin-Mueß and in Greifswald; the B2 courses are designed for teachers and pre-schools teachers and will start in March 2010. The two language acquisition courses correspond to module I of the certificate course, and provide a continuation of the Low German teacher training course within the meaning of a subsidiary subject.

In October 2010, the "evaluation meeting of Low German teachers - New schemes for Low German" will be held ("Evaluationstreffen Niederdeutschlehrer und Erzieher – Neue Konzepte für Niederdeutsch") at Güstrow University of Applied Sciences. The

aim is to look into whether the authorities set Low German education on the right track when introducing the certificate course. The further training measures receive funds from the regional Institute for Quality Development (Institut für Qualitätsentwicklung Mecklenburg–Vorpommern). The future funding is secured.

4. North Rhine-Westphalia

60878 North-Rhine/Westphalia refers to the detailed information provided in no. 5055 of the Third State Report; further, the following is noted:

The situation of university education is stable. The training of future German teachers provides the basic premise for dealing with Low German. Target agreements have been concluded with the region to secure teacher training at universities. The Ministry of Schools and Further Education will seek to uphold this situation in the next round of target agreement talks to be held as of 2010. What is important here is that colleges for the professional training of teachers should be run by senior teachers who actually speak Low German. That would ensure that classroom instruction is accompanied didactically. Young and interested teachers need such yet-to-be established expert assistance. Creating a further training offer with or without a certificate is conceivable.

5. Saxony-Anhalt

60879 Saxony-Anhalt refers to no. 5056 of the Third State Report, read together with no. 983 of the Second State Report; further, the following is noted:

Annual further Low German training measures for teachers from all types of school were provided by the Arbeitsstelle "Niederdeutsch" of Magdeburg Otto von Guericke University and the Landesheimatbund.

6. Schleswig-Holstein

60880 Schleswig-Holstein refers to no. 5057 of the Third State Report, read together with no. 5036 of the Second State Report and nos. 984 – 987 of the Second State Report; further, the following is noted:

In 2004, a provision was introduced requiring future teachers of German to take part in a Low German training module. It is not clear to what extent graduates subsequently taught Low German in their lessons.

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

60881 To the extent that the Committee of Experts considered the above-mentioned undertaking not fulfilled also for Low German in its Third Monitoring Report, reference is made to the general reply made in nos. 00803 – 00813.

60882 - 60885

Article 8 (2)

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

60886 In no. 5062 of the Third State Report it had been stated anew that, as regards university education, this obligation - in the sense of “undertake ... to allow” - is met for the entire territory of the Federal Republic by virtue of Article 5, para. 3, of the Grundgesetz (Basic Law) on the autonomy of institutions of higher education.

60887 In no. 683 of its Third Evaluation Report, the Committee of Experts asked the authorities again to clarify whether there are territories within the Land where Low German is not traditionally used.

With regard to Danish and North Frisian, the two minority languages, the language areas coincide largely with the settlement areas of the two national minorities or ethnic groups. The spread and use of regional languages is difficult to assess. It is safe to assume that Low German is spoken across *Land* Schleswig-Holstein, if less so in towns and cities and by younger persons. The actual facts therefore make it impossible to implement the obligation. Reference is made to no. 00301.

Article 9

Judicial authorities

Paragraph 1

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

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

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

60901 In its Third Evaluation Report, the Committee of Experts did not comment on this undertaking, which was adopted by Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North-Rhine/Westphalia and Schleswig-Holstein. See no. 1007 of the Third State Report in correspondence with no. 213-215 of the Second State Report concerning the compliance with the undertaking by the procedural provisions for the courts.

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

in proceedings before courts concerning administrative matters:

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

60902 In its Third Evaluation Report, the Committee of Experts did not comment on this undertaking, which was adopted by Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North-Rhine/Westphalia and Schleswig-Holstein. See no. 5064 of the Third State Report in correspondence with no. 1008 read together with nos. 213 – 215 and no. 1009 of the Second State Report.

Art. 9, para. 2, sub-para. (a) - Validity of Legal Documents - The Parties undertake:

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

60903 In its Third Evaluation Report, The Committee of Experts did not comment on this undertaking, which was adopted by Brandenburg, Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North-Rhine/Westphalia, Saxony-Anhalt and Schleswig-Holstein.

See no. 5065 of the Third State Report in correspondence with no. 1008 read together with nos. 213 – 215 and no. 1009 of the Second State Report.

Article 10

Administrative authorities and public services

61000 After the second and third evaluation cycle, the Committee of Ministers adopted the following recommendation no. 5, at the suggestion of the Committee of Experts: “take ...action to establish a structured policy for making it practically possible to use regional or minority languages in dealings with the administration ...”. In no. 798 of the Third Evaluation Report, the Committee of Experts noted that, in its view, such a policy was lacking.

61001 Reference is made to the general reply in no. 01004 above, where it was stated that such measures can only be taken if there is sufficient demand and in areas where there is a sufficiently large number of persons belonging to the minority group. Also, information is provided with regard to the use of Low German in communication with authorities in connection with the below-mentioned provisions.

Paragraph 1

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

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

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

61002 The perception already expressed in paras. 1011-1018 of the second State Report relative to Bremen, Hamburg and Lower-Saxony that the above undertaking

does not require any particular administrative decrees because the Charter constitutes directly enforceable law in Germany applies to all *Länder*, as had already been pointed out in no 5066 of the Third State Report. Consequently the finding that Bremen (nos. 420 – 423 of the Third Evaluation Report) and Hamburg (495 – 498) did not fulfil the undertaking, and that Schleswig-Holstein (no. 685) fulfilled it only formally, is once again refuted. As to whether future measures are intended: this is not the case. The statements of the Committee of Experts generally applies to all other *Länder*; for some of them some additional information is provided below:

1. Mecklenburg-Western Pomerania

61003 In nos. 5069 - 5071 of the Third State Report, Mecklenburg-Western Pomerania explained that its citizens knew from its PR work that “Low German as the regional language is the second official language in the *Land ...*”;

in no. 569 of the Third Evaluation Report the Committee stated that it was not clear, however, whether citizens had been made aware specifically of the possibility to submit documents in Low German through the PR work or other campaigns. Mecklenburg expressly reiterates that it does not see itself under such obligation and that it does not intend to take such measures.

2. Lower Saxony

In. no. 621 et seqq. of its Third Evaluation Report the Committee of Experts found that Lower Saxony did not fulfill this undertaking; Lower Saxony replies as follows, taking into account the above-mentioned provision and supplementing the information provided in no. 61002 above: The Lower Saxonian Ministry of the Interior, Sport and Integration, in November 2007 and August 2009, informed all regional units, including the regional capital Hanover and its surrounding region, and the city of Göttingen, of the above-mentioned assessment by the Committee of Experts. The letter informed the authorities primarily about the region’s obligations with regard to Low German as a regional language, and to Sater Frisian as a minority language. In response to the two letters, examples were given showing that speakers of Low German can validly submit legal documents in Low German. For instance: The rural district of Soltau-Fallingb. accepts legal documents drafted in Low German, as does the rural district of Wittmund. Visbek municipal administration also ensures unconditionally that documents written in Low German can be validly submitted. Emden guarantees that, if need be, legal documents in Low German can be validly submitted. Documents drafted in Low German are validly recognized by the

municipality of Lindern. Celle district administration accepts legal documents in Low German.

With regard to the statement of the Committee of Experts in no. 624 of its Third Evaluation Report concerning the abolition of the administrative level of the government region (Bezirksregierung), reference is made to the position stated in no. 00708 above.

Due to the lack of more detailed information, Lower Saxony does not comment on the statement of the Committee of Experts in no. 625 of its Third Evaluation Report that some tax offices refused documents drafted in Low German. The endeavours of the *Land* authorities to look into the matter have not led to any result.

Art. 10, para 1, sub-para. (c) - Drafting of Documents -

c) **to allow the administrative authorities to draft documents in a regional or minority language.**

61004 The Committee found that Bremen (in nos. 424 et seqq. of the Third Evaluation Report) and Hamburg (499 et seqq.), Mecklenburg-Western Pomerania (nos. 571 et seqq.), Lower Saxony (no. 627 et seqq.) and Schleswig-Holstein (686 et seqq.) did not fulfil the undertaking, and asked whether the authorities had meanwhile drawn up documents in Low German or taken measures that may lead to the practical implementation of the above obligation (in keeping with its views). The regions in question repeat their stance according to which the above provision constitutes directly enforceable law in Germany which is complied with through being permitted and does not prescribe further measures.

In addition, some *Länder* provide the following information:

1. Mecklenburg-Vorpommern

61005 Local and regional politicians frequently speak Low German on occasions which concern the local culture and Low German, sending a signal to the population. The tendency to speak Low German in the administrative context has risen. Citizens' letters drafted in Low German continue to be answered in the same language, and local and regional administrative letters (documents, speeches, letters, words of greeting etc) which concern Low German are also drawn up in the regional language.

2. Lower Saxony

61006 The rural district of Wittmund accepts documents drafted in Low German. The town of Emden guarantees the drafting of documents in Low German. The municipality of Holtriem is in a position to draft documents in Low German, if need be; such need has, however, not arisen so far. The municipality of Wardenburg accepts documents drawn up in Low German. Lindern local administration draws up documents in Low German when necessary.

Article 10 (2)

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

Art. 10, para. 2, sub-para. (a) - Use of a Regional or Minority Language -

a) the use of regional or minority languages within the framework of the regional or local authority

61007 As with all undertakings in Art. 10 para. 2, the above undertaking is already fulfilled by allowing the use of the language. It does not require active encouragement but only refraining from forbidding its use, so that the framework conditions for each *Land* set forth in paras. 1034-1051 of the second State Report suffice to fulfil the undertaking, as had already been pointed out in no. 5079 of the Third State Report. The findings of the Committee in its Third Evaluation Report that the undertaking was not or not fully fulfilled (Bremen no. 427 et seqq., Hamburg no. 502 et seqq., Lower Saxony no. 630 et seqq. of the Third Evaluation Report) are therefore once again refuted.

61008 Some *Länder* provide the following information in this paragraph in response to the Committee's question whether additional measures are conducted or planned to implement the undertaking; this does not mean that they recognize a legal obligation to do so.

Lower Saxony refers to no. 61003 above and no. 61306 below, and gives the following examples:

In the municipality of Rhaderfehn many local government officials speak Low German – all of them understand the language. Low German is used in the administration on a daily basis. The use of the language is promoted by the Low German Commissioner. The same applies to the rural district of Soltau-Fallingbostal.

In Ostrhauderfehn, Low German is used in the local administration in the day-to-day work. Low German is promoted through the appointment of Low German Commissioners who - in close co-operation with the "Plattdütskbüro" of the Ostfriesische Landschaft, a public-law corporation - support and encourage the use of the regional language within the administration. The municipality co-operates closely with almost all East Frisian municipalities who have Low German Commissioners in place. In 2009 the Ostfriesische Landschaft – Plattdütskbüro conducted a campaign called "Septembermaant in Plattdütskmaant". The head of the Plattdütskbüro co-ordinates the measures taken by the municipalities, towns and rural districts in East Frisia to implement the language charter. The town of Uelzen applies the principle that every citizen may voice his or her concerns in Low German, in keeping with the Charter. The same applies to the exchange among administrative units and the town's public bodies. In 2001, the rural district of Lüneburg installed a Commissioner for the Preservation of Low German. The municipality of Gellersen permits the use of Low German within the municipal administration. In the rural district of Wittmund Low German is frequently spoken in the administrative offices, both among staff members and with the citizens. The district has two Low German Commissioners who have been mandated to maintain Low German in the administration ("in de Amtsstuuven to behollen"). The municipality of Friedeburg has taken part in the "Low German at work" campaign. Most of the municipal staff members speak Low German. On 1 August 2009 the municipality appointed a Commissioner for Low German who is immediately subordinate to the mayor and maintains contact with the Commissioners in Wittmund, the neighbouring municipalities and the "Plattdütskbüro" run by the Ostfriesische Landschaft, an association of municipal authorities. He supports those concerned with the implementation of the undertakings adopted with the European Language Charter. He also seeks to ensure that Low German is increasingly used as the second language in the day-to-day work of the administration, in the public, and in local government work. Furthermore he should enable staff members to take part in courses in order to learn to speak and to write Low German. Furthermore he seeks to encourage the municipal authorities to accept Low German as the second language and to actually use it in their daily work. Visbek municipality encourages its citizens to use Low German in the local administration offices. To this end signs saying "Ick schnack platt. Du uck?" have been applied to the doors to offices of all those staff members who speak Low German. Low German is spoken as often as possible – also with members of neighbouring authorities ("Daun dait Lern!"). Furthermore, the regional language is frequently used in conversations with young colleagues, above all trainees. The mayor and his deputies address their audiences in Low German, when appropriate. Civil registry office weddings are held in Low German, if the

couples so wish. All staff members of the Holtriem local administration understand the regional language (and 90% of them actually speak it). The town of Emden permits the use of Low German within the town administration and uses it in its day-to-day work. Staff members attended language courses and were encouraged by the Low German Commissioner to practice the language at work. The central proposals, ideas and complaints office is staffed with persons speaking Low German, and therefore accepts letters drafted in Low German. The information office set up within the citizens' advice office is the first contact point to be able to communicate in the regional language. Emden's local government press spokesperson speaks Low German and represents the town in the regional language, when appropriate. Civil registry office weddings in Low German were introduced in 2007. For the municipality of Wardenburg it goes without saying that Low German is spoken. The use of the language is promoted. In Fredenbreck, civil registry office weddings are held in Low German. Furthermore, the town hall has Low German speakers who act as persons of contact. The townhall of the municipality of Hage informs its visitors by means of a board stating that Low German is spoken there. Most of the municipal government officers speak Low German. The municipality has appointed a Low German Commissioner, via whom it participates in the working group of the Ostfriesische Landschaft. The municipality of Hesel has appointed a Low German Commissioner; civil registry office weddings are held in the regional language. There are town hall persons of contact who speak Low German. The municipality of Zeven also conducts civil registry office weddings in Low German. The town of Schneverdingen has Low German speaking persons of contact and provides Low German internet courses. In the rural district of Friesland Low German is spoken in some authorities. The doors of offices are marked with stickers saying "Wi schnacken platt" (We speak Low German) and two Low German Commissioners have been appointed who work on a voluntary basis – measures designed to promote the regional language. Some staff members in Ostrhauderfehn local administration are able to write in Low German. In October 2009 writing-in-Low-German courses will be held at county level and in co-operation with the adult education centres. The municipality of Hollenstedt has a Low German Commissioner who is active in the administration. Lindern local government has permitted the use of Low German in the administration. 70% of the staff members speak Low German – and most of the others understand the regional language. Delmenhorst municipal administration has staff members who speak the regional Low German language. Celle rural district has permitted the use of Low German in the local administration as long as the partners are able to communicate. There is a person of contact for Low German. Some municipalities belonging to the rural district have appointed an official person of contact for Low German. The rural district of Landkreis Osterholz has permitted the use of Low German within the local

administration. The use of Low German is common in the municipal administration of the rural district of Emsland. Staff members are encouraged to use their Low German whenever appropriate. The Low German Commissioner who works at the tourist office of Salzhausen has been mandated by the rural district of Harburg to cover the whole district. The staff members of Salzhausen local administration are encouraged to speak Low German with the citizens. Administrative staff members in the associated municipalities speak only Low German with a great number of citizens. Staff members are permitted to take part in Low German further training measures, which are paid for from local funds. Stickers were handed out to staff members indicating that they speak Low German.

61009 Mecklenburg-Western Pomerania provides the following information: The use of Low German in regional and local authorities continues to play a positive role. For instance, the deputy member of parliament for the constituency of Mecklenburg-Strelitz addressed the audience in Low German when she spoke on the occasion of the Fritz-Reuter Society in Neustrelitz on 19 April 2008. The speech has meanwhile been published in volume 19 of the contributions of the Fritz-Reuter Society.

Regional representatives (e.g. the Minister for Education, Science and Culture; the rtd Minister-President; the President of the regional parliament) use Low German when they speak about the local tradition, culture, literature and history, seeking to promote the use of the regional language.

61010

Art. 10, para. 2, sub-para. (b) - Submission of Applications -

b) the possibility for users of regional or minority languages to submit oral or written applications in these languages;

61011 As the Länder - according to the comments in nos. 1052-1063 of the Second State Report - have made provisions for the submission of applications but almost no use is being made thereof and because the Committee - in addition to the wording of the Charter - generally considers that the undertaking has not been fulfilled (cf. paras. 429 et seqq. of the Second Evaluation Report for Bremen, paras. 506 et seqq. of the report for Hamburg and paras. 633 et seqq. for Lower Saxony, and 689 et seqq. for Schleswig-Holstein) the same as in Art. 10 para. 2 sub-para. (a) applies with regard to the above undertaking. This position had already been put forward in no. 5086 of the Third State Report.

Notwithstanding, two of the Länder concerned have provided the following additional information:

61012 Brandenburg

The local and regional authorities continue to accept written or oral applications in Low German.

61013 Lower Saxony

Reference is made to no. 61003 above. The following examples illustrate how the undertaking is implemented:

In Emden written applications in Low German are much less frequent than oral ones. The town of Uelzen introduced the option of submitting oral or written applications in Low German in 1999. The rural district of Soltau-Fallingb. accepts applications in Low German. Where this poses a problem, Low German speakers are consulted. Most applicants shy away from using Low German in the townhall. The municipality of Gellersen (in the rural district of Lüneburg) allows Low German speakers to submit oral applications in the regional language. In the rural district of Wittmund citizens may submit their concerns in Low German, either orally or in writing. The town halls in the rural district of Friesland permits oral applications in writing. In the rural district of Osterholz, written and oral application in Low German are permitted, and oral applications have actually been submitted. Oral and written applications in Low German are also permitted in Friedeburg, Visbek, Wardenburg, Lindern, Salzhausen, and in Delmenhorst.

61014

Art. 10, para. 2, sub-para. (c) – Publication of Official Documents of the Regional Authority in the Regional Language

c) the publication by regional authorities of their official documents also in the relevant regional or minority languages;

Art. 10, para. 2, sub-para. (d) – the publication of official documents of the regional authority in the regional language

(d) the publication by local authorities of their official documents also in the relevant regional or minority languages;

61015 The above undertakings are already fulfilled in terms of granting permission, as are the undertakings mentioned in Art. 10 para. 2 sub-para. (a). This view had already been stated in no. 5093 of the Third State Report. The negative findings stated by the Committee in its Third Evaluation Report (nos. 423 et seqq. regarding Bremen and 636 et seqq. regarding Lower Saxony) are also rejected.

61016 In no. 638 of its Third Evaluation Report the Committee held that Lower Saxony did not fulfil the undertaking because there was no concrete evidence showing that regional or local authorities published documents in Low German. In response, Lower Saxony states the following:

61017 Land authorities do not present regional authorities within the meaning of the Language Charter – a stance taking into account the view held by the Federal Ministry of the Interior. This means that official documents issued by the Land authorities are not governed by Art. 10 para. 2 sub-para. (c) of the Language Charter. Against this background official documents issued by the Land authorities are not published in Low German. The following regional or local authorities, for instance, publish official documents in Low German:

The municipality of Wardenburg will in future publish such documents also in Low German. Friedeburg translates official documents and notifications into Low German, if necessary, and publishes them.

61018

61019

Art. 10, para. 2, sub-para. (e) - Use of the Minority Language by Regional Authorities in Debates in their Assemblies -

e) the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;

61020 Bremen, Hamburg and Lower-Saxony adopted the above-mentioned undertaking. They state that it is fulfilled as soon as it is permitted, also because the Charter and its provisions constitute directly applicable law.

61021 In no. 639 et seqq. of the Third Evaluation Report, the Committee found that the undertaking was only partially fulfilled, in Lower Saxony. It asked the Land if any measures had been taken to encourage the use of Low German by regional authorities in debates in their assemblies, and if it could provide examples. The following is in reply to this question:

61022 Lower Saxony refers to no. 61003 above and provides the following examples:

The rural district of Wittmund has held Council meetings in Low German. Most recently, though, there has not been any demand for meetings in Low German. That said, any Council member and any citizen may make oral contributions in Low German. Parts of the Council meetings in the rural district of Friesland are sometimes held in Low German. The rural district of Harburg permits Council meetings in Low German. So far, one meeting was held in the regional language. The rural district of Celle permits local government meetings in the regional language provided all members and the audience speak Low German. The use of the regional language at local government meetings is permitted in the rural district of Osterholz. The Council meetings in Soltau-Fallingb. are not held in Low German, in contrast to the Council meetings held in the municipalities belonging to the district. In the rural district of Lüneburg, some Council motions were tabled in High and Low German. On 15 October 2007, the Council of the rural district of Stade decided to hold a meeting in Low German once a year as of 2008. The minutes regarding this item of the agenda were drawn up in Low German. As a result, a suitable agenda item is selected and discussed in Low German every year. (In 2008, this was “Budget rules and budget plan for 2008 – lowering the credit line”. In 2009, it was: “Election of the representatives to the Third Assembly of the Region of the Duchies of Bremen and Verden for the legislative period of 1 January 2010 to 2015.”)

Art. 10, para. 2, sub-para. (f) - Use of the Regional Language by Local Authorities in Debates in Their Assemblies -

f) the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;

61023 In its Third Evaluation Report, the Committee of Experts did not comment on this undertaking, which was adopted by Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, and Schleswig-Holstein.

It is pointed out, to be on the safe side, that the above undertaking constitutes directly enforceable law and that all Länder fulfil it simply by permitting the use of regional languages in their assemblies.

In addition, the following information is provided by Mecklenburg-Western Pomerania and Lower Saxony:

61024 With regard to Mecklenburg-Western Pomerania it is once more confirmed that Low German is being used extensively, and often exclusively, in local Council meetings, especially in rural areas.

61025 Lower Saxony lists the following examples:

In Wittmund, Council and committee meetings are partly held in Low German. Visbek Council meetings may be held in Low German; sometimes the regional language is used to make individual statements. All meetings of the culture committee were held in Low German in 2007/2008. The closed meetings of the management committee are generally held in Low German. In Holtriem, Council meetings are held in the regional language, provided all Council members speak Low German. If not, the meeting is held in High German. In Wardenburg, Council meetings are held in Low German. The regional language is used in Uelsen to hold official meetings and Council meetings. Low German is spoken at Council meetings in Ostrhauderfehn, provided all Council meetings agree. The Council members will switch to High German if and when one of those present so wish. In Friedeburg, one Council meeting per year is held in Low German. Low German is generally spoken at closed management committee meetings in Visbek. In 2007, Visbek organized the "Year of Low German". The municipality for instance held all meetings of the school, youth and culture committees (and the meetings of the management committee) in the regional language. Delmenhorst holds Council meetings in Low German on demand. In 2009, as part of question and advice time at Delmenhorst townhall, a citizen made her contribution in Low German. In Hagermarsch and Berumbur, which are part of Hage district, Council meetings are held in the regional language. Low German is used in Schneverdingen to hold Council meetings, and to draw up papers and minutes. In Dötlingen, Council meetings are held in High German, but the use of Low German is permitted. During question time, Low German may be used; answers will also be given in the regional language. Salzhausen holds one Council meeting per year in Low German. Lindern permits the use of Low German in its Council and committee meetings.

Article 10 (2) (g) - Place-names in Low German

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

61026 Although Schleswig-Holstein has not accepted this obligation for Low German, with its order of 11 June 2007 the Ministry of Research, Economics and Transport allowed for the possibility of bi- or multi-lingual town signs. Several municipalities in Schleswig-Holstein have actually introduced bilingual town signs, using High and Low German. By order of 31 March 2009 superseding the previous order, the Ministry added the possibility for bilingual High and Low German information signs (Sign 385, StVO) and tourist information signs for special topographical features, and not only town signs (Sign 310, Road Traffic Regulations (StVO)).

Article 10 (3)

With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:

- a) to ensure that the regional or minority languages are used in the provision of the service; or
- b) to allow users of regional or minority languages to submit a request and receive a reply in these languages; or
- c) to allow users of regional or minority languages to submit a request in these languages.

61027 In its Third Evaluation Report, the Committee of Experts did not comment on this obligation regarding letter c), which Brandenburg accepted. This obligation is fulfilled as the submission of requests in regional or minority languages has not been prohibited and is thus permitted – a view already put forward in no. 5106 of the Third State Report and nos. 1080 and 1081 of the Second State Report.

Ad Article 10 (4)

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

Article 10 (4) (a) - Translation or interpretation

a) Translation or interpretation as may be required;

61028 As regards the undertaking adopted by Lower Saxony, the statement in para. 5107 of the Third State Report that no shortcomings in the use of Low German have become known still applies.

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

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

61029 In nos. 508 et seqq. of its Third Evaluation Report the Committee of Experts held that the obligation was not fulfilled in Hamburg due to a lack of positive practice or a structured approach regarding the compliance with assignment wishes of staff members. In reply, Hamburg reiterates its stance according to which it does not have to create but only to comply with assignment wishes staff members may have, and that wishes to be employed in the Low German language environment have not been rejected.

61030 In no. 574 et seqq. of its Third Evaluation Report, the Committee of Experts held that the obligation was only formally fulfilled in spite of the information provided by Mecklenburg-Western Pomerania, that, when transferring positions from the Land administration and the subordinate institutions to the districts and municipalities, Low German proficiency is taken into consideration to the greatest extent possible. The Committee held that there was a lack of practical implementation of this undertaking. In response, Mecklenburg-Western Pomerania states that it does not have to create but only to comply with assignment wishes staff members may have, and that wishes to be employed in the Low German language environment have not been rejected.

61031 In response to the stance taken by the Committee of Experts in nos. 574 et seqq. of its Third Evaluation Report that the obligation has only formally been fulfilled in Lower Saxony and that there is a lack of practical implementation of this undertaking, Lower Saxony states that it does not have to create but only to comply with assignment wishes staff members may have, and that wishes to be employed in the Low German language environment have not been turned down. Furthermore,

the Committee of Experts enquired whether public service employees with Low German competence had been asked whether they wished to be appointed to appropriate posts. Lower Saxony provides the following examples in reply: The municipalities of Rhaderfehn and Ostrhaderfehn give the appropriate posts to staff members speaking Low German, to accommodate citizens' needs and motivate the staff members in question. The rural district of Friesland seeks to match the assignment wishes of their staff members with the language demand of any job involved. Low German speaking staff members at Friedeburg town hall are employed in jobs where Low German language skills are an asset. The town of Cuxhaven seeks to accommodate the assignment wishes of public service employees speaking Low German.

61032 In no. 692 of its Third Evaluation Report, the Committee of Experts held that, as it had not received further information on practical examples or any other information on any kind of positive practice, incentives or structural approach with regard to this undertaking, that this undertaking was not fulfilled. Schleswig-Holstein, too, states that it does not have to create but only to comply with assignment wishes staff members may have, and that wishes to be employed in the Low German language environment have not been rejected. Assignment wishes of Low German speakers wishing to be employed in the Low German language area have not become known. It would be surprising if such a wish was voiced, as the whole regional territory belongs to the Low German language area. See also the comments under nos. 60886 and 60887 above. The Committee of Experts is therefore requested to examine whether the obligation is at least formally fulfilled.

Article 11

Media

61100 With regard to the undertakings under Article 11 relating to Low German, we refer first of all to the description of general issues in No. 01104 ff. above.

Paragraph 1

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

Art. 11 (1) (b) (ii) - Broadcasting of radio programmes

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

61101 With regard to this undertaking, accepted by Brandenburg, Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, Saxony-Anhalt and Schleswig-Holstein: Although the Committee of Experts has changed its position that this undertaking can be fulfilled only by promoting measures by private radio broadcasters, it notes in No. 437 of its third evaluation report with regard to Low German that promoting regional or minority language broadcasting through financial incentives for private broadcasters would not infringe German law. The Committee's findings on the individual *Länder* are as follows:

1. Free Hanseatic City of Bremen

61102 In No. 434 ff. of its third evaluation report, the Committee concludes that this undertaking is fulfilled in Bremen, after the following was reported in No. 5116 of the Third State Report:

- that under the *Land Media Act* for Bremen, amended on 1 April 2005, broadcasts in Low German are to be incorporated into the programming to an adequate extent;
- that the culture and information Nordwestradio station airs a radio play in Low German every other Saturday between 19.05 and 20.00 hours, and that Low German books, audio books and CDs are presented in the programme; that the series "Gesprächszeit" features guests who are Low German speakers or persons otherwise involved with Low German issues; and that the Nordwestradio programme "Nordwestradio unterwegs" reports live on current Low German issues, such as Low German teaching at schools;
- that the radio station Bremen Eins broadcasts news in Low German every weekday, and that the popular stations Bremen Eins and Bremen Vier also present up-to-the-minute reports and features in or on Low German; and finally
- that Bürgerrundfunk Bremen has been broadcasting the one-hour radio programme "De Plattsnuten" once a month for the past nine years, and that a team of four to six editors produces special broadcasts at irregular intervals.

2. Free and Hanseatic City of Hamburg

61103 With regard to Low German in Hamburg, the Committee of Experts considers in No. 512 ff. of its third evaluation report that this undertaking is fulfilled after having been informed

- that the public broadcaster NDR, in cooperation with the Institute for Low German in Bremen (INS), which is partly funded by Hamburg, broadcasts news daily and another programme every two weeks (although according to the Committee, “the representative of the INS informed the Committee of Experts that he was not aware of such an agreement”); and
- that there is currently a one-hour programme in Low and Standard German every second Saturday on Hamburg citizens radio channel TIDE.

61104

3. Mecklenburg-Western Pomerania

61105 After having been informed in No. 5118 of the Third State Report of the following, the Committee concluded in No. 577 ff. of its third evaluation report that Mecklenburg-Western Pomerania fulfilled this undertaking:

- that NDR 1 Radio MV has a dedicated editor as a contact person for Low German;
- that apart from the Low German horoscope in the morning, Low German interviews, radio plays and literary reports, the talk show “De Plappermoehl”, which is broadcast from various places in the *Land*, airs 12 times a year on the last Saturday of the month between 19.05 and 20.00 hours and repeats on the following Friday between 21.05 and 22.00 hours; and
- that on all other Fridays, NDR 1 Radio MV airs “Dat Beste ut de Plappermoehl” in this time slot with highlights from past shows, and that this programme has been very popular since 1983.

61106 Mecklenburg-Western Pomerania also reports the following new developments:

At the meeting of *Bund-Länder* officials on Low German in Schwerin on 13-14 May 2009, the responsible editor from NDR 1 Radio M-V gave a presentation making clear that nearly every subject was appropriate for broadcasts in the regional language Low German. The focus is on Low German and the culture and history of Mecklenburg-Western Pomerania. NDR 1 Radio M-V radio listeners like the bilingual (Low and Standard German) format.

A review of the week's news in Low German is produced regularly. Reports featuring studio guests who speak Low German are very popular with listeners. For the 2009 Federal Horticultural Show (BUGA) in Schwerin, a new series in Low German was created which reported on the show, the *Land* capital Schwerin and Mecklenburg-Western Pomerania. With a variety of programmes and activities, NDR 1 Radio M-V is helping to preserve Low German in Mecklenburg-Western Pomerania.

With the successful initiative "Musik ut uns Land", NDR 1 Radio M-V and the NDR television programme "Nordmagazin" hope to present new music in Low German. In spring 2009, NDR 1 Radio M-V and "Nordmagazin" started the "Musik ut uns Land" campaign with the motto "Kennt ji all dat niege Lied?" with the aim of providing a platform in NDR 1 Radio M-V and "Nordmagazin" for Low German language and music and the relevant artists.

The radio Open Channels in Schwerin with branches in Greifswald and Malchin are very interested in radio programmes produced by Low German speakers themselves. The *Land* public service broadcasting corporation offers numerous options for promoting media literacy, especially related to Low German. The "media mobiles" of NB Radio Treff 88.0 are available free of charge and are very popular for projects. They offer a media adviser to help those who are interested.

61107

4. Lower Saxony

61108 After having been informed in No. 5119 of the Third State Report of the following, the Committee concluded in No. 645 ff. of its third evaluation report that Lower Saxony fulfilled this undertaking:

- that public broadcaster NDR 1 Niedersachsen has regular daily thematic sections in Low German, including the religious programme "Plattdeutsche Ansprache". In addition, there are two one-hour thematic broadcasts in Low German where all Low German dialects of Lower Saxony can be heard, as well as two Low German radio plays per month. The two-hour weekly magazine "Düt un Dat op platt" features presentations in Low German and music from the north of Germany;
- that open channels and local broadcasting stations provide for a number of Low German broadcasts, some of them on a regular basis. Radio Ostfriesland airs the magazine "Radio up Platt" and the weekly two-hour programme "Pottkieker". Radio Jade broadcasts the programme "Een Stünn up Platt" four times a week. The private Ems-Vechte-Welle in Lingen features various

programmes on a regular basis, including the Low German “Starparade” and the weekly magazine “Grenzenlos”. The station Oldenburg eins occasionally transmits magazines and plays in Low German. Low German programmes can also be heard every month on Radio ZuSa from Uelzen and osradio from Osnabrück.

61109 Lower Saxony also reports the following new developments:

Citizens channels in Lower Saxony are currently broadcasting the following radio programmes (all programmes last one hour unless otherwise indicated): Radio Ostfriesland: “Klock twalf” (weekdays), “Wunschantine” (weekdays), “Radio up platt” (weekly), “All wat gaud is” (monthly); Ems-Vechte-Welle: “Früher gaft dat nicht” (monthly), “Starparade” (Two hours every two weeks), “Mottokiste” (every two weeks), “Knuet” (every two weeks), “Plattdeutsche Geschichten” (at irregular intervals), “Grenzenlos” (weekly; only partly in Low German); radioweser.tv “Plattdeutsche Nachrichten” (weekly), “Von Guntsiet noh Guntsiet” (every three weeks), “Johan & Sophie – tohus in Kötermmor” (at irregular intervals); Radio Tonkuhle: “Die Adelschen Tanten” (weekly); o-eins: “Seniorenradio” (monthly; only partly in Low German), “De plattdeutsche Hörtied” (monthly); Radio ZuSa: “Hüt schnackt wie platt” (monatlich), “Enfach platt” (monthly; two hours); Radio Aktiv: “Düt un dat un annerswat” (weekly); Radio Okerwelle: “Espresso – plattdeutscher Wochenrückblick” (weekly), “Plattdeutsche Lesungen” (at irregular intervals); osradio: “Wi küert platt” (every two weeks for about 30 minutes).

See No. 41105 with regard to possible measures to support regional or minority languages in private radio broadcasting and about the letter by the minister-president of Lower Saxony.

5. Saxony-Anhalt

61110 The Committee of Experts did not comment on Saxony-Anhalt in its third evaluation report. See No. 5120 of the Third State Report describing a meeting between the competent representative from the Ministry for Cultural Affairs and the head of department of radio MDR 1 Sachsen-Anhalt Hörfunk, who is responsible for Low German programmes, took place in February 2004 to discuss how to increase the number and quality of MDR programmes in and on Low German.

Saxony-Anhalt is planning another meeting with the broadcaster MDR 1 Saxony-Anhalt in order to increase the number of programmes in and on Low German.

6. Schleswig-Holstein

61111 After having been informed in No. 5121 of the Third State Report of the following, the Committee concluded in No. 695 ff. of its third evaluation report that Schleswig-Holstein fulfilled this undertaking:

- NDR radio (NDR 1 Welle Nord) broadcasts the following programmes in Low German:
 - o “Hör mal’n beten to” (weekdays at 9.40): Commentary in Low German on everyday life in Northern Germany,
 - o “Das Niederdeutsche Hörspiel” (every other Friday at 21.05): Radio plays ranging from whodunnits to classics and comedy,
 - o “Von Binnenland und Waterkant” (daily at 20.05): Reports, features and portraits in Low German and every Monday the Low German hour,
 - o “De Week op Platt” (Fridays at 17.40): The week in review in Low German,
 - o “Gesegneter Abend” (Mondays at 19.04): Some thoughts on the day,
 - o “Ünner’t Strohdack” (October to April): Readings in Low German;

and

- with the Act on the establishment of a corporation under public law ‘Offener Kanal Schleswig-Holstein (*Gesetz über die Errichtung einer Anstalt öffentlichen Rechts “Offener Kanal Schleswig-Holstein”, OK-Gesetz*), the successful Open Channel became a legal entity on 1 October 2006. Under the act, the Open Channel is explicitly responsible for promoting regional and minority languages. The Schleswig-Holsteinischer Heimatbund, which in Schleswig-Holstein particularly represents the interests of Low German speakers, appoints a representative to the five-member consultative council of the Open Channel.

61112 In addition, the *Land* reports:

Low German interviews and features are a regular element of programming at R.SH. Starting at 18.00, the “Abendjournal” programme regularly has segments in Low German. R.SH supports regional groups by announcing their concerts and interviewing them in Low German.

Broadcaster NDR 1 Welle Nord has continued and expanded its extensive offerings in Low German for Schleswig-Holstein, ranging from information to entertainment such as reports on current issues in the news and magazines and the series “SH privat” offering a behind-the-scenes look at prominent residents of Schleswig-Holstein.

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

61113 In No. 42 of its third evaluation report, with regard to this undertaking the Committee notes that it was informed by the authorities that the amendment of the inter-state treaty on the public regional broadcaster NDR (*Staatsvertrag über den Norddeutschen Rundfunk*) in May 2005 includes a section stating that its programming mandate should take into account the diversity of the regions, including culture and language.

The Committee also welcomes the information (No. 5123 of the Third State Report) that from 1 – 8 October 2006, NDR presented a Low German week on television which featured various cultural and regional programmes with a focus on Low German. The Committee understands that a Low German week also took place in October 2007.

61114 In its third evaluation report and taking into account the following findings, the Committee nonetheless found that this undertaking was not fulfilled or only partly fulfilled in the *Länder* that had accepted it (Brandenburg, Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, Saxony-Anhalt and Schleswig-Holstein).

1. Free Hanseatic City of Bremen

61115 In No. 441 ff. of its third evaluation report, the Committee refers to No. 5124 of the Third State Report with regard to this undertaking in relation to Low German in Bremen indicating

- that since 1998, the non-commercial open channel Bürgerrundfunk Bremen has been recording and broadcasting one Low German play a year by the Oberneulander Speeldiel;
- that this programme is also broadcast later by Bürgerrundfunk Bremerhaven; and
- that the commercial broadcasters RTL and Sat.1 air reports in Low German about the language or regions where Low German is spoken; and
- that however there do not seem to be any Low German programmes on the public television channel.

Bremen reports that it currently has no precise information on how private broadcasters are implementing the provision.

2. Free and Hanseatic City of Hamburg

61116 With regard to the promotion of Low German television programmes in Hamburg, in No. 517 ff. of its third evaluation report the Committee stated that it had no information on television programmes on public or private television in Low German.

See No. 01104 ff. above for a response to the Committee's question whether the (Hamburg) authorities had taken any measures in the meantime to encourage or facilitate the broadcasting of television programmes in Low German.

3. Mecklenburg-Western Pomerania

61117 In No. 582 of its third evaluation report, the Committee notes that it had been informed that the Rostock Open Channel ROK-TV broadcast a monthly 45-minute programme in German and Low German which was repeated several times. It received indirect financial support from the authorities. It had also been informed about plans to broadcast Low German programmes on the Open Channels in Neubrandenburg and Schwerin. Based on this information, the Committee found that this undertaking was only partly fulfilled for Low German.

61118 With regard to the status of encouraging the broadcasting of Low German television programmes and in particular to the Committee's question whether measures had been taken to encourage and/or facilitate it, more precisely: to expand the presence of the Low German language on private broadcasters, with reference to No. 01105 ff. the *Land* adds the following:

At the meeting of *Bund-Länder* officials on Low German in Schwerin on 13-14 May 2009 and at the conference "The Language Charter in Germany 10 years on: Praxis and perspectives", discussions with the media representatives of public and private television broadcasters and the Open Channels focused on the framework conditions for producing and broadcasting Low German television programmes, and the media representatives were encouraged to broadcast more Low German television programmes. As a result of the meeting of *Bund-Länder* officials on Low German, the minister-president of Mecklenburg-Western Pomerania wrote to the representatives of public and private television broadcasters and the Open Channels on 24 September 2009, encouraging them to pay greater attention to the regional language Low German in their programming.

As legal supervising body, Hamburg assumed responsibility for writing to NDR (14 October 2009).

4. Lower Saxony

61119 In No. 649 ff. of its third evaluation report, the Committee of Experts considered that this undertaking was not fulfilled for Lower Saxony, after noting that “[a]ccording to the information provided in the third periodical report [No. 5126], the public regional broadcaster *NDR* regularly broadcasts *Talk op Platt*, a programme in Low German, along with other programmes in Low German throughout the year. The Committee of Experts understands that the programme *Talk op Platt* was last broadcast in 2006 and has been replaced by a new Low German programme. However, it does not seem that this programme is still being broadcast.”

61120 With regard to the Committee’s question whether the authorities have in the meantime encouraged and/or facilitated the broadcasting of television programmes in Low German, the *Land* provides the following information in addition to the basic explanation in No. 01105 ff.:

After the series “Talk op platt” ended in 2006, it was followed by the programme “Die Welt op platt”. Twenty episodes have been broadcast since 2006. This series will continue with six episodes in the second half of 2009 and beyond. So it is not true that a Low German programme was discontinued and not replaced. The following programmes are broadcast on private television channels:

- TV38: Low German theatre (at irregular intervals)
- radioweser.tv: Low German theatre (at irregular intervals); “Johan & Sophie – tohus in Kötermmor” (at irregular intervals; includes Low German content)
- o-eins: Low German theatre/readings (at irregular intervals), “Snack up platt” (every three months), “Bi Johan & Sophie” (at irregular intervals; includes Low German content)

See also No. 41105 about the letter by the minister-president of Lower Saxony.

4. Schleswig-Holstein

61121 In No. 702 ff. of its third evaluation report, the Committee of Experts “understood that there were no programmes in Low German on private television channels ... the citizens television channel *Offener Kanal Kiel-Fernsehen* has a Low German focus. The *OK Kiel* and *OK Flensburg* broadcasts recordings of Low German stage-plays. However, these programmes seemed to be aired on an irregular basis ... [and] it appears that Low German programmes are only broadcast once per year on the regional public television broadcaster *NDR*”.

61122 With regard to the Committee's question whether the authorities have in the meantime encouraged and/or facilitated the broadcasting of television programmes in Low German, the *Land* provides the following information in addition to the basic explanation in No. 01105 ff.:

NDR offers an extensive and diverse range of television programmes in Low German, which has steadily expanded over the years. Regional programmes regularly report thoroughly on Low German issues. NDR has broadcast the programme "Die Welt op Platt" since 2007. In autumn 2009, six new segments were broadcast. For 30 years, NDR has broadcast plays staged at Hamburg's Ohnsorg-Theater. There is "Neues aus Büttenwarder", focus weeks on Low German and much more.

The public television broadcaster ARD has filmed new versions of familiar fairy tales. One of these films was dubbed into Low German for NDR television.

Art. 11 (1) (d) - Audio and audiovisual works

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

61123 In its second evaluation report, the Committee considered that this undertaking was not fulfilled by the *Länder* which have accepted it (Brandenburg, Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine-Westphalia, Saxony-Anhalt and Schleswig-Holstein), arguing that "it is not sufficient to allow works in regional or minority languages to benefit from general promotion measures for audiovisual works, this being already covered by the principle of non-discrimination". In its third evaluation report, the Committee considered that this undertaking was not fulfilled by any *Land* except Mecklenburg-Western Pomerania because the Committee was not aware of any specific measures aimed at encouraging and/or facilitating the production of audio and audiovisual works in Low German.

Where the *Länder* referred to the activities of the media company nordmedia, for which they provide funding, as specific measures, the Committee of Experts states that "the Supervisory Authority's form of promotion is only relevant in the context of creating a support structure for private radio broadcasting, and that funds given by nordmedia are relevant for Art. 11. 1. f)" only.

1. Free Hanseatic City of Bremen

61124 With regard to the Committee's question following its findings in No. 445 ff. of the third evaluation report whether the authorities had taken the positive action the Committee believes necessary, Bremen responds as follows:

The media company nordmedia (Die Mediengesellschaft Niedersachsen/Bremen GmbH) concentrates primarily on promoting film and television productions. In some cases, this involves enhancing the film productions with Low German subtitles or dubbing them into Low German. An example is the three-part documentary "Die Ostfriesland Saga: Geschichten von der Ems" (The saga of East Frisia: Tales of the River Ems) which combines recollections recounted by speakers of Low German with historical photos and poetic contemporary footage.

2. Free and Hanseatic City of Hamburg

61125 With regard to the Committee's statement that "[a]ccording to the information provided by the Hamburg authorities in the third periodical report, there is an extensive range of Low German audio and audiovisual works in the free-market private sector. However, the Committee of Experts has not been made aware of any encouragement and/ or facilitation of the production of audio and audiovisual works in Low German, for example by the Media Authority" (No. 521 of its third evaluation report) and to its question whether the (Hamburg) authorities had taken such measures in the meantime, Hamburg refers to its statement in No. 61138.

3. Mecklenburg-Western Pomerania

61126 In addition to No. 5133 of the Third State Report, the *Land* reports as follows:

For the Wossidlo anniversary in 2009, a descendant of Richard Wossidlo (1859 – 1939) shot the film "Richard Wossidlo, der 'Volksprofessor'" documenting the life and work of Richard Wossidlo.

At the Fritz Reuter Literature Museum in Stavenhagen, his birthplace, a room for viewing films was added in 2009 with *Land* funding. Visitors to the museum's permanent exhibition can view five feature films and a film series based on Reuter's works. The films were produced by NDR, DEFA and UFA.

4. Lower Saxony

61127 With regard to the question whether Lower Saxony has fulfilled this undertaking, in No. 653 ff. of its third evaluation report the Committee repeats its view

that funds given by nordmedia are not relevant for this undertaking. With regard to this view and to the Committee's question whether the authorities have in the meantime taken measures to encourage and/or facilitate the production and distribution of audiovisual works in Low German, the *Land* responds that it regards the general information in No. 3540 of the Third State Report as sufficient encouragement.

5. Schleswig-Holstein

61128 The Hamburg Schleswig-Holstein film fund supports feature films and unusual television productions in all genres. Film projects receive financial support from the first draft of the script through production to distribution and festival presentations. Criteria for funding include quality of the project and substantive reference to Hamburg or Schleswig-Holstein. This includes filming in Hamburg and/or Schleswig-Holstein and using local skilled labour and film technology companies. Applications may be submitted to the Hamburg Schleswig-Holstein Film Fund GmbH (www.ffhsh.de).

Art. 11 (1) (e) (ii) - Newspaper articles

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

61129 With regard to this undertaking, accepted by Brandenburg, Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, Saxony-Anhalt and Schleswig-Holstein, the German authorities disagree with the Committee's view, already expressed in the second evaluation report, that this undertaking is fulfilled only if measures taken to compensate for the economic weakness of print media in Low German are effective and not purely symbolic or formal, and if the measures of encouragement and/or facilitation actually result in regular publication, i.e. at least once a week. Germany considers this view to be wishful thinking on the part of the Committee and not based on the provision.

We also refer to the constitutionally guaranteed freedom of the press and limits to government influence on the press described in No. 01104 ff., and to the fact that there is no publicly subsidized print media in Germany.

1. Free Hanseatic City of Bremen

61130 In No. 447 of its third evaluation report, the Committee stated that Bremen did not fulfil this undertaking after being informed of the following (No. 5139 of the Third State Report):

- “that the authorities from several *Länder* finance the Institute for Low German in Bremen (INS), whose work includes the publication of news items. However, the latter resembles a press service on topics related to Low German that is issued a few times per month in German”; and
- “that newspaper articles in Low German are published in some local newspapers, however, this does not seem to occur on a regular basis (meaning at least once per week). While noting the presence of these articles, the Committee of Experts observes that the current frequency of the publication of newspaper articles does not correspond to the requirements under this undertaking.”

61131 With regard to the status of encouraging the publication of newspaper articles in Low German and to the Committee’s question whether the authorities have taken measures in the meantime to encourage and/or facilitate the publication of newspaper articles in Low German on what it considers a regular basis, Bremen is confident that it fulfils this undertaking in line with the principle of freedom of the press.

2. Free and Hanseatic City of Hamburg

61132 The Committee did not comment on this undertaking with regard to Hamburg in its third evaluation report. See No. 5141 of the Third State Report indicating that Hamburg subsidizes the quarterly Low German publication of the Quickborn e.V. association with an average of € 7,000 annually, which with an appropriate definition of the term “press release” can be considered a measure in the spirit of the above undertaking, and that Hamburg also contributes to the funding of the Institute for Low German, whose publications the Committee regards as insufficient.

3. Mecklenburg-Western Pomerania

61133 In No. 587 of its third evaluation report, the Committee considered that this undertaking remains fulfilled, although according to No. 5142 of the Third State Report, an increasing number of Low German articles is being published in all daily newspapers of the *Land* (at least one page per week) as well as in regional, homeland, advertising and Sunday papers. Print media coverage is not subsidized, which applies, of course, also to the de facto second official language Low German.

The *Land* reports on the current status of encouraging the publication of Low German newspaper articles as follows: The meeting of *Bund-Länder* officials on Low German in Schwerin on 13–14 May 2009 and the conference “The Language Charter in Germany 10 years on: Praxis and perspectives” in Schwerin on 14–15 May 2009 also examined the situation of Low German in the print media. For the daily newspapers in Mecklenburg-Western Pomerania, the following tasks are of primary importance with regard to the preservation of Low German:

- forum for Low German authors, publication of recent texts in Low German;
- reporting by journalists on the multi-faceted preservation and promotion of Low German in Mecklenburg-Western Pomerania and beyond.

As a result of the meeting of *Bund-Länder* officials on Low German, the minister-president of Mecklenburg-Western Pomerania wrote to newspapers in the *Land* on 24 September 2009, encouraging them to continue using Low German in their daily editions.

In early September 2009, the working group Plattdütsch in de Kark held an interregional meeting at the St Jürgen Low German Bible Centre in Barth. About 60 members from Westphalia, Schleswig-Holstein, Hamburg, Saxony-Anhalt, Lower Saxony, Berlin, Brandenburg and Mecklenburg-Western Pomerania took part. One focus of the meeting was how to write brief press releases in Low German, for example on issues of ethics, for print and audiovisual media.

4. Lower Saxony

61134 The Committee did not comment on this undertaking with regard to Lower Saxony in its third evaluation report. See No. 5143 of the Third State Report. In addition, about 40 newspapers in Lower Saxony continue to publish articles in Low German, in some cases daily. See also No. 41105 about the letter by the minister-president of Lower Saxony.

5. Saxony-Anhalt

61135 The Committee did not comment on this undertaking with regard to Saxony-Anhalt in its third evaluation report. See No. 5144 of the Third State Report indicating that an intensive exchange of ideas was held with the assistant chief editors of the daily newspaper *Volksstimme*, which is of particular relevance in the Low German

speech area, on increasing the quantity and quality of articles in and on Low German in the *Volksstimme*.

The results of this effort can be reported as follows: Articles in Low German appear regularly in the regional editions of the *Magdeburger Volksstimme*, mainly in the weekend editions. In addition, the *Altmarkzeitung* also lists and reports on events in or about Low German.

1. Schleswig-Holstein

61135a The Committee considers that Schleswig-Holstein has fulfilled this undertaking. In addition, the Schleswig-Holsteinische Zeitungsverlag (sh:z), which publishes 14 regional newspapers, was awarded the renowned Low German Literary Prize of the city of Kappeln in 2009. The prize honours the publisher for having expanded the presence of Low German in its publications in recent years.

Art. 11 (1) (f) (ii) - Financial assistance for audiovisual productions

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

61136 In its third evaluation report, the Committee again found that this undertaking remained unfulfilled in Brandenburg, Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein, stating that it was not clear how existing measures for financial assistance could also be used for audiovisual productions in Low German.

1. Free Hanseatic City of Bremen

61137 In its third evaluation report, the Committee of Experts did not refer to the fulfilment of this undertaking. Bremen refers to its statement in No. 61124.

2. Free and Hanseatic City of Hamburg

61138 With regard to the Committee's findings and questions in No. 523 ff. of the third evaluation report, especially its question as to how the new subsidy fund allows for the qualification of productions in Low German in practice, Hamburg provides the following information: The Hamburg Schleswig-Holstein Film Fund provides support for projects and measures to advance film culture in Hamburg and Schleswig-Holstein in terms of quality and quantity, and to enable the production of high-quality

and diverse films in the *Land*. As a result, audiovisual productions in Low German are also eligible for funding if they satisfy the general funding criteria.

3. Mecklenburg-Western Pomerania

61139 With regard to the Committee's findings and questions in No. 588 ff. of the third evaluation report, especially its question as to whether any projects in Low German have been financed in the meantime, the *Land* refers to No. 61126.

4. Lower Saxony

61140 The Committee did not comment on this undertaking with regard to Lower Saxony in its third evaluation report. See No. 5151 of the Third State Report indicating that funding applications for audio and film productions can still be submitted to nordmedia GmbH, and that for example the feature film "Apparatpott – Episode III" and the TV documentary "Land unter! Geschichten aus dem Moor", both in Low German, received funding.

In addition, the *Land* reports: In 2008, nordmedia provided funding for the three-part documentary "Die Ostfriesland Saga: Geschichten von der Ems", in which Low German speakers are interviewed about the past.

5. Schleswig-Holstein

61141 With regard to the Committee's findings and questions in No. 708 ff. of its third evaluation report, especially its question as to how promotion schemes could be adapted with a view to ensuring that Low German productions can qualify for financial assistance more regularly, Schleswig-Holstein provides the following information: The Hamburg Schleswig-Holstein Film Fund provides support for projects and measures to advance film culture in Schleswig-Holstein in terms of quality and quantity, and to enable the production of high-quality and diverse films in the *Land*. As a result, audiovisual productions in Low German are also eligible for funding if they satisfy the general funding criteria.

Art. 11 (1) (g) - Training of journalists

to support the training of journalists and other staff for media using regional or minority languages.

61142 In No. 450 ff. of its third evaluation report, the Committee regarded this undertaking, accepted by Bremen and Hamburg, as partly fulfilled, in light of the information that the public broadcaster Radio Bremen provides regular follow-up training for its staff with regard to Low German and its use in radio programmes.

61143 With regard to the Committee's question whether the authorities had taken measures to support the training of journalists and other staff for media using Low German, the *Land* reports the following: As part of the reform of training, those involved in training are required to take the Charter's requirements into account.

61144 The Committee regarded this undertaking as not fulfilled for Hamburg after noting the "possibility to study both Low German language and literature as well as journalism and communication studies. However, these courses do not seem to be linked to one another".

61145 With regard to the Committee's question whether the authorities had taken measures to support the training of journalists and other staff for media using Low German, the *Land* reports the following: The responsible authority is not currently aware of any concrete measures.

Article 11 (2)

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

61146 Due to a lack of apparent issues, the Committee of Experts did not comment in its third evaluation report on this undertaking, which was adopted by Brandenburg,

Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine-Westphalia, Saxony-Anhalt and Schleswig-Holstein.

61147 As indicated in No. 5155 of the Third State Report, Nos. 1183-1184 of the Second State Report indicated that the undertaking is already fulfilled for the entire federal territory by Germany's Basic Law, which guarantees the free reception of radio and television broadcasts from neighbouring countries, and no additional measures are required.

Article 12

Cultural activities and facilities

Paragraph 1

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

Art. 12 (1) (a) - Types of expression, and access to works

a) to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;

61200 The Committee of Experts did not comment in its third evaluation report on this undertaking, which was adopted by Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine-Westphalia, Saxony-Anhalt and Schleswig-Holstein.

61201 As in No. 5156 of the Third State Report, we refer to the fundamental importance of the Institute for Low German, which receives funding from the *Länder* Bremen, Hamburg, Lower Saxony and Schleswig-Holstein as well as the regional local authority Landschaftsverband Westfalen-Lippe, in fulfilling this undertaking; we also refer to Nos. 1189 – 1245 of the Second State Report with regard to further implementation measures taken in Brandenburg, Bremen, Hamburg, Mecklenburg-

Western Pomerania, Lower Saxony, North Rhine-Westphalia, Saxony-Anhalt and Schleswig-Holstein.

61202 In No. 5159 of the Third State Report, Mecklenburg-Western Pomerania emphasized the following two of the many institutions working to fulfil this undertaking:

1. The association Freunde und Förderer der Fritz-Reuter-Bühne Schwerin e.V. has initiated a Low German writing contest for “junge Schriewerslüüd ut Mäkelborg un Vörpommern” under the auspices of the Minister-President with the theme “Wi maken di platt”. Those behind the writing competition believe it the best way of promoting Low German among young people. It is aimed at encouraging young people between 16 and 25 years of age from Mecklenburg-Western Pomerania to take part.
2. The Zentrum für Niederdeutsche Sprache – Vorpommern e.V. in Wilmshagen took up its functions in 2004. Its aim is to enrich the cultural scene in general and the role of Low German language in Western Pomerania in particular. Very special emphasis is put on the relation to the cultural roots and traditions of Western Pomerania as well as the entire Pomeranian Euroregion. Other efforts of the Centre are directed at cooperation with partners in Poland who are based in the former region of Pomerania.

The Zentrum für Niederdeutsche Sprache – Vorpommern e.V. offers the following services:

- Performances by the Low German drama club Plattdütsch späldäl to Stralsund e.V. in nursery schools, primary schools and other public institutions such as museums
- Preparation of a stage production entitled “De Bernsteinhex” (The Amber Witch) for upper secondary schools and higher education classes
- Low German courses for nursery-school teachers
- An advanced training day for Low German

Due to internal considerations, the centre has since ceased to operate.

3. In 2005, the Landesheimatverband Mecklenburg-Vorpommern e.V., the city of Dömitz and the Ludwigslust Landkreis set up the Low German festival “Die Norddeutschen Tage – Das Niederdeutsche Festival an der Elbe”. The festival was presented by NDR 1 Radio MV. Funds for the project were provided by the Ministry for Education, Scientific and Cultural Affairs and the East German Savings Bank Association. The ambition of the organizers and their many

partners is to use the Norddeutsche Tage as a focus for the bringing together, across *Land* borders, of the ancestral vernacular of the North and the Low German way of life. The river Elbe is intended to serve as a connecting element for the participation across *Land* borders of municipal authorities, citizens, associations and clubs in the above festival.

61203 Lower Saxony reports the following new developments:

1. Bugenhagen memorial year 2008:

In 2008, the Protestant Church in Pomerania commemorated the 450th anniversary of the death of Johannes Bugenhagen (1485 – 18 April 1558), Pomeranian reformer and friend of Martin Luther. Bugenhagen, the “Reformer of the North”, helped translate the Bible into Low German during his stay in Lübeck. The ornately decorated Lübeck Bible of 1533/34 went down in history as the “Bugenhagen Bible”.

The anniversary year began with a Bugenhagen symposium at the St Jürgen Low German Bible Centre in Barth. A Bugenhagen conference organized by the faculty of Protestant theology in Greifswald, a ceremony at the Greifswald Cathedral and an exhibition showing Bugenhagen’s influence on northern Germany all honoured the great reformer. The exhibition also travelled to Trezebiatów and Warsaw, Poland. Mecklenburg-Western Pomerania provided funding and organizational support for the Bugenhagen commemoration in 2008.

A copy of the Lübeck Bible in Low German (1533) was purchased in April 2009 with funding from the eastern German savings bank foundation and is on permanent loan to the St Jürgen Low German Bible Centre in Barth.

2. Wossidlo Year 2009:

On 26 January 2009, the University of Rostock commemorated the 150th birthday of Richard Wossidlo (1859 – 1939), Low German folklore specialist. Numerous associations and institutions planned the Wossidlo celebrations in 2009, including the Volkskulturstudieninstitut Mecklenburg und Vorpommern im Kulturbund e. V. and the University of Rostock’s institute for folklore (Wossidlo Archives). The life and work of this secondary school teacher from Waren was the subject of the *Land* exhibition “‘Wist mi wat vertellen?’ Richard Wossidlo, a genius of folklore field research” on display in Ribnitz-Damgarten and Waren/Müritzk. A travelling exhibition, “Richard Wossidlo: Founder of folklore research in Mecklenburg”, was shown in eight locations

in Mecklenburg-Western Pomerania as well as Haus Mecklenburg in Ratzeburg, accompanied by numerous events and lectures throughout the *Land*.

The Mecklenburg-Western Pomerania *Land* library produced a Wossidlo bibliography in the series of editions from the Wossidlo Archives. The publisher Hinstorff-Verlag published a selection of texts by Wossidlo (*Das große Wossidlo-Lesebuch*) and Joachim Wossidlo made the film “Richard Wossidlo, der ‘Volksprofessor’” (Richard Wossidlo, the people’s professor). The Year of Wossidlo in 2009 was organized with funding from Mecklenburg-Western Pomerania, among others.

3. 2009 Federal Horticultural Show in Schwerin (23 April to 11 October 2009):

The Low German language and culture of Mecklenburg-Western Pomerania played a major role during the 2009 Federal Horticultural Show (BUGA 2009) in Schwerin. Visitors to the show could experience Low German songs, sketches and traditional costumes shown on the various event stages. For BUGA 2009, the Mecklenburg-Western Pomerania Land Union for Local and Regional Traditions (Landesheimatverband Mecklenburg-Vorpommern e. V.) presented highlights from the Low German festival Norddeutschen Tage - Festival der niederdeutschen Sprache und Musik an der Elbe on a special North German Day, to the delight of BUGA visitors.

4. “The Language Charter in Germany 10 years on: Praxis and perspectives”

The conference “The Language Charter in Germany 10 years on: Praxis and perspectives” was held in Schwerin on 14 – 15 May 2009. This language conference, sponsored by the president of the *Land* parliament of Mecklenburg-Western Pomerania, was organized by the Federal Council for Low German and the Landesheimatverband Mecklenburg-Vorpommern in cooperation with the Institute for Low German. The aim of the conference was to analyse what improvements the European Charter for Regional or Minority Languages has brought about for Low German and the other minority languages over the past ten years. The presentations, which addressed all articles of the Charter, also asked which steps will be necessary in future to promote and preserve the regional language Low German and the minority languages.

5. Reuter anniversary 2010:

The 200th anniversary of the birth of Fritz Reuter is 7 November 2010. With the help of the Fritz Reuter Society, Mecklenburg-Western Pomerania was able to arrange for a stamp to be issued in honour of Reuter's 200th birthday. The main celebration of the anniversary will take place on 7 November 2010 in Stavenhagen, the city where Reuter was born. The Reuter festival in 2010 is to include the premiere of a musical called "Hanne Nüte un de lütte Pudel", based on one of Reuter's works. Special events are planned for the occasion in numerous German cities (including Altentreptow, Berlin, Dömitz, Eisenach, Friedland, Grevesmühlen, Ludwigslust, Neubrandenburg, Neustrelitz, Parchim, Rostock, Schwerin, Stavenhagen and Wismar). In 2010, the Fritz Reuter Society will hold its annual meeting in Stavenhagen. Neubrandenburg, where Reuter lived for many years, has founded a working group to plan the Reuter anniversary. On 15 July 2010, Neubrandenburg and the Fritz Reuter Society will host a special event in the Marienkirche church; additional exhibitions, theatre and school projects are planned.

See No. 60815 on the dissolution of the Centre for Low German – Western Pomerania e.V. in Wilmshagen.

61204 North Rhine-Westphalia refers to No. 5160 of the Third State Report.

61205 It adds that linguists at the University of Münster and the University of Bielefeld are currently working on a digital text archive for Low German. The website will bring together thousands of texts from the 9th to the 19th centuries; the website and an initial selection of texts are to be launched shortly. The project, to run for seven years, receives annual funding of €70,000 from the Westphalia Initiative and the *Land* North Rhine-Westphalia. The project aims to make Westphalia's rich cultural heritage permanently available to researchers and the interested public. In addition to its research objectives, the project hopes to increase awareness of Westphalia's cultural landscape, history, language and traditions.

It should be noted that preservation of cultural traditions in North Rhine-Westphalia is largely the responsibility of the municipalities, districts and regional associations, and that the regional local authority Landschaftsverband Westfalen-Lippe in particular has taken on the task of promoting Low German culture. It runs six commissions which are solely devoted to regional and cultural studies of Westphalia, to publishing the results and organizing conferences on their areas of concentration. The commission for research into the dialects and names of Westphalia concentrates on researching Westphalian dialects, archiving and describing Low German terminology and researching Westphalian names and proverbs.

North Rhine-Westphalia also reports that the Low German theatre company of Münster had its production of the Low German play *Spiell van Dr. Faustus* from the 2006/07 season professionally videotaped and produced a DVD; North Rhine-Westphalia contributed €3,000 towards the production costs.

Art. 12 (1) (b) - Access to works in the (minority) languages

b) to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronization and subtitling activities;

61206 This undertaking was accepted by Bremen, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein.

Some of these *Länder* report in this context:

1. Mecklenburg-Western Pomerania

61207 The *Land* refers to No. 5163 of the Third State Report stating that within the framework of cultural promotion, funds for projects on the dubbing, post-synchronization and subtitling of works with regard to Low German and High German are available.

61208 With regard to the question as to how the *Land* has publicized this and whether this possibility has been used, the *Land* responds as follows: The Directive on providing assistance to promote projects in the cultural field and under Section 96 of the Federal Expellees Act, last amended on 26 February 2008, has provided the foundation for cultural promotion for 14 years. In listing priorities for promotion, the directive explicitly states that funding is to be provided for projects of Low German, language and cultural work as defined in the *Land* constitution and the European Charter of Regional or Minority Languages. This directive is published in the official journal of Mecklenburg-Western Pomerania and is available to the public on the Internet. The same applies to the three state reports and the comments of the Committee of Experts regarding the monitoring procedure.

Funding for translation, dubbing and post-synchronization and subtitling of works with regard to Low German and High German is still available on the basis of the cultural promotion directive. No applications for such funding were submitted in the reporting period 2007 – 2009.

2. Lower Saxony

61209 Without concluding whether this undertaking had been fulfilled in Lower Saxony, in No. 656 ff. of its third evaluation report the Committee repeated the information provided in No. 5164 of the Third State Report, that “applications for funds with regard to translation of films and literature from High German into Low German are possible, but that no such applications have been submitted. The authorities further state the example of a novel that was translated by the author himself from Low German into High German. It is however not clear whether funds had been made available for this translation activity.”

61210 With regard to the Committee’s request for information about measures taken by the authorities to foster the different means of access in other languages to works produced in Low German by aiding and developing translation and other activities, the *Land* reports the following: As correctly represented in No. 5164 of the Third State Report, applicants are responsible for submitting the required applications for funding of films in Low German to the appropriate bodies. Despite targeting potential applicants, no relevant applications were submitted.

3. Schleswig-Holstein

61211 With regard to the question raised by the Committee of Experts in connection with this undertaking following its findings in No. 711 ff. of the third evaluation report whether the Schleswig-Holstein authorities could provide practical examples of the use of *Land* funds for translating Low German works into other languages and vice versa, the *Land* reports the following: Schleswig-Holstein once again points out that it provides both institutional and project funding for Low German institutions such as the Centres for Low German, the Schleswig-Holsteinischer Heimatbund (SHHB) and the Institute for Low German. The SHHB responded that works in regional languages are very rarely translated into other languages, saying that there was apparently little special demand apart from works considered part of world literature, such as those by Fritz Reuter.

Art. 12 (1) (c) - Access to works produced in other languages

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

61212 This undertaking was accepted by Bremen, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein.

Information about some of these *Länder* can be reported as follows:

1. Free Hanseatic City of Bremen

61213 For Bremen, in No. 453 of its third evaluation report, the Committee stated that the “authorities have not provided any information with regard to this undertaking. In light of all the information available, the Committee of Experts must conclude that the activities of *nordmedia* are not relevant for this undertaking. Therefore the Committee of Experts considers this undertaking not fulfilled.”

61214 With regard to the Committee’s question whether measures have been taken in the meantime to aid translation, dubbing, post-synchronization and subtitling activities, the *Land* is working, within the framework of the legal possibilities, to use its influence on programme planners to improve the situation.

2. Mecklenburg-Western Pomerania

61215 In No. 591 of its third evaluation report the Committee found that Mecklenburg-Western Pomerania only partly fulfilled this undertaking, in the absence of practical examples of implementation and after noting in No. 5168 of the Third State Report only that translation, dubbing and post-synchronization and subtitling can be subsidized on the basis of the cultural promotion directive of the *Land*.

61216 With regard to the Committee’s question as to which measures have been taken to foster access in Low German to works produced in other languages by aiding and developing translation, dubbing, post-synchronization and subtitling activities, the *Land* refers to No. 61208.

3. Lower Saxony

61217 In No. 659 of its third evaluation report, the Committee notes that “[a]ccording to the information contained in the third periodical report (paragraph 5126), certain programmes that are broadcast on the public regional television channel *NDR* have been dubbed into Low German. The Committee of Experts concludes that the undertaking remains partly fulfilled.”

61218 With regard to the Committee's request for information about measures taken in the meantime to foster the different means of access in Low German to works produced in other languages, the *Land* reports the following:

With regard to No. 5126 of the Third State Report it should be noted that NDR's dubbing and post-synchronization of programmes already produced comes under its programming autonomy. The large number of examples listed in No. 5126 of the Third State Report indicate that extensive activities have been developed.

4. Schleswig-Holstein

61219 In No. 711 ff. of its third evaluation report, the Committee stated that this undertaking is not fulfilled in Schleswig-Holstein because although the *Land* says that it subsidizes translation activities of the Low German institutions, the authorities state that they had no information on whether any use was made of this possibility.

61220 With regard to the Committee's question whether the authorities can now provide this information, the *Land* reports as follows:

According to the Schleswig-Holsteinischer Heimatbund (SHHB), access in the regional language to works in other languages occurs in isolated cases, mainly on the private initiative of Low German authors who translate such works in order to ensure their publication. More plays are translated from foreign languages into Low German in order to ensure sufficient supply for the professional and amateur theatres. These works are usually translated as projects of publishers or authors.

Art. 12 (1) (d) - Taking account of the regional or minority language in cultural activities

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

61221 This undertaking was accepted by Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine-Westphalia and Schleswig-Holstein. The following can be reported about these *Länder*:

1. Free Hanseatic City of Bremen

61222 In No. 455 ff. of its third evaluation report, the Committee of Experts stated that “[i]n the third periodical report (paragraph 5172), the authorities confine themselves to stating that the relevant decision-makers take the needs of the Low German-speakers into consideration when allocating budgetary funds. However, the Committee of Experts has not received any information on how this is applied in practice and to what extent it relates to the present undertaking” and therefore considers that the undertaking is not fulfilled.

61223 In the meantime, the *Land* parliament has called on the Senate to present a report on the situation of Low German in Bremen. The report is being prepared.

2. Free and Hanseatic City of Hamburg

61224 In No. 532 of its third evaluation report, the Committee states that it “has received no new information with regard to this undertaking. It therefore maintains its previous conclusion that the undertaking is not fulfilled.” Hamburg responds by reporting the measures taken in the meantime to ensure that the bodies responsible for organizing or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of the Low German language and culture in the undertakings which they initiate or for which they provide backing as follows:

Based on a change of responsibility for issues concerning the Charter, the Office for Diversity in the Hamburg ministry of justice, which is now responsible for these issues, regrets that it is unable to provide a concrete answer.

3. Mecklenburg-Western Pomerania

61225 The Committee did not comment on this undertaking for Mecklenburg-Western Pomerania in its third evaluation report. See No. 5174 of the Third State Report indicating that the institutions listed there as being involved in the linguistic and cultural efforts have the necessary language and subject-area competence and can rely on assistance from the Low German Chair of Rostock University and other competent institutions as needed.

61226

4. Lower Saxony

61227 The Committee did not comment on this undertaking with regard to Lower Saxony in its third evaluation report. See No. 1273 ff. of the Second State Report indicating that the cultural associations (*Landschaften*) promote the Low German language and culture in their institutions and activities based on the competence of their members with support from the *Land*.

61228

5. North Rhine-Westphalia

61229 The Committee did not comment on this undertaking with regard to North Rhine-Westphalia. See No. 5175 of the Third State Report indicating that the Westphalia and the Lippe Associations for Local/Regional Traditions, funded by the Landschaftsverband of Westfalen-Lippe, also possess the necessary language competence and promote it at their events. See also the comments in No. 61204.

61230

6. Schleswig-Holstein

61231 The Committee did not comment on this undertaking with regard to Schleswig-Holstein. See No. 5176 of the Third State Report indicating that the Schleswig-Holsteinischer Heimatbund regularly puts on the Low German Day, thereby working to disseminate Low German.

61232 Schleswig-Holstein also has a large number of Low German theatres which promote the Low German language and Low German theatre in Schleswig-Holstein together with their umbrella organizations, the Union of Low German Theatres (Niederdeutscher Bühnenbund) and the Association of Amateur Theatrical Societies (Amateurtheaterverband). These groups have agreed on aims and measures intended to help give Low German greater weight, in particular exposing young people to the Low German language and theatre, providing basic and further training in order to enhance the quality of theatrical offerings, and fostering contact and cooperation among all stakeholders in Low German across *Land* borders.

In addition, the *Land* government regularly supports the Low German theatre festival at the Molfsee open-air museum and the theatre festival of the Union of Low German Theatres in Schleswig-Holstein; it enables the use of guest directors for premieres of

Low German plays, and is involved among others in the Scheersberg theatre award given out at the meeting of Low German theatre companies at the Jugendhof Scheersberg.

Art. 12 (1) (e) - Employment of staff proficient in the language(s) concerned

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

We report as following on this undertaking, accepted by Bremen, Mecklenburg-Western Pomerania, Lower Saxony and North Rhine-Westphalia:

1. Free Hanseatic City of Bremen

61233 In No. 458 ff. of its third evaluation report, the Committee of Experts considered that this undertaking is fulfilled after No. 5178 of the Third State Report indicated that subsidized institutions such as the Landesverband Bremer Amateurtheater e.V., archives and libraries take care to ensure that they have staff who are proficient in Low German.

2. Mecklenburg-Western Pomerania

61234 The Committee did not comment on this undertaking for Mecklenburg-Western Pomerania in its third evaluation report. As indicated in No. 61225 above, see No. 5174 of the Third State Report indicating that the institutions listed there as being involved in the linguistic and cultural efforts have the necessary language and subject-area competence and can rely on assistance from the Low German Chair of Rostock University and other competent institutions as needed.

3. Lower Saxony

61235 The Committee did not comment on this undertaking with regard to Lower Saxony in its third evaluation report. See No. 5180 of the Third State Report indicating that since 2001 the Ostfriesische Landschaft has been successful in motivating the use of Low German with its project "Plattdütsk bi d'Arbeid" and that its staff have the necessary language skills for cultural activities.

4. North Rhine-Westphalia

61236 The Committee did not comment on this undertaking with regard to North Rhine-Westphalia in its third evaluation report. See No. 5175 of the Third State Report indicating that the Westphalia and the Lippe Associations for Local/Regional Traditions, funded by the Landschaftsverband of Westfalen-Lippe, also possess the necessary language competence and promote it through their activities. The local Low German groups of the Westphalia and Lippe associations have regular and special meetings and activities related to Low German (e.g. awards ceremonies, reading competitions and exhibitions). The leaders of the specialist panels also meet regularly. Every October, the Lippe association organizes a Low German convention with 250 to 270 participants, featuring lectures, sketches and musical entertainment in Low German. In the area of the Westphalia association, the meeting of the Schriewerking and the Low German Days in Münster are held each year.

Art. 12 (1) (f) - Participation of representatives of the group speaking the given language in cultural activities

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

61237 This undertaking was accepted by Brandenburg, Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine-Westphalia, Saxony-Anhalt and Schleswig-Holstein.

61238 In No. 461 ff. of its third evaluation report, the Committee stated that it had no positive evidence of any measures taken by the authorities with regard to this undertaking in Bremen and that it considered the undertaking not fulfilled. With regard to the Committee's question whether the authorities in Bremen had taken measures to encourage direct participation by representatives of the users of Low German in providing facilities and planning cultural activities, Bremen reports as follows:

Bremen's democratic organization, with local parliaments, deputations, district councils, planning and programme councils, ensures appropriate participation by the language group at the different levels.

61239 In No. 534 ff. of its third evaluation report, the Committee stated that it had no evidence of any measures taken by the authorities with regard to this undertaking in Hamburg and that it considered the undertaking not fulfilled.

With regard to the Committee's question whether the authorities in Hamburg had taken measures to encourage direct participation by representatives of the users of Low German in providing facilities and planning cultural activities, Hamburg reports as follows:

Hamburg's democratic organization, with local (district) parliaments, deputations, district councils, planning and programme councils, ensures appropriate participation by the language group at the different levels.

61240 With regard to Mecklenburg-Western Pomerania, see No. 61234 above; for Lower Saxony, see No. 61235; for North Rhine-Westphalia, see No. 61236; and for Schleswig-Holstein, see No. 61232. Speakers of Low German are of course involved in the publicly funded measures mentioned there.

61241 With regard to Saxony-Anhalt, on which the Committee did not comment in connection with this undertaking (like the other *Länder* mentioned above), see No. 5189 of the Third State Report stating that via the Low German working group in the Ministry of Culture, representatives of Low German discuss projects and receive financial assistance in the form of funding for individual school and cultural projects and for programmes (e.g. on culture at school and in clubs) and competitions (e.g. for the Youth Cultural Prize of Saxony-Anhalt).

61242 Mecklenburg-Western Pomerania reports the following recent examples of funding for measures directly involving speakers of Low German: The activities for the Bugenhagen anniversary year in 2008, for the Wossidlo anniversary year in 2009 and for the Reuter anniversary year in 2010 were planned almost entirely by persons with a thorough command of the Low German language and extensive knowledge of its culture.

Saxony-Anhalt reports on the following measures in which Low German speakers were involved.

2007

- April: Presentation of a book of stories and poems in Low German by Marta Rothe (*Von Minschen un öhre Tiet - Jeschichtn un Jedichte in ostfälischer Sprache*)

- May: A Low German theatre workshop for children and youth in Magdeburg

- June: Saxony-Anhalt Day in Osterburg including the Low German Hour
- June: "Schaulkramms spräket Platt" in Wernigerode
- September – December: Low German reading competition (at schools, at three regional competitions and at one *Land* competition)

2008

- April: Low German event on plants and their names
- June: Low German theatre competition in Magdeburg
- October: Presentation of a book of stories and poems in Low German by Helga Albert (*Wind, Wulken un alltiet bütschen Glück - Jedichte un Jeschichten up oltmärkisch Platt*)
- September – December: Low German reading competition (at schools, at three regional competitions and at one *Land* competition)

2009

- March: Low German theatre workshop for children and youth
- September – December: Low German reading competition (at schools, at three regional competitions and at one *Land* competition)

61242b Lower Saxony provides the following additional information:

In May 2009, the Ostfriesische Landschaft organized a conference under the patronage of the Lower Saxony Minister of Culture on the topic of multi-lingual Ostfriesland and the benefit of preserving Low German. Speakers from the Dutch province of Fryslân also took part.

Also in May 2009, a panel discussion was held at the representation of Lower Saxony to the Federation in Berlin with participation from representatives of the Low German language group.

In September 2009, a symposium on ten years of the European Language Charter in Lower Saxony was held at the University of Oldenburg under the patronage of the president of Lower Saxony's parliament. The symposium was organized by the University of Oldenburg in cooperation with the Niedersächsischer Heimatbund, the Oldenburgische Landschaft and the Ostfriesischen Landschaft. Speakers included representatives of the Low German language group, the chair of the Committee of

Experts for the Charter at the Council of Europe and Lower Saxony's minister for research and culture.

For the 9th European Day of Languages, the Niedersächsischer Heimatbund and representatives of the Low German language group held an expert meeting in late September 2009 ("Niederdeutsch – Bruken wi en Gesett för Plattdüütsch in Neddersassen? Open Treffen van „NettPlatt Neddersassen in 'n NHB").

Art. 12 (1) (g) - Creation of archive bodies

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

61243 The Committee once again did not comment on this undertaking, which was accepted by Brandenburg, Bremen, Hamburg, Lower Saxony, North Rhine-Westphalia, Saxony-Anhalt and Schleswig-Holstein, due to a lack of issues. As already indicated in No. 5191 of the Third State Report, see Nos. 1311–1330 of the Second State Report.

Art. 12 (1) (h) - Translation and terminological research services

h) if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.

61244 The Committee did not comment on this undertaking, accepted by Mecklenburg-Western Pomerania, North Rhine-Westphalia and Saxony-Anhalt, in its third evaluation report. As indicated in No. 5163 of the Third State Report, see the facilities listed in Nos. 1331 – 1336 of the Second State Report, which also provide terminological research services, among other things.

Article 12 (2)

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

61245 In Germany's view, this undertaking, accepted by Lower Saxony and North Rhine-Westphalia, is fulfilled due to the fact that cultural activities related to Low German are generally allowed in compliance with the law outside the Low German language area.

61246 Although Nos. 1337 – 1339 of the Second State Report listed activities related to Low German outside the Low German language areas in Lower Saxony and North Rhine-Westphalia, in No. 660 of its third evaluation report the Committee did not consider the undertaking to be fulfilled until it was informed (in No. 5196 of the Third State Report) that after the task of promoting regional culture was transferred to the regional local authorities (*Landschaftsverbände*), a target agreement was concluded with the Landschaftsverband Südniedersachsen (Southern Lower Saxony) which makes explicit reference to cultural activities related to Low German and that Low German commissioners have been appointed to the southern Lower Saxon *Landkreise* of Göttingen, Northeim and Osterode.

61247 In response to the Committee's request for information on the activities of the Landschaftsverband Südniedersachsen and of the Low German commissioners, we report as follows: Low German is rarely used in daily life along the southern edge of the language area, in the districts of Holzminden, Northeim, Osterode am Harz and Göttingen. A number of discussion groups meet regularly and occasionally organize activities for the local public. The number of active and passive participants in these four districts is probably well under 1,000. The districts of Göttingen, Northeim and Osterode am Harz have each appointed a commissioner for the preservation of the Low German language. These work to maintain contact with the groups listed above, to advise them and encourage exchange among them.

In cooperation with these Low German commissioners, once a year the Landschaftsverband Südniedersachsen organizes a regional Low German meeting which usually draws 200 to 300 visitors from the entire region with a programme of Low German lectures and stage performances. This event is one at which Low German speakers can make contact with others from beyond their local environment.

The Working Group for Local History Research in Southern Lower Saxony (*Arbeitsgemeinschaft für Südniedersächsische Heimatforschung e. V.*) is a kind of umbrella organization for many persons in the region interested in preserving and researching local history and culture. It has long had an expert commission for Low German language and literature which gathers information about Low German,

sometimes at the level of professional research, and facilitates exchange among enthusiastic Low German speakers.

61248 For North Rhine-Westphalia, see No. 5196 of the Third State Report indicating that research findings by the Commission for Dialectology and Names Research (Kommission für Mundart- und Namenforschung) are published in the journal *Niederdeutsches Wort. Beiträge zur niederdeutschen Philologie* (The Low German Word. Articles on Low German Philology), the series *Niederdeutsche Studien* (Low German Studies) and *Westfälische Beiträge zur niederdeutschen Philologie* (Westphalian Contributions to Low German Philology) and in the series *Westfälisches Wörterbuch* (Dictionary of Westphalia) and *Westfälischer Flurnamenatlas* (Atlas of Local Field Names in Westphalia).

The website of the Commission for Dialectology and Names Research on the geography of family names is still available at www.lwl.org/familiennamen-in-westfalen/StartAction.do and offers the possibility to display the distribution of family names in the region of Westfalen-Lippe in the form of a map or a table.

Article 12 (3)

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

61249 In its third evaluation report, the Committee found that this undertaking was not fulfilled

- in Nos. 463 and 464 in conjunction with No. 104 ff. by the Federation,
- in Nos. 536 and 537 by Hamburg,
- in Nos. 593 and 594 in Mecklenburg,
- in Nos. 663 and 664 in Lower Saxony, and
- in No. 715 in Schleswig-Holstein

since no structured approach to integrating the Low German language in Germany's cultural policy abroad was apparent.

61250 In response to the question whether the German authorities make appropriate provision, in pursuing their cultural policy abroad, for Low German and the culture it reflects (according to the Committee's standards), see the general discussion of this issue in No. 01202 ff.

61251 In addition, the *Länder* provide the following information:

Mecklenburg-Western Pomerania reports that an exhibition on the life and work of Johannes Bugenhagen (1485 – 1558), Pomeranian reformer and friend of Luther, was developed as part of the Bugenhagen anniversary year in 2008. This exhibition, which presents the Low German language and cultural history of the Reformation, was shown to great acclaim in Trezebiatów and Warsaw, Poland in 2008.

The exhibition “Johannes Bugenhagen: Doctor Pomeranus, 1485 – 1558” was displayed at the palace of the Pomeranian dukes in Szczecin. The exhibition was organized as part of the presentation of Mecklenburg-Western Pomerania in the West Pomeranian voivodeship and was funded by the *Land*.

Lower Saxony refers to its comments in No. 41212 above.

Article 13

Economic and social life

Paragraph 1

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

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

61300 With regard to this undertaking, of which (a) and (c) have been accepted by Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine-Westphalia and Schleswig-Holstein, the Committee of Experts did not comment in its third evaluation report in the absence of apparent issues. As indicated in No. 5199 of the Third State Report, see No. 1356, 1357 and 248 of the Second State Report stating that neither provisions nor practices are evident which would require special measures to fulfil this undertaking.

Art. 13 (1) (d) - Facilitating the use of the regional or minority language

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

61301 This undertaking has been accepted by Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine-Westphalia and Schleswig-Holstein.

61302 In its third evaluation report (Nos. 538 and 539 with respect to Hamburg and Nos. 716 and 717 with respect to Schleswig-Holstein), the Committee stated that it was not aware of any measures to facilitate and/or encourage the use of Low German within the meaning of the undertaking and therefore considered the undertaking not fulfilled.

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61305 Mecklenburg-Western Pomerania refers to Nos. 1361 – 1365 of the Second State Report (Low German in tourism promotion, flyer on Low German, Low German cultural website) and reports the following new developments:

Guided city and museum tours in Low German are very popular with visitors to Mecklenburg-Western Pomerania. All of the medium-sized and larger cities of the *Land* now offer guided city tours in Low German. In cooperation with the Rostock association of tour guides (Stadtführerverein Rostock e.V.), the Hanseatic city of Rostock organizes an annual day of international tourist guides. The Low German association Klönsnack-Rostocker 7 e.V. has contributed its experience with Low German in the tourist industry. In the city of Neubrandenburg, the senior citizens' group Rastlos has produced a Reuter video in Low German (a historical walking tour of the city). Throughout the tourist sector in Mecklenburg-Western Pomerania, Low German is being used for advertising purposes.

61306 In addition to the measures described in No. 1366 (flyer on the Low German language) and No. 1367 ("Plattdütsk bi d'Arbeid" project), Lower Saxony reports the following more recent measures:

In Ostfriesland, the Low German Office (*Plattdütskbüro*) of the Ostfriesische Landschaft, which receives about 50% of its funding from Lower Saxony, has organized an annual Low German Month (*Plattdütskmaant*) since 2007. This grew out of the "Plattdütsk bi d'Arbeid" project and is especially aimed at the use of Low German at work and in public life. In 2008, the Low German Month offered trainees of the Ostfriesische Landschaftliche Brandkasse fire insurance company a class on

the importance of Low German in professional life, showing the young trainees how to take advantage of bilingualism in their future careers. Also during Low German Month in 2008, the Ostfriesische Landschaft called on the East Frisian communities and districts to designate Low German commissioners. These commissioners have worked together under the oversight of the Ostfriesische Landschaft since 2009. In Wittmund in September 2009, the Low German commissioners of Ostfriesland, the association Oostfreeske Taal and the Ostfriesische Landschaft held a conference on Low German at work for representatives of private industry, public administration and the tourism and educational sectors.

In autumn 2009, all the *Landkreise* in Ostfriesland conducted writing courses especially for staff of local public administration. This class was initiated by the Low German Office and organized in cooperation with the adult education centres.

Article 13 (2)

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

Art. 13 (2) (c) - Use of the regional or minority language in social care facilities

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

61307 This undertaking was accepted by Bremen, Hamburg, Mecklenburg-Western Pomerania and Schleswig-Holstein.

61308 In No. 465 ff. of its third evaluation report, the Committee of Experts found that, although many retirement homes and hospitals have Low German speakers on their staff, Bremen “has not for example taken measures towards a more systematic provision in order to ensure that social care facilities have Low German-speakers at their disposal” and therefore considers that the undertaking remains partly fulfilled.

61309 With regard to the Committee’s question whether the German authorities had adopted a structural policy with a view to making more systematic the possibility for the person concerned to be received and treated in Low German in social care facilities, Bremen responds as follows:

There are no barriers to employing persons in social care facilities who also speak Low German; on the contrary, such employees are welcome. However, it would not be appropriate to require the operators of such facilities (most of which are privately run) to make this a mandatory condition of employment, because even without this condition it will be difficult to meet the growing demand for skilled staff as the capacity of care facilities increases.

61310 In No. 540 ff. of its third evaluation report, the Committee found that Hamburg too only partly fulfilled this undertaking after noting that “treatment in Low German is generally ensured in some of those retirement homes where the residents speak Low German. However, the authorities claim that they could not ensure a provision for all persons who are in need of care, which in most cases did not appear necessary because all Low German speakers also understand and speak standard German”.

61311 With regard to its question whether the Hamburg authorities had, at the Committee’s urging, adopted a structured policy with a view to making more systematic the possibility for the person concerned to be received and treated in Low German in social care facilities, Hamburg responds as follows:

There are no barriers to employing persons in social care facilities who also speak Low German; on the contrary, such employees are welcome. However, requiring the operators of such facilities (most of which are privately run) to make this a mandatory condition of employment appears problematic in terms of labour law and is not advisable because even without this condition it will be difficult to meet the growing demand for skilled staff as the capacity of care facilities increases.

61312 In No. 595 ff. of its third evaluation report, the Committee found that the undertaking was not fulfilled in Mecklenburg-Western Pomerania, after stating that

- many social care facilities, many of which have been privatized, had adopted a Low German ‘corporate identity concept’ [and] it was not clear
 - what steps the authorities had taken to promote any such policy, and
 - to what extent such a concept guarantees that persons in need of care can receive treatment in Low German;
- and that the use of Low German in many social care facilities “appears to be more a matter of chance than design”.

61313 With regard to the Committee’s question whether the authorities had, as urged by the Committee, adopted a structured policy to fulfil this undertaking, Mecklenburg-Western Pomerania responds as follows:

When admitted to a retirement or care home in Mecklenburg-Western Pomerania, future residents are asked to complete a questionnaire including a question on their language skills. In this way, care staff can identify who speaks Low German, for example. *Land* hospitals also try to accommodate the language skills of their patients. Mecklenburg-Western Pomerania's Ministry for Social Affairs continues to fund a radio project by the elderly for the elderly ("Hörmax – Das Radio für Senioren für Senioren") in retirement and care homes throughout the *Land*. This radio project also includes numerous programmes in Low German.

In this way, Low German is integrated into communications in the social care facilities of the German Red Cross in Rostock, Lübtheen (*Landkreis* Ludwigslust), Teterow and Laage (*Landkreis* Güstrow), Neustrelitz (*Landkreis* Mecklenburg-Strelitz), Neubrandenburg and Sternberg (*Landkreis* Parchim). Low German is also used specifically as part of occupational therapy and memory training at the Red Cross hospitals in Neustrelitz and Teterow. Both the German Red Cross and the Mecklenburg-Western Pomerania branch of the Volkssolidarität charitable organization use Low German in their cultural activities. The Red Cross care home in Neubrandenburg regularly publishes a newsletter for residents which includes articles in Low German.

Privately run social care facilities, such as hospitals, retirement and care homes in Mecklenburg-Western Pomerania, are happy to use the regional language Low German in oral communication.

61314 In No. 718 ff. of its third evaluation report, the Committee found that this undertaking was not fulfilled in Schleswig-Holstein, after noting that while "Low German is used in many social care facilities, it is more a matter of chance than design" and thus does not replace measures to guarantee more systematic provision.

61315 With regard to the Committee's question whether the authorities had adopted a structured policy as the Committee urged, Schleswig-Holstein responds as follows:

The proportion of publicly run retirement and care homes in Schleswig-Holstein has shrunk significantly and is now less than 5%. For this reason, there are limited possibilities to exert direct government influence in this area. The only possibility is to appeal to the private and charitable operators of these facilities to hire Low German-speaking staff to care for residents who are speakers of Low German. Such appeals can be made via the associations of operators of care facilities.

Another possibility is to achieve this aim through the use of volunteers. The *Land* subsidizes various programmes and measures of this kind (senior trainers, multipliers, participation in care facilities). In future, Low German language skills will also be a priority when selecting volunteers for these programmes.

As far as possible, the *Land* plans to fund and support efforts to hire more hospital staff who can speak Low German. To do so, recommendations and possibly also conditions could be tied to funding for specific projects. And hospital operators can and should be persuaded that staff who speak Low German are one element of patient-oriented care. Care facilities could also use this approach to gain an advantage over their competitors.

In 2008, the Federal Council for Low German formulated its ideas for anchoring the regional language Low German in hospitals and care facilities (Schleswiger Appell). The Schleswig-Holstein Minister-President's Commissioner for Minorities also took part in the expert conference in Schleswig on 27 June 2008 within the framework of her responsibility for Low German.

Article 14

Transfrontier exchanges

The Parties undertake:

- a) *to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*
- b) *for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

61400 The Committee of Experts did not comment on these undertakings in its third evaluation report. Lower Saxony is the only *Land* which has accepted these undertakings; as indicated in No. 5204 of the Third State Report, see Nos. 1379 – 1384 of the Second State Report.

Part E Comments by the minorities/language groups

Numbers (No.) refer to the Fourth State Report

Comments by the Danish minority on the Fourth Report of the Federal Republic of Germany on the implementation of the European Charter for Regional and Minority Languages

21. December 2009, Danish Secretariat General (*Dansk Generalsekretariat*)

1. Introductory remarks

Sydslesvigsk Forening (SSF) / Südschleswigscher Verein (South Schleswig Association), *Sydslesvigsk Vælgerforening / Südschleswigscher Wählerverband (SSW)* (South Schleswig Voters' Association) and *Dansk Skoleforening for Sydslesvig / Dänischer Schulverein für Südschleswig* (Danish Schools Association for South Schleswig) have agreed to submit their joint comments on behalf of the Danish minority on the Draft Fourth State Report.

The possibility to use the Danish language in Schleswig/South Schleswig exists mainly thanks to the activities of the well-organized Danish minority. Eight autonomous organizations/institutions are responsible for their respective sub-areas of minority work, and overall, they ensure that members of the minority can make use of their language in many areas of social life. As part of their activities they also fulfil state tasks, not only with regard to promoting the Danish language. Please find an overview of all Danish organizations and institutions at the end of this part.

No. 00211 (Articles 9 and 10). The Danish minority shares and underlines the view of the Committee of Experts that there is still a need for legal provisions regulating the use of regional and minority languages in many areas of public life. Because the administration of the minority organizations uses the Danish language, there are often difficulties in working with government authorities such as tax and social insurance offices. For example, the Social Code expressly requires that all paperwork be submitted in German. This means that everything has to be translated, creating a significant burden of extra work for the individual organizations. This conflicts with the voluntary commitment of the Federal Republic of Germany under Art. 10 (1) (a) (v) and Art. 13 (1) (a) of the Charter.

More efforts will be needed to facilitate and encourage the use of the Danish language in public and to ensure that the Danish language and relevant information for members of the Danish minority are published in German media. *Sydslesvigsk Vælgerforening* (SSW) has therefore taken the initiative to encourage a pro-language policy in Schleswig-Holstein (see below for details). In the following, we will also refer to the current status of broadcast programming for the Danish minority.

2. Financial equality of the Danish minority

The Danish minority acknowledges that positive developments have actually taken place. Moreover, the 2008/2009 two-year budget of Schleswig-Holstein ensures financial equality in terms of school fees. Not only has there been no cut in budget funds earmarked for cultural activities of the Danish minority. The funds have actually been raised slightly. We are very pleased that the *Land* government has decided to grant financial support to the Danevirke Museum as of 2009. In view of the difficult situation regarding the strained budgets of public authorities, the Danish minority regards this development as very positive indeed.

However, equality at local level has by far not been achieved. Local government support of the activities of the Danish minority is voluntary. In terms of minority policy, this is difficult to understand. As regards this issue, the municipalities in South Schleswig do not at all comply with the provisions of the Framework Convention for the Protection of National Minorities, the European Charter for Regional and Minority Languages, or the Bonn-Copenhagen Declarations.

As part of the promotion of cultural activities, the Federal Government has since 2001 supported specific cultural projects of the Danish minority. For example, the Federal Government disbursed funds to the Danish minority to reconstruct the Danevirkegården Museum and, in the period 2003-2005, to modernize the theatre and concert hall in Flensburg. Between 2006 and 2009 federal funds were provided to build a cultural centre in Flensburg. In their most recent motion, the Danish minority required funds to build a cultural centre in Büdelsdorf near Rendsburg. Since 2001, the Danish minority has received a total of 1.4 million Euros in Federal Government funding. The Danish minority is very grateful for this support and hopes that that the Federal Government will continue to improve the framework conditions and promote a living Danish culture in South Schleswig.

3. An active policy for the Danish language in Schleswig-Holstein (Article 10)

The language of a minority group is vital for their identity, and the same time a means to preserve their cultural heritage. The right to use one's own language is similar to other basic human rights. For the Danish population in Schleswig to be genuinely multilingual would require that they be entitled to use their language in every-day life and that their language be part of public life.

In the view of the Danish minority, it is time to go a step further and ask the *Land* government to make more efforts in promoting the Danish language.

It is now ten years that the European Charter for Minority Languages has entered into effect and there are still significant inequalities with regard to the treatment of minority languages. Moreover, increasing globalization has made people all over the world recall their regional and cultural roots. And last but not least, the Danish language in Schleswig, as all the other minority languages, too, is under the pressure to assimilate into German as the majority language.

For Schleswig-Holstein and Germany to pursue a determined language policy means to acknowledge that promoting multilingualism is one of their very tasks. Only then will Germany be able to fulfil her obligations under the Charter, if the majority population wants to have, and is willing to promote, a diversity of languages. In our view, there are insufficient opportunities to learn Danish as a foreign language in public schools in Schleswig-Holstein. Please refer to No. 10824.

The *Land* government and the *Land* parliament must develop and implement their own specific language policy reflecting and ensuring the equality of regional and minority languages. The progressive plans of the Dutch province Fryslân could serve as a model for such a policy. With regard to the Frisian language, the "Modäl Nordfriislon" could serve as a model for a language policy.

Land government policy for promoting the Danish language should include the following elements, among others:

Ensuring multilingualism in the public administration: Where the *Land* administration in Schleswig has direct contact with citizens it should be able to provide its services in Danish, both orally and in writing.

Recognition of documents written in Danish: Members of the Danish minority as well as Danish organizations and associations must be given the possibility to submit certificates, statutes, budgets, and other documents to courts, revenue offices, *Land* authorities, and municipal authorities in the Danish language.

Danish at universities: A country can become truly multilingual only if the majority population knows and understands the minority languages. Therefore, provision of the resources needed for linguistic sciences and teacher training at universities in Schleswig-Holstein would be in the interest of both the minority and the majority

population.

More and better language courses: There is a need for more and better Danish language courses. This would reduce the costs to be borne by the minority, and at the same time promote intercultural understanding. Efforts should be taken to encourage as much staff members of the *Land* and municipalities as possible to acquire minority language skills. The *Land* government is being called upon to support, and draw attention to, modern methods of language learning, such as online courses.

Multilingualism in cultural institutions: Language policy should aim at adopting a multilingual approach in the work of museums and other cultural institutions in Schleswig. The *Land* must provide financial support to these institutions.

Danish in public schools: In order to achieve these objectives the *Land* is called upon to act and actively support Danish classes in public schools. It is not enough to refer to the schools run by the Danish School Association, because these schools are regular schools reserved for members of the Danish minority and therefore will not help expand the use of Danish within the majority population.

Elements of language policy at local level include: Ensuring multilingualism in the public administration: Where the staff of local administrative bodies have direct contact with citizens they should be able as much as possible to communicate in Danish orally and in writing.

Multi-lingual websites: So far, only few municipalities in Schleswig maintain websites in Danish, and if so, they are primarily addressed to tourists from Denmark. To maintain a fully multi-lingual website requires enormous efforts. Nonetheless, essential information for citizens must be published also in Danish.

Multi-lingual signs in public buildings: Signs on premises of local authorities and institutions in Schleswig should be in German and Danish, at least, the name of the authority or institution should be given in Danish, too.

Bilingual town signs: Since 2007 it has been admissible to have town signs also in Danish. So far, only the city of Flensburg has made use of this possibility. The *Land* and the minority should work together and encourage the use of Danish town names as this helps preserve the memory of the history of places and the original meaning of their names. In Nordfriesland, experience with this practice is positive.

Signposts to Danish institutions: Since 2007, it has been admissible to install signposts to key institutions of minority groups. In the future, stronger use should be made of this possibility.

Street signs in Danish: Similar to many European regions as well as Saxony and Brandenburg, where bilingual signs for streets and places and other topographic places have long been commonplace, bilingual signs should be introduced in Danish-speaking areas as well, as this would mark a real advance towards multilingualism.

However, we are not calling for a general, region-wide introduction of bilingual signs. Bilingual signs, however, should be used where the old Danish name of a place was “translated” into German, if the local people agree, also to explain the original meaning of a topographic name and to preserve the heritage of the region. The issue of “Danish in the media” will be addressed in a separate paragraph.

4. Media and broadcasting programmes for the Danish minority in Schleswig-Holstein (Article 11)

The deregulation of media markets gives impetus to ensure the optimal exploitation of rights. At the same time, technological progress through digitalization allows for increasingly precise delimitation of audiences. In structural terms, therefore, the more or less random transmission of radio and television to neighbouring countries is becoming a thing of the past. Since 1 November 2009, Danmarks Radio and TV2 have been broadcast via digital signals only. It is thus a task of minority and cultural policy to ensure the continued distribution of these media in the future by creating the necessary regulations and requirements.

In the German-Danish border area, the free reception of public service broadcasts from the neighbouring country is part of official minority policy. In the Bonn–Copenhagen Declarations of 1955 and, above all, the European Charter for Regional or Minority Languages, the two countries agreed to guarantee the “freedom of direct reception of radio and television broadcasts from neighbouring countries” (Article 11 (2)). The rapid transformation of electronic media entails certain risks to reception in the neighbouring country:

- After terrestrial signals are digitalized, it is necessary to guarantee that the programmes of public broadcasters from the respective neighbouring country can still be received in North and South Schleswig using standard receivers.
- The broadcasting of Danish television programmes via satellite is encoded because of copyright contracts and consequently cannot be freely received. Purchasing the appropriate Danish decoder card involves considerable costs.

We are very pleased that an agreement has been reached, after lengthy negotiations between Danmarks Radio/TV2 and KabelDeutschland, guaranteeing that Danish TV programmes will continue to be broadcast via cable after 1 November 2009. The Danish minority calls on all responsible decision-makers to guarantee reception of radio and television broadcasts in the neighbouring country on a permanent basis.

We welcome the fact that both the Danish government and the *Land* government of Schleswig-Holstein are actively committed to ensuring that radio and television broadcasts from both countries can be received in the German-Danish border region,

Presence of the Danish minority in the German media: As before, the Danish minority wishes to ensure its increased presence in the media in general and in the public service media in particular. The Danish minority holds fast to its request that continuous and adequate consideration be given to the Danish language and that the Danish minority be more comprehensively represented in the media.

Similarly, the prominence given to the criterion of mandatory governmental non-intervention in the media is not convincing since it is ultimately the respective parliaments which adopt inter-state treaties. The Language Charter's obligations for policy-makers must be anchored in such instruments.

The Danish minority continues to press for negotiations with the broadcasting supervisory authorities in order to make sure that the media take adequate account of the Danish language in a practical way. At the same time, we expect policy-makers to support these negotiations. In this context, we would like to draw attention to the fact that other national minorities produce their own broadcast programmes in cooperation with the public service media.

The Danish minority welcomes the fact that a minority representative has been given a seat on the media council of the supervisory authority for Hamburg and Schleswig-Holstein. In addition, a seat in the Broadcasting and Television Board of Norddeutscher Rundfunk would be desirable.

The possibility for national minorities to create and use printed media: With regard to the media situation of the Danish minority, it should be noted that the daily newspaper for the Danish minority, *Flensburg Avis*, is published without any kind of subsidy from either the *Land* Schleswig-Holstein or the Federal Republic of Germany. The enormous costs involved are covered solely by subsidies from Denmark and income generated by the newspaper itself. In our view, at least the Federal Government in Berlin is obligated to provide project funding or institutional grants to assist with the financial security and continued existence of the only Danish-language daily newspaper in the Federal Republic of Germany. The Federal Union of European Nationalities (FUEN) also expressly supports this request in the form of a resolution passed at its Assembly of Delegates in Pécs, Hungary, on 24 May 2008.

The issue of funding of the daily newspaper *Flensburg Avis* was addressed in No. 09032 of the Third State Report of the Federal Republic of Germany in accordance with Art. 25 (2) of the Framework Convention for the Protection of National Minorities of February 2009: “Under the German-Danish funding arrangement, the German government does not provide subsidies for *Flensburg Avis*, which is subsidized by the Kingdom of Denmark, but does support the newspaper *Der Nordschleswiger*.”

This is not correct. The daily newspaper of the Danish minority does indeed receive funds from Denmark, as stated in the State Report of Denmark. The newspaper *Der Nordschleswiger* received nearly DKR 2 million under the governmental funding programme *Dagbladspuljen*; it also receives financial support from other envelopes, for example for radio and news programmes. The *Flensburg Avis* has not received any funds from the German government, so far.

5. Education and schools of the Danish minority (Article 8)

Curriculum in Schleswig-Holstein: The fact that the school curriculum in Schleswig-Holstein addresses “issues of co-existence in a world with different cultures, religions, forms of society, peoples and nations” should be seen positively. However, it should be noted that lesson plans for world cultural studies refer only to “living situations of minorities subject to exclusion from society (people with disabilities, homosexuals, persons with AIDS, homeless people and people living in poverty)”, while national minorities are not a focus of interest. The curriculum for history classes lists the following topics for all types of schools: the Danes of North Schleswig in Imperial Germany; the German-Danish conflict over Schleswig Holstein, 1864; and the Treaty of Versailles and the referendums in Schleswig. The focus on North Schleswig is problematic, because it ignores the area south of the border and thus fails to adequately explain the basis for the situation of minorities today. Curriculum for history, economics and policy does not address the situation following the referendums of 1920. As a result, younger generations will hardly be able to understand current minority issues.

Financial support for the schools of the Danish minority: As the providing body for Danish nursery schools and schools in the Schleswig region, *Dansk Skoleforening for Sydslesvig* fulfils public tasks deriving from both the Schleswig-Holstein *Land* constitution and various international instruments, e.g. the Bonn-Copenhagen Declarations, the Framework Convention for the Protection of National Minorities,

and the European Charter for Regional or Minority Languages. On the basis of the provisions of the Schleswig-Holstein *Land* constitution alone, the public sector would be obliged to provide a school system for the Danish minority if *Dansk Skoleforening for Sydslesvig* did not already provide such a system. Unfortunately, however, not all policy-making bodies are aware of this obligation.

With regard to school fees, the principle of equal treatment with public schools provided the basis for subsidies from the mid-1980s until 1997, when it was discontinued. Following several years of intensive negotiations, this principle has been included in the new Schools Act and will go into effect again starting with the 2008 budget year. Expenses not defined in the Schools Act will still not be taken into account, such as costs for school inspection, school psychological care and other services which *Land* or local authorities pick up in the case of public schools.

The cost of transporting non-local pupils is a special problem for the Schools Association. The support for this area provided for in the Schools Act is valid for public schools only. Although the *Land* government recognizes the schools run by the Danish School Association as “regular schools for members of the minority”, they still have not been granted the same legal status as public schools. Reimbursement of “one-third of the necessary school transport costs in accordance with Section 114 (3) of the Schools Act” (see No.. 10822) refers to the average costs of school transport in public schools in Schleswig-Holstein. Since transport costs for minority schools are particularly high on account of the greater distances to be covered by non-local pupils, this reimbursement does not cover one third of the necessary costs for school transport to schools of the *Dansk Skoleforening for Sydslesvig*. Coverage of two thirds of the costs from district funds is voluntary, despite the interim solution in the 2009/2010 two-year budget, and may cease to be paid at any time. A legal guarantee of equality is urgently needed also in this matter. Again, we would like to draw attention to the special provision made by the Kingdom of Denmark covering transport costs for the German minority.

Overview of organizations and institutions of the Danish minority:

- *Dansk Centralbibliotek for Sydslesvig* (Danish central library): organizes the library system and does research work.
- *Dansk Kirke i Sydslesvig* (DKS) (Danish Church in South Schleswig): takes care of the interests of Danish Protestants.

- *Dansk Skoleforening for Sydslesvig* (Danish Schools Association for South Schleswig): is responsible for children's day-care facilities, schools and education.
- *Dansk Sundhedstjeneste for Sydslesvig* (Danish Health Care Service for South Schleswig): looks after the elderly, provides school health services, does social work, organizes nursing and health services for members of the minority.
- *Flensborg Avis* is a joint-stock media company and publisher of the bilingual newspaper of the Danish minority.
- *Sydslesvigs danske Ungdomsforeninger* (SdU) (Danish youth groups of South Schleswig): is active in the area of youth work and sport.
- *Sydslesvigsk Forening* (SSF) (South Schleswig Association): Main cultural organization of the Danish minority and responsible for general minority matters. Regular member of the Federal Union of European Nationalities (FUEN) and, together with the SSW, is actively involved in the Minority Council of national minorities in Germany.
- *Sydslesvigsk Vælgerforening* (SSW) (South Schleswig Association of Voters): represents the political interests of the Danish minority at local and regional level in Schleswig-Holstein as well as at national level in Germany, in close cooperation with the SSF.

Comments by the *Domowina – Bund Lausitzer Sorben e.V.* (Federation of Lusatian Sorbs) on the Draft Fourth State Report of the Federal Republic of Germany in accordance with the European Charter of Regional and Minority Languages

1. General remarks on the preparation of the report

With regard to the procedure of drawing-up the Fourth State Report, we find it problematic that representatives of the *Länder*, the national public authorities, and of protected language groups made parallel contributions. For the latter to be able to comment on the contributions of the *Land* and *Bund*, these would have to be integrated into the report first. On account of the fact that the revised draft report as of 18 November 2009 is still incomplete as regards certain aspects, our comments may not refer to the current version of the numbers in question.

2. Specific comments on Part D:

No. 20810: In addition to their compulsory classes, trainees interested in the Sorbian (Wendish) language may attend optional Sorbian (Wendish) classes.

Remark: This offer is insufficient because it neither provides an opportunity to acquire solid language skills nor to prepare oneself for a job in Sorbian and WITAJ nursery schools. If this problem is not solved, the whole project in Lower Lusatia is doomed to fail .

No. 20814 last paragraph:

Statements about deteriorating language skills are not based on research and are therefore not reliable.

Our comments are as follows:

Concrete results of past Language Olympics and school competitions in the Sorbian/Wendish language, which are organized every year by the WITAJ language centre, confirm this statement. In the future, scientific evaluation is needed in order to get a specific analysis of the status of language proficiency in Sorbian/Wendish that allows relevant conclusions to be drawn.

No. 20833

Statement by the Saxon government concerning the finding of the Committee of Experts in No. 2083 that as a way of reconciling the trend of school closures, Saxony has introduced Sorbian streams into mainstream schools using the bilingual teaching model “2 plus”, but still sees some serious problems such as the relatively low

number of five hours devoted to Sorbian and its possible harm to the language competence of mother tongue pupils.

Our comments are as follows:

First: The less intensive five-hours-per-week model is applied in non-Sorbian schools. In our view it is unsatisfactory that because of small, allegedly insufficient, numbers of school pupils the “2plus” teaching model is offered in a slim-down version. This means that these children are not treated equally as other children who have the opportunity to visit a Sorbian school.

Second: The Committee of Experts’ concerns that this model might possibly harm the language competence of mother tongue pupils are indeed justified, particularly in the case of pupils who - in a class of at least 20 pupils, as required by law – are the absolute minority (usually 3-5 out of 20) in a group of non-mother tongue pupils. Such constellations can be observed in several Sorbian schools, particularly in some intermediate schools.

No. 20836

The originally planned project measure to provide additional funds for Sorbian lessons for vocational trainees was not carried out.

Reason: Insufficient number of applicants from all fields and therefore insufficient trainee contributions, which is a prerequisite for receiving public funds.

Organizational obstacles also thwarted the project: Owing to incompatible timetables it was difficult to form a class of at least 12 pupils.

No. 20837, 2nd paragraph:

After the Sorbian technical school for social welfare (*Sorbische Fachschule für Sozialpädagogik*) had been merged into the vocational training centre in Bautzen, sufficient training of nursery and pre-school teachers is no longer guaranteed. On the one hand, the number of Sorbian applicants is subject to a *numerus clausus* regulation; as a consequence, minority applicants statistically do not have equal opportunities as majority applicants. On the other hand, ongoing structural changes within the training institution lead to deteriorating training and teaching conditions for trainees and trainers alike. So far, the Domowina has not been informed about structural changes.

No. 20848

Ref.: Teacher training

Currently, the plan to give due consideration to the history and culture of the Sorbs during teacher training at university level, as referred to in No. 20848, is being put

into practice on an ad-hoc basis by just one academic assistant. This is far from being appropriate.

No. 20858

Additional remarks

The guarantee to be hired for school service is jeopardized by the fact that there are not sufficient vacancies for the second, practical phase of teacher training. Therefore, Sorbian teacher trainees often have to interrupt or continue their studies in other federal states.

No. 20864

Supervisory functions

It would be desirable to have a representative of the Sorbian/Wendish language group with ministerial powers to perform supervisory functions.

No. 21019

Recruitment to public office

In order to preserve regional particularities, applicants with Sorbish/Wendish language skills should be recruited to public offices.

No. 21119

In its decision concerning the MDR Broadcasting Board, the Saxon parliament did not support the representation of the Sorbs in the said body. As a consequence, the Sorbs will no longer be able to represent their interests in the Board themselves.

No. 21120

Production and distribution of audio and audiovisual works in minority languages
On account of insufficient funds available to the Foundation for the Sorbian People, this area was paid too little attention or was neglected altogether in the past. There is a lack of complementary resources to finance such productions. Individual projects of the WITAJ language centre and of the Domowina are exceptional in this context.

No. 21202

Additional remarks

Despite the fact that new funding arrangements have been agreed for the period from 2009 to 2014 and that the total annual budget for the foundation amounts to € 16.8 million, excluding inflation relief, available resources are not enough to ensure the future of institutional structures, particularly the Sorbian National Ensemble. Already at the meeting of the Foundation Board on 26 November 2009 it was

acknowledged that without financial support the Ensemble would have to file an insolvency petition still in 2009.

An external study, commissioned by donators of the foundation, on ways to improve or consolidate the financial situation did not yield significant results. The current financial situation remains precarious in all institutional areas.

No. 21305

We are not satisfied with the assessment of the SMWK concerning the use of the Sorbian language in the nursing home for people with mental disabilities run by St. Marienstern monastery. In practice, this instruction has not changed the situation for employees with regard to their possibility to use their Sorbian mother tongue at work. In this respect they are still being discriminated against.

Bautzen, 29 January 2010

Frasche Rädj Sektion Nord e. V.

Comments on the implementation of the European Charter of Regional and Minority Languages in Schleswig-Holstein

The Charter's importance to the minority language North Frisian

Thanks to the associated evaluation process, the Charter has become an important instrument for the work of Frisian associations. The state reports provide a good overview of the status of supported given by the Federal and *Land* governments on a regular basis. Therefore, the Charter is of outstanding importance for North Frisian as a minority language.

In general, the Frisian Council notes that hopes raised in the last reporting period were disappointed: Although Frisian has been granted the status of a minority language in Schleswig-Holstein and the protection and promotion of the Frisian ethnic group have been anchored in the Constitution, this positive development has not been further consolidated.

Frisian in teacher training

Schleswig-Holstein has not enough Frisian language teachers. From our perspective, the responsible ministry has not done enough to remedy this situation; so far, the development of available teachers has not even been systematically recorded. Although information on both the seniority and the age of Frisian language teachers should be available, there is no early warning system to fill retirement-related vacancies without long delays.

After the traditional teacher training courses at the universities of Kiel and Flensburg were abolished, Frisian is of only marginal importance in teacher training. The reasons are obvious and have to do with the fact that Frisian is not treated as a proper subject, but it taught merely as an add-on. This creates a significant burden of extra work for students of the Frisian language, compared to their co-student who do not take Frisian lessons.

The so called Frisian Ordinance (see below) provides for the possibility of Frisian lessons only under the condition of sufficient human resources. In practice, Frisian teachers-to-be are no longer offered vacancies for their second, practical training in the Frisian language area. As a consequence, they cannot acquire the necessary qualification. Over the long term, Schleswig-Holstein will likely be confronted with a shortage of Frisian language teachers in the future. In the next years there will be hardly any new qualified teachers. The already existing difficulties to recruit new staff will even become worse, which means that teaching standards cannot be

maintained. This is of great concern to the Frisian Council, which is therefore seeking to recruit qualified teachers already working at schools in Nordfriesland as Frisian language teachers. Based on an initiative of the Council, a pilot project is being conducted at the Island of Föhr.

Frisian in school

The Frisian Council notes with concern the development in the area of Frisian language classes in schools. The number of pupils attending Frisian language classes is shrinking after some schools were either closed or merged in the language area. The new School Act does not take account of Frisian language classes; instead, reference was made to an ordinance issued in October 2008 which will expire in 2013. Certainly, the demand for Frisian language classes depends on various factors, of which the awareness of one's own language plays a central role; this awareness is developed through cultural work. However, there is no network of cultural projects and initiatives, nor is networking the focus of school policy. As a result, no advantage is taken of possible synergies between culture and school policies. There is a potential, yet not reflected need for Frisian language classes and because of that school policy is based on distorted assumptions.

Regular Frisian language classes are absolutely exceptional. Not only does the Ministry of Education insist on voluntarism, but also parents are required to actively apply for Frisian language classes if this is not provided for in the school programme; such applications are also binding. This exceptional status of Frisian language classes has far-reaching consequences: Frisian is still no regular classroom subject in public schools. Binding curricula are lacking, expert assistance and supervision is incomplete, there is no tutor for Frisian for the secondary level. In its communication with the Land Audit Office, the Ministry of Education refers to expenditure for Frisian language instruction as additional costs, even though this is a mandatory school policy task under the *Land* constitution.

A decree on "Frisian in schools in the Nordfriesland district and on the island of Helgoland", which was issued in addition to the Schools Act, stipulates that schools in the Nordfriesland district and on the island of Helgoland are obligated to inform parents that they may apply for Frisian language instruction for their children. In view of the Frisian Council, it would be desirable to have regular controls of compliance with this obligation. A clear legal entitlement to Frisian language instruction, as demanded by the Frisian minority, is not granted under the decree.

At primary and secondary schools in Schleswig-Holstein pupils do not have the opportunity to attend regular language classes throughout their school career. Frisian is offered as one of several optional courses, in addition to the regular curriculum.

The introduction of Frisian as an optional compulsory subject for the seventh grade is a step into the right direction; it remains to be seen, however, how many pupils of lower grades, if any, will be actually able to attend Frisian classes.

Demand statistics are distorted owing to the systemic deficiencies already referred to and may therefore not be taken as a basis for future planning, as required by the decree on Frisian language instruction. Especially in the field of secondary education, vocational training opportunities are absolutely inadequate. Nothing is being done to remedy this situation.

Hence, the contractual obligation to encourage people to attend Frisian language classes has not been fulfilled.

Frisian in the public sphere

Since the last report, Frisian has become more present in the public sphere, thanks to new, bilingual signs at police stations and train stations, among other things.

Frisian has the status of an official language and can therefore be used in public dealings. In practice, however, the possibilities of language promotion have been used with restraint at local level. Actually, the Frisian names of public authorities (e.g. *Bökingharde*, *Karrharde*) are no longer used after the authorities were merged in the Nordfriesland district. In fact, the Frisian language is no longer in use in official dealings (in committees etc.). The political debate about local government reform did not take account of Frisian concerns.

Few people use Frisian as an official language, but the language is not actively used by public authorities. The Frisian Council noted with great concern that individual measures, like announcements of stops in trains of the NordOstseeBahn railway, have been abandoned after a short introductory period. As soon as the appeal of being new was lost, announcements were again made in German only. Sustainable language work, however, is based on continuity. Measures that require active participation need continuous expert assistance; this, however, cannot be achieved with voluntary help alone.

In our view, the current human resources policy does not take account of civil servants' skills in regional or minority languages. For the Frisian minority, however, it is essential that at least some of the public service staff in Nordfriesland and on the island of Helgoland speak Frisian, otherwise any further efforts will be in vain. If Frisian language skills are a prerequisite for recruitment, this would be a direct incentive to take Frisian classes. This also holds true for interpreting services, for which no provision has been made so far. To begin with, adequate advanced training opportunities should be created in a first step.

To promote the use of Frisian in the economic and social sectors directly under state control (public sector), the *Land* government has to create an adequate financial framework.

Frisian in the media

The Frisian Council notes that despite the efforts of the *Land* government and the *Landtag* to encourage broadcasters to offer programmes in the Frisian language, Frisian continues to be disproportionately represented in the media and is not used at all in TV programmes.

Radio programmes produced by *Friisk Foriining* for *Nordfriisk Radio* on *Offener Kanal Westküste* ceased to be broadcasted. Instead, *Friisk Foriining* provides funds for the translation and presentation of short news broadcast online on “Radio mm” via Internet. The *Land* government does not support this project. Therefore, the Frisian Council upholds his demands that the *Land* should fulfil its financial obligations in this area and provide frequencies for Northern and Central Nordfriesland that can be use for broadcasting Frisian programmes.

Every week, the public broadcaster NDR broadcasts “*Frasch for enarken*”, a three-minute programme in Frisian on Radio Flensburg. This is no basic provision of Frisian language programmes. There are no plans to extend the programme. Frisian language courses for journalists are not available, the only possibility for journalists to learn the language is to complete a short internship at the NDR.

Other licence-fee funded broadcasters in Germany, i.e. the Mitteldeutscher Rundfunk (MDR) and Radio Berlin-Brandenburg (RBB), broadcast a full programme in Sorbian every day that lasts for several hours. The Frisian Council calls for an amendment of the NDR State Treaty to include minority-language-related obligations and for an amendment of *Land* regulations concerning private broadcasters.

On 16 December 2009, the Media Council of the supervisory authority for private broadcasters of Schleswig-Holstein in Hamburg (MA HSH) decided to award the FM frequency 96.7 MHz in Wyk on the island of Föhr to the Open Channel Schleswig-Holstein (OKSH) for ten years. The OKSH and the private Ferrari foundation together want to broadcast Frisian programmes. The Frisian Council has pledged to support the radio project over five years with € 40,000 per year.

Cross-border cooperation

The *Land* has not fulfilled its obligation to conclude agreements with states in which the same regional or minority language is used in identical or similar form. As a result, there is no contractual cooperation with *Westerlauwersk Fryslân* (Netherlands)

and hence no institutionalized cooperation between Schleswig-Holstein and the North Frisians, on the one hand, and the province of Fryslân and the Western Frisians on the other. Experience made there and structures existing there could be easily translated to the situation of North Frisian, as already happened in the past at private or voluntary initiative (Inter-Frisian Council and others). We continue to place high priority on the promotion of exchange programmes (for farmers, students, etc.) between the Friesland regions. Currently, the exchange is organized at the initiative of Frisian clubs and associations; it would be desirable to involve the *Land* government in order to establish the exchange programme on a permanent basis.

Outlook

The impetus given by the European Charter for Regional or Minority Languages is inspiring for the Frisians and the majority population alike. Both sides are inspired by the Charter to search for solutions to concrete problems in constant contact with each other. An important element in this dialogue is the reporting requirement, extended in Schleswig-Holstein to cover a *Land* Report. It should be kept in mind, however, that preconditions are unequal: an umbrella organization of cultural associations run by voluntary staff competes with a fully trained civil service apparatus. In order to breath new life into the Charter, it is important for the Frisian organizations to be given a certain financial scope of action allowing them to conduct the necessary, yet complex project procedures in a proper and targeted way. This requirement was already recognized by the *Land* Government and the *Landtag* some time ago when they came out in favour of a "Foundation for the Frisian People" and set up a capital stock to this end at the *Land* level. It must be noted, however, that the Foundation has not taken in enough interests from its capital investments to put all its ideas for promoting the Frisian language into practice. Strong support is provided by the Federal Government, who made € 280,000 available to the project in 2009. Based on close and trustful cooperation with the competent authorities it has been possible to spend these project funds on specific activities to promote the Frisian language and culture, taking account of individual needs; nevertheless, the need for support and funding for the Frisian language is primarily of an institutional character. For several years the Frisian Council has suggested to establish a language promotion plan for Schleswig-Holstein, which would list the objectives and futures measures of language policy for a certain period, and which could be evaluated after this period. In addition to the Articles of the Charter, this language promotion plan could also cover economic aspects, for example by promoting Frisian cultural life as a "unique selling proposition" in the field of tourism. The fact that local tourism businesses use "Frisian" already as a kind of brand name indicates that they

are well aware of the attractiveness of local culture. We need to build on these efforts. Based on the study on “Minorities as a location factor in the German-Danish border region” concrete measures could be launched. Measures could be modelled on the *Modäl Nordfriislon/Nordfriesland Model*, developed by the Frisian minority, which lists future perspectives and solutions for the Frisian language and culture.

By defining language-policy objectives and specifically implementing planned measures, Schleswig-Holstein could set European standards, or at least follow European standards. Sooner or later, this will open up possibilities for fulfilling - and subsequently notifying - other provisions of the Charter in addition to those already notified. This, in particular, would also be in accordance with the dynamic character of the Charter for Regional and Minority Languages.

At the federal level it will be important in future to sensitize the federal policy to the minorities issue.

***Seelter Buund* – Sater Frisian**

Comments on the implementation of the European Charter of Regional and Minority Languages in Lower Saxony

In the last few years, the evaluation process under the language Charter has become an important instrument for the work of the *Seelter Buund* and its efforts to preserve the Sater Frisian language. Of course, to comment to the various state reports means a lot of work for an organization that is operated by voluntary work. On the other hand, the state reports provide a good, regular overview of the implementation of the Charter by the Federal and *Land* governments.

In the last reporting period, there have been some positive developments, particularly with regard to the financial situation of the *Seelter Buund* and the Sater Frisian language. In 2008 and 2009, Lower Saxony provided € 10,000 each year as project funding for the Sater Frisians. Our project is called “Preserving the Sater Frisian Language”. With the public funds the *Seelter Buund* was able to reimburse voluntary language teachers for their travel expenses, to buy teaching materials, and to organize advanced training classes.

However, a one-hour language class per week is not enough to achieve language proficiency. Those who have never learnt the language before will get basic knowledge, and native speakers may perhaps improve their language skills. In order to extend language instruction, the *Seelter Buund* has asked the University of Oldenburg (Prof. Dr Peters) and the nursery schools in Saterland to set up one or two bilingual nursery-school groups. This requires a Sater Frisian native speaker and a German native speaker for each group as nursery school teachers. In the future it is planned to set up bilingual classes in one or two primary schools. With this immersive language instruction we hope to make a decisive step towards preserving the Sater Frisian language. Experiences of Frisians and Sorbs show that we are on the right path. Prof. Peters from Oldenburg University has agreed to support the project as scientific adviser. The necessary project funds should be provided by Lower Saxony. So far, all applications for project funding lodged by the University of Oldenburg were rejected.

Another important issue is the funding of the second edition of the Sater Frisian Dictionary edited by Dr Marron Fort. The dictionary is of particular importance not only for language maintenance, but also for language preservation. The dictionary is a bilingual Sater Frisian-German dictionary.

All applications for project funding (we need € 25,000) have been rejected. We have submitted further applications to the Foundation. However, we think that Lower Saxony would be obligated to provide the necessary funds.

For routine work, a German-Sater Frisian dictionary would be helpful, too. The costs for such a dictionary have not been determined yet.

Karl-Peter Schramm, 08.12.2009

Comments by the Central Council of German Sinti and Roma on the Fourth State Report of the Federal Republic of Germany on the implementation of the European Charter of Regional and Minority Languages

Generally, the Central Council and the Documentation Centre refer to their comments made and attached to previous state reports.

First of all it should be emphasized that the Charter is a regulatory instrument ensuring that German Romani is recognized as a minority language and granted the same status as other regional and minority languages in Europe. This does not mean that the provisions of the Charter have to be implemented immediately. At the same time, the Charter's provisions must not be interpreted in a way that is not in the interest of the minority. Specifically, this means that the Charter's provisions shall be implemented without prejudice to the wish of most German Sinti and Roma not to have a standard written form of their language, but to maintain and cultivate it only within their minority.

However, this wish should not be misunderstood as a rejection of the Charter by German Sinti and Roma, like in Nos. 50001 and 50002. The commitment of a state to promote the minority language Romani in compliance with the Charter continues to be an important signal; the state should not be relieved from its obligation to encourage and enable implementation of the Charter's provisions.

For the following reasons:

1. For Sinti and Roma, circumstances are particularly difficult. According to several statistical studies, members of this minority in particular are affected by marginalization and discrimination. According to findings of the public opinion research institutes Emnid and Allensbach, more than two thirds of the majority population in Germany has strong resentments at the minority. According to own surveys, the Central Council found that 76% of those minority members polled have already been discriminated against. To create equal opportunities to take part in all aspects of political, social, and economic life requires effective measures to reduce prejudices and intolerance and to encourage societal recognition.

2. For many years, the Central Council has criticized the media for their derogatory coverage of Sinti and Roma – and rightly so, as has been found by participants of an international conference organized by the Central Council together with the German Press Council and the Friedrich Ebert Foundation in Berlin recently.

3. Indifferent politics, or late and only half-hearted responses to racist violence in other European countries, like in the case of racist rioting against Roma in Italy incited by a smear campaign in the press, or of the assassination of minority members in Hungary for racist motives.

4. In the field of education, Sinti and Roma in history and in the present must be addressed more extensively in school classes and teaching materials.

The report gives the impression (cf. N. 50800) that only very few members of the minority would approve of the proposal of Central Council to teach Romani in schools. This comment appears to be misleading as the formulation “Romani instruction in public schools” suggests that the proposal meant proper language classes similar to English or French instruction. This is wrong. Supplemental instruction in Romani at school, as proposed by the Central Council, means that classes should be held outside regular instruction, only if those concerned so wish, exclusively for pupils from the minority, and should only be taught by teachers who are members of the minority themselves. Moreover, participation is voluntary and – most importantly – the rights of minority members who do not want to participate in these classes should not be violated.

Without prejudice to the above said, it remains the responsibility of initiators of language promotion measures to take due account of local circumstances and conditions and to decide where supplemental should be held, if at all.

At the Zugspitzschule in Nuremberg, the Bavarian *Land* Association of Sinti and Roma continues to organize homework assistance private tutoring. The Hessian *Land* Association has launched regional private tutoring projects in which Romani is used, like in Bavaria. In Rhineland-Palatinate, the protection of minorities, including the promotion of minority languages, has been integrated into the framework agreement with the *Land* Association. Unfortunately, plans to hire a full-time educational officer to determine the need for seminars in Romani were thwarted by budgetary constraints (additional comment by the *Land* Association of Rhineland-Palatinate on No. 00757).

The *Land* Association of North-Rhine/Westphalia has noted that schools have insufficient knowledge of the obligations under the Charter. After an exchange of information at the Ministry of Education, framework conditions for extra tuition in Romani were set out in a joint declaration. Soon, guidelines for teachers on

promoting the schooling progress of children from Sinti and Roma families both in and outside school will be published, which will also deal with the importance of minority languages.

Such activities are mostly carried out at the initiative of the minority itself, without any encouragement by the *Länder*. One example is the one-hour radio programme broadcast on Radio Radar in Darmstadt on 15 December at 5 p.m., which was produced at the initiative of and also by the Hessian *Land* Association of Sinti and Roma. The production received financial support from the working panel "Open Darmstadt".

Based on information that Romani speakers in Hesse welcomed radio and television broadcasts in Romani (see No. 51103), the Expert Committee accused the *Land* of failures in its Third Monitoring Report. The Central Council welcomes the response by Hessian authorities, who have undertaken to inform the *Land* public-service broadcasting corporation about the obligations under the Charter and to enter into a dialogue with the *Land* association (cf. No. 51104).

The Rhineland-Palatinate association of Sinti and Roma in Germany comments on the report as follows:

No. 00115

In 2009, the German Institute for Human Rights organized an expert meeting in Germany to discuss the recommendations of the UN Committee monitoring the "International Convention on the Elimination of all Forms of Racial Discrimination" of August 2008, which was also attended by representatives of the Rhineland-Palatinate *Land* association. The UN Committee commended the framework condition between the Rhineland-Palatinate *Land* government and the *Land* association and said that it should serve as an example to other *Länder*.

This contract under public law is a success for the *Land* association, which represents the interests of some 8,000 Sinti and Roma living in Rhineland-Palatinate, and which for many years has demanded that the protection of minorities should be embodied in a legal instrument guaranteeing the protection and promotion of the culture of Sinti and Roma. This does not grant the Sinti and Roma any special status, since under their respective constitutions the *Länder* concerned have long been obligated to protect the other minorities in Germany, i.e. the Danes, Frisians, and Sorbs. Those Sinti and Roma who were prosecuted under the Nazi regime see

the contract also as recognition of the injustices suffered by them in the past and as respect for their minority culture.

The work of the *Land* association runs the gamut from routine counselling, processing of damage claims, public relations work to information campaigns, as set out in the framework agreement. Additional funds are needed for the cultural promotion, the necessary education of minority members, and particularly the promotion of Romani. To fulfil these tasks, funds necessary to hire a Sinti/Roma official are needed.

No. 00756

The responsibilities of the Sinti educational officer include coordination and organization of seminars in several cities in Rhineland-Palatinate. The educational officer should organize seminars in the Romani language focusing on the minority's specific culture, history and problems of discrimination; the seminars should be offered in communities in Rhineland-Palatinate where desired by local members of the minority. In addition, concepts for age-appropriate seminars should be developed to transfer knowledge of the language and tradition of the Sinti and Roma, and to teach strategies for dealing with the personal experience of discrimination.

To prepare the application for project funding for the Romani language under the framework agreement between Rhineland-Palatinate and the *Land* association of the Sinti and Roma, a working panel meeting was organized with some 25 young adults, funded with subsidies for institutional and voluntary work. Members of the minority group showed great interest in the working panel. The resulting application for project funding for the promotion of the Romani language was rejected by the *Land* government because of "budgetary constraints and necessary priority shifts" in the 2009/2010 biennial budget.

This project is intended to improve educational opportunities for members of the minority and to strengthen the processes ensuring equal opportunities by extending the scope of language promotion. To achieve this objective, Rhineland-Palatinate needs an educational officer of the Sinti and Roma; otherwise it will be impossible to implement the framework condition for language promotion.

Comments by the Sinti Alliance of Germany on the Fourth Report submitted by the Federal Republic of Germany in accordance with Article 15 (1) of the European Charter for Regional or Minority Languages

A. General comments

The Sinti Alliance of Germany regrets to note that with regard to the autochthonous ethnic group of Sinti and their representatives there were only very few positive developments in the reporting period, because governmental promotion measures under the language Charter aimed at preserving the culture and language of German Gypsies in practice support only the work of a limited group of Sinti and Roma in Germany, while all others are neglected.

1. Imbalanced governmental support policy results in a lack of infrastructure for practical work

The groups, initiatives, and associations of German Gypsies who have joined together in the Sinti Alliance of Germany, continue to be totally excluded from public support; they are not among the beneficiaries of the measures listed in the Fourth Report, such as publicly funded facilities and measures for German Gypsies to enable self-government and to create the conditions necessary to preserve and strengthen their original identity, values, culture and language.

We not with great regret that these publicly funded structures are for the benefit of one single association in the whole country, i.e. the Central Council of Sinti and Roma in Germany. The Central Council is the only umbrella associations receiving institutional funding. The financial support policy of the *Länder* is imbalanced, too, with a one-sided focus on organizations belonging to the Central Council. However, the Sinti Alliance received project funding from the *Land* association of Rhineland-Palatinate for the first time.

The Sinti Alliance Germany is operated and represented by voluntary workers. The expenditures for the affiliated groups and external service staff have to be funded from private resources. The available means are totally inappropriate for necessary overtime work. We need funds to recruit staff, on a modest scale, as well as funds to ensure efficient representation of interests of the autochthonous ethnic group of German Sinti and their cultural integration into the German society. The affiliated groups and the Sinti Alliance Germany are good at economizing and spend their resources in an appropriate and efficient way

We know that especially when public finances are tight, every application for public funding must be thoroughly scrutinized. Available resources, however, can and should be re-distributed. German Gypsies are organized in two different umbrella organizations, the Sinti Alliance Germany and the Central Council of Sinti and Roma in Germany, each having a different membership and representing different social and political positions. However, only the Central Council receives comprehensive public funding (institutional support); the Sinti Alliance Germany does not receive any public funds.

Voluntary work and private funding of all kinds of tasks within our society have long been exploited to their limits.

The Sinti Alliance Germany is well aware of the tight budget situation in Germany. If no additional public funds are made available in the federal or *Land* budgets to support our secretariats and our diverse work, the budgetary funds, both at national and *Land* level, earmarked for the Central Council of Sinti and Roma in Germany and its *Land* associations should be split and shared between both organizations and their respective *Land* associations. This is necessary for us to get the same opportunity to promote and preserve our cultural heritage.

The Sinti Alliance Germany once again calls upon the Federal Government and the *Länder* to grant appropriate and equal support to both the Central Council of Sinti and Roma in Germany and its *Land* associations as well as the Sinti Alliance Germany and its *Land* associations. This refers to the infrastructure necessary to represent the interests of the minority group members, but also to organize cultural projects in the *Länder*, e.g. radio programmes, music festivals, or other events, which so far have been financed with private funds, and in the case of one *Land* association received small, temporary grants from the local budget. In comparison to the vivid, cultural life of other autochthonous ethnic groups and the public funds provided to them, we cannot but note that the culture of Sinti in Germany has been one of the areas almost completely neglected by public funding.

Framework agreements between the state and interest groups, such as the one between the *Land* government of Rhineland-Palatinate and association of German Sinti - the Rhineland-Palatinate *Land* Association of the Central Council of Sinti and Roma in Germany, also contribute to protecting the culture of German Gypsies and to strengthening their self-government. In due time, the *Land* association of the Sinti Alliance in Germany, the Sinti Union in Rhineland-Palatinate, will ask the *Land*

government to conclude a similar, yet not identical framework condition with the Sinti Union, too, to ensure the peaceful coexistence and equal treatment of all German Gypsies living in Rhineland-Palatinate.

It would not be acceptable if unilateral assistance to one of the two existing associations would cause the Central Council to claim a sole right of representation, thus excluding the Gypsies represented by the *Land* association of the Sinti Alliance Germany.

2. Documentation and Cultural Centre of German Sinti and Roma

Once again the Sinti Alliance Germany wants to emphasize that among all state-sponsored promotional measures to support the German Gypsies' self-administration, the considerable funding for the Documentation and Cultural Centre of German Sinti and Roma in Heidelberg deserves particular mention.

However, it must be pointed out once again that only the associations, groups and individuals affiliated with the Central Council of German Sinti and Roma can work and co-operate with this important institution.

Groups affiliated with the Sinti Alliance Germany continue to be denied involvement in the Centre's activities. Verbal attacks by officials of the Central Council and the Centre and written comments to this effect, which were released to the general public, have very clearly shown that the Sinti Alliance Germany (SAD) as an umbrella organisation is not welcome, either, to take part in the activities of this Centre. In our view, one of the most important tasks is that the entities funding this work - the Federal Government and Baden-Württemberg - ensure that every German Gypsy who can make a useful contribution to this work, i.e. including SAD *Land* associations and their umbrella organization, has equal opportunities of participation in the Centre's activities.

The Federal Government has recognized that everyone should have access to the information collections of the Documentation and Culture Centre. Despite the fact that access is still restricted, this would by far not be enough.

The tasks of the Documentation and Cultural Centre refer to ethnic group of German Gypsies as a whole. Hence, state-imposed requirements should give our umbrella organization equal rights regarding participation in the shaping of, and decision-making on, policies and programmes, too. If it should not be possible, in view of the close linkup, in personnel terms, between the Central Council and the Centre, to include these rights in the present structure, the Sinti Alliance reiterates its demand

that consideration should be given to changing the legal form of the Documentation and Cultural Centre, e.g. transforming the Centre into an independent foundation.

The widening of the remit of the Documentation and Cultural Centre and the additional inclusion of educational matters impose the increasingly urgent need for ensuring that all relevant organisations of German gypsies can take part in the Centre's activities. If this is not ensured, there would be cause for deep concern that in this field a monopoly might develop which would be defined by one organisation only and its basic attitude and that work alternatives would be dismissed without prior consideration.

3. Different positions of both umbrella organizations on central issues

As has already been pointed out in previous state reports, in Germany exist two umbrella organizations representing the Sinti and Roma, namely the Central Council of German Sinti and Roma (Central Council), including several *Land* associations and the Documentation and Cultural Centre institutionally funded by the Federal Government, and the Sinti Alliance Germany (Sinti Alliance).

We think it is important to point out once again that both organizations have very different views on the necessary protection and promotion of the language and culture as well as on the presentation of their ethnic group and its history. For example, this regards the question of whether the term "gypsy" should be avoided on a future Holocaust memorial, because it reflects the National Socialist race doctrine (position of the Central Council), or whether it should be understood as a historical term and therefore its use be encouraged because otherwise a large part of the groups concerned would not be given credit (position of the Sinti Alliance).

The Central Council of Sinti and Roma actively supports a wide scope of protection of the Romani language, used by German Sinti and Roma, under the language Charter. The Sinti Alliance is committed to the language Charter and the obligations under the Charter concerning the promotion of the culture of German Sinti, but it rejects any state interference with the preservation of the Romani language of German Sinti.

Previous State Reports have stated on several occasions that one of the reasons why there are no bodies for protecting and promoting the Romani language is that so far nobody has expressed a desire for such bodies. It was pointed out in these reports that the Central Council has tried to influence public perception of German Sinti and Roma presenting them mostly as victims of both the Nazi Holocaust and

current prejudices, and not as an independent ethnic group with an own cultural identity which could enrich society.

In contrast, the Sinti Alliance does not see its ethnic group as a victim of continuous discrimination. Owing to its habitual tradition, it is very important to the Alliance that the language and the culture of German Sinti are shielded from disclosure.

Therefore, it has strong reservations about the Central Council's policy to place the Romani language under the protection of Part III of the Charter. The Alliance also rejects the development of a standardized written form and grammatical structures for the Romani spoken by German Sinti (*Sintetikes*).

The Sinti Alliance shares the view expressed in previous State Reports that the views of both organizations differ so widely that it is not clear how they could work together in one body for the protection and promotion of the Romani language. The Sinti Alliance underlines its willingness to actively contribute to the work of any body that addresses this issue, but at the same time it expects that the bases of its cultural tradition as far as the Romani language of the German Sinti (*Sintetikes*) is concerned are respected by the Central Council of German Sinti and Roma and by society as a whole.

4. The Charter and the Romani (*Sintetikes*) of the German Sinti

The strongly differing views of the umbrella organizations regarding the protection of Romani under the Charter have led to a problematic situation, as explained in the Third State Report.

Initially, the Central Council of German Sinti and Roma, the then only umbrella organization in Germany, had called upon the Federal Republic of Germany and also its *Länder* to ratify the Charter for both the Romani of the Sinti (*Sintetikes*) and the Romani of the Roma and to assume as many obligations under its provisions as possible. But after Germany had ratified the Charter, it turned out that a considerable number of Romani speakers – namely the German Sinti - refused to create the necessary conditions to achieve the goals set by numerous provisions of the Charter (e.g. development of a standard, written form of the language, and instruction about, or in, the language, including for interested third parties).

Hence, the Committee of Experts observed, and rightly so, as we pointed out, in No. 745 of its Second Monitoring Report, “that compliance with many of the selected undertakings (from the Charter) is rendered difficult, or even impossible, by the fact that the Romani language of German Sinti and Roma has no standard written form,

as it has hitherto not been codified, in accordance with the wishes of a number of speakers.” The different concepts favoured by the Central Council on the one hand and other associations of German Sinti on the other finally led to the foundation of another umbrella organization, the Sinti Alliance Germany. Since its foundation, the Sinti Alliance has called for the recognition of the Romani of German Sinti (Sintetikes) as a language of the families and family groups of German Sinti in accordance with the ethnic group’s own, internal rules based on their culture, outside the public school system.

As was already pointed out in the comments on the Third State Report, the Sinti Alliance has welcomed the fact that the Central Council of Sinti and Roma in Germany has come to agree to the Alliance’s view expressed in several policy papers and comments in the last few years, mainly at the implementation conferences, that the language of the Sinti is passed on exclusively orally and must not be used outside this language community.

However, this generally accepted principle is called in question when at the same time thought is given to using the Sinti’s language outside the family sphere and the ethnic community, as for example in No 4002 of the Third State Report (with reference to Art. 8, Education) and in No. 50800 in the Draft Fourth State Report: “...while the Central Council of German Sinti and Roma is in favour of extra instruction in Romani at school and outside of school provided by members of the minority for members of the minority...” As regards the controversial issue of instruction in Romani in Hamburg, it has turned out that it refers to teaching in the Romani language of the East European Roma.

Our community continues to be very concerned about the fact that a growing number of migrants and refugees from East and South-East European countries has been intervening in this discussion, although they are not affected by it under the Charter. The Sinti Alliance Germany informed the Federal Ministry of the Interior that it would welcome state funding to promote the integration of such groups of persons, while at the same time it would protest against any kind of intervention in the area referred to above.

The Charter protects the regional or minority languages traditionally spoken in a Contracting State. The Federal Government has always emphasized this aspect, especially when it signed the Charter and ratified the implementing legislation. The *Länder*, too, have underlined this. Since state measures to protect these languages and cultures are put into practice only in consultation with the people concerned,

consultation is necessary between the state – and in this particular case – our umbrella organizations, which as members of the language groups concerned are elected representatives of users of a minority language. However, this process of opinion building will be distorted if communities that under the Charter do not have the status of elected representatives of historically grown language groups are involved in this discussion and are heard by the state.

Furthermore, we think there is a risk that the scope of protection and promotion rights under the Charter is extended to include a broader group of persons with different interests and that thereby the position of autochthonous Gypsies, i.e. the true stakeholders, will no longer be given due public attention. Also with regard to further immigration into Germany, we see further need for clarification of this issue. To this end, the Federal Government should develop a permanent policy based on the definition of the Charter to avoid that this issue is discussed in public or the political sphere, which nobody wants and which would benefit only extremist forces.

Once again we underline that our community opposes any use of the Romani language of the Sinti (Sintetikes) outside the minority, e.g. in the fields of education, justice, administration, and media, and any instruction in or reporting on the language. Moreover, the Sinti Alliance Germany requests the state not to undertake university research and teaching on the language and culture of the Sinti. The language of the Sinti has an oral tradition and is integral part of the millennia-old taboo and legal systems, which obligates each member of our ethnic group, for example, to respect the taboos of our people, to preserve them, and to not disclose them to any third party outside our community.

The Sinti Alliance once again emphasizes that no representative of the German Gypsies, neither the Sinti Alliance nor the Central Council of German Sinti and Roma, can ignore the cultural laws of the community without losing its credibility vis-à-vis the German Sinti. For this reason, the associations can be active only if they respect the traditional taboos. Our refusal to use our native language in public, particularly in accordance with the provisions of Part II of the Charter, is therefore based on cultural motives.

Like the language, both the traditional legal system and the taboo system belong to the cultural heritage of the Sinti, which has to be protected by the state in accordance with the Charter and the Framework Agreement for the Protection of National Minorities. At the same time it must be respected that for the Sinti imparting their language is a private task in the exclusive responsibility of their families and family

groups, and not a state task as part of minority protection under the Charter. Sinti organizations respecting the culture and legal system of the Sinti must ensure that this principle is abided by and must warn the state about unwanted interference.

B. Comments on specific numbers:

No. 00113

The Sinti Alliance of Germany urgently requests that the text of No. 13 (Second State Report) be retained in full, because it briefly and accurately summarizes the position of both associations which have an impact on numerous undertakings under the Charter.

No. 93 of the Second State Report stated that there were no bodies for protecting and promoting Romani because so far no one had expressed a desire for such bodies.

It should be added that, despite its contrary opinion given in Nos. 54 and 55, the Central Council portrays those concerned, at least in public, as primarily only victims of the Nazi Holocaust and of current stereotypes and hardly as an ethnic group with its own identity which enriches society; and that while the Sinti Alliance of Germany does not view its ethnic group as victims of ongoing discrimination in this form, it wants to protect the language and culture of the German Sinti against access by outsiders and therefore opposes for example the development of a written language and grammatical structures for the Romani of the German Sinti.

As a result, the two associations have such different views and seem so unwilling to compromise that it is not clear how they could work together in a body for protecting and promoting the Romani language.

No. 01101 – Article 11 (Media)

The interests of the Sinti represented by the Sinti Alliance of Germany are not made known because they are not represented on the Rhineland-Palatinate broadcasting board. They have no opportunity to express their ideas because only the *Land* association of the Central Council has a seat and a voice. A system for rotating representatives of both *Land* associations should be introduced to balance their representation.

No. 00789

In response to the Committee's statement in No. 65 of its third evaluation report that the only regional or minority language which is not represented by a consultative committee is Romani: In connection with the scope of the Charter, the two associations at federal level, namely the Central Council of German Sinti and Roma and the Sinti Alliance of Germany disagree, and the government bodies do not believe that they can work together productively within a consultative committee. In this context it should also be noted that representatives of German politics, industry and academia serve on the board of trustees of the Documentation and Cultural Centre of German Sinti and Roma.

No. 50807

The Sinti Alliance of Germany regrets the fact that the Committee of Experts repeatedly makes proposals for promoting the language of the German Sinti and Roma which include the Rommenes or Sintetikes of the German Sinti. The German Sinti vigorously oppose any teaching of Sintetikes at school or government promotion of their language, which has traditionally been handed down within the language group. They expect the Committee to respect their position. If government funding is provided for language promotion, as the Committee wishes, the position of the Sinti language group could be undermined. It would create incentives for outsiders who are not bound by the German Sinti's system of taboos to become commercially active in this field.

No. 50827

According to this text, the Roma teachers' work "focuses on the culture of Sinti and Roma". We assume that these assistants focus on the Roma culture and not the Sinti culture, of which they have no first-hand experience, and thus that the report unconsciously used the stereotype "Sinti and Roma". We ask Hamburg to check this and correct it. Should the report be accurate, however, and the Roma assistants are also teaching about Sinti culture, we ask that the following passage be included in the report:

In this context, the Sinti Alliance of Germany emphasizes its serious concerns that teaching assistants from the Roma community are also dealing with Sinti culture. Sinti families view this as a violation of their traditional cultural system of laws.

**Comments by the Low German Speakers' Group
on the Fourth Report submitted by Germany on the implementation of the
European Charter for Regional or Minority Languages**

Comments by the Federal Council for Low German (Bundesraat för Nedderdüütsch) on the Fourth State Report on the European Charter for Regional or Minority Languages cannot take the place of constructive criticism of the *Länder* reports. Except for the report from Lower Saxony, the Speakers' Group did not have access to reports for the individual *Länder*, hindering direct reference which would have been desirable. This situation is much worse than the procedure used in 2003 and 2006. The representatives of the Low German language group are convinced that successful intervention to preserve linguistic diversity in Northern Germany requires open dialogue between stakeholders. The Federal Council for Low German urges the *Länder* to return to a procedure for producing the State Report which is not hindered by static definitions.

1. General developments, assessments and judgements

Little qualitative progress can be reported for the regional language Low German during the period 2006 to 2009. As a result, the tenth anniversary of the Charter in Germany gave the Low German language group little reason to celebrate. This was demonstrated at a central event on this topic in Schwerin in May 2009 in which representatives of other language groups also participated. Broad gaps remain between the idealistic spirit of the Charter, its character as a legally binding set of regulations and its concrete implementation on the ground. Government representatives often lack basic knowledge of the Charter's articles. In order to help remedy this deficit at least in part, the Federal Council for Low German published the brochure "Zehn Jahre Europäische Charta der Regional- oder Minderheitensprachen. Zwischenbericht zur Sprachpolitik für das Niederdeutsche" (The European Charter for Regional or Minority Languages 10 years on: A progress report on Low German language policy) in late 2008.

In 2007, the Federal Government Commissioner for Culture and the Media funded a representative survey on the current status of the regional language in the entire Low German language area. The results show that while Low German has a very positive image, the number of active language users has greatly declined. Over the past 23 years, the number of Low German speakers has declined by about half. The age pyramid shows large numbers of speakers over age 50, while the numbers of

younger speakers are much lower. The survey results give all stakeholders reason to examine the effectiveness of their efforts on behalf of the regional language Low German and to give clear priority to language learning. Against this backdrop, the Federal Council for Low German has called on Low German speakers, involved volunteer organizations and, last but not least, the *Länder* to take joint and coordinated action. We are still far from having an interregional master plan which includes not only statements of intent, but also describes concrete measures and evaluates their implementation. The *Länder* could take a much more active role, especially with regard to coordinating tasks to be carried out.

Even after the 2007 survey on the status of Low German in Northern Germany, reliable framework data and facts needed for planning considerations are still lacking. For example, there are no numbers on the proportion of Low German in nursery schools and schools, in training and occupations, in hospitals, retirement and care homes, or in the culture and media sector.

The Federal Council for Low German expressly welcomes the resolution of the German Bundestag of 29 January 2009 addressing numerous aspects of promoting the regional language. In its resolution, the German Bundestag calls on the Federal Government and the *Länder* to work with the Federal Council for Low German to develop a plan to ensure the survival of this recognized regional language. The representatives of the language group regret that no government institution has so far applied this approach, much less developed it constructively.

The various *Länder* deal very differently with the obligations undertaken under the Charter. In 2009, the Schleswig-Holstein parliament updated its *Land* plan for Low German, which contains clearly formulated goals and describes how to achieve them. A petition submitted in 2008 to the Bremen parliament on preserving and strengthening Low German was discussed at a public assembly, but the discussion revealed extreme ignorance of the legal framework. The petition was referred for discussion and reporting to the government deputation for culture, where it was never addressed.

Significant progress was made in 2006-2009 in including the group of Low German speakers in government-initiated structures and measures. Since 2008, the Federal Government Commissioner for Culture and the Media has had a budget for Low German. A total of €50,000 is available in project funding, including the work of the Federal Council for Low German. In 2006, a consultative committee for issues of the Low German language group at the Federal Ministry of the Interior was founded.

Under the Ministry's supervision, this body brings together representatives of the language group, of additional federal ministries, the *Länder* and the Bundestag parliamentary groups. The presence of Bundestag members in particular could be improved. A meeting of the responsible federal and *Länder* officials has been held every year since 2006. These meetings advance the multilateral process of coordination, and since 2008 the officials have paid more attention to the representatives of the language groups, at least on certain issues.

In line with its role as initiator of action, the Federal Council for Low German has organized its own topic-related activities, publishing position papers, encouraging (education, media) or even initiating (hospitals and care facilities) discussion. The resulting publications bear witness to serious efforts to engage in constructive dialogue. The Federal Council for Low German hopes that the *Länder* will show growing willingness to participate more actively in such discussions and take greater initiative.

However, significant ground has been lost in various areas during the reporting period. For example, in 2005, Schleswig-Holstein removed Low German from the title of the office responsible for Low German language policy. Since 2010, the official title of this position has been the Schleswig-Holstein Minister-President's Commissioner for Minorities. Despite major protests by the Low German Speakers' Group, the *Land* was not willing to accommodate its concerns.

The Federal Council for Low German is very concerned about efforts by right-wing radical groups to exploit Low German and associated concepts such as homeland, reliability, etc. for its political aims. The Federal Council for Low German calls on the government agencies to pay close attention to such activities and to work with representatives of Low German speakers in the relevant *Länder* on suitable projects to counter this political abuse of the language.

Neither the Federation nor the *Länder* have yet interpreted the Charter as providing protection and promotion for the Plautdietsche variety of Low German, which is spoken by about 200,000 ethnic German immigrants from Russia.

Because speakers of Plautdietsche are widely dispersed within the Federal Republic and because of the general pressure to integrate and become acculturated, their Low German language faces serious threat. Targeted promotion should be based on a survey to determine the current situation of this dialect and the level of threat it faces. Materials should be developed based on the immersion method for teaching

Plautdietsche in schools where there is a large proportion of Russian Mennonite pupils. Those groups actively working to protect Plautdietsche have so far received no support in planning and carrying out meetings or cultural activities.

The fact that *Länder* which adopted Part II of the Charter situation hardly provide sufficient support for Low German is exemplified by the situation in Brandenburg. This situation continues to be characterized by the lack of an umbrella organization for speakers of Low German. In 2009 there were initial efforts to combine forces. The various cultural and authors' groups deserve special mention, as does the group *Rettet die niederdeutsche Sprache* (Save the Low German language), because they provide targeted language teaching for children. There are no structures or funds for providing special government support.

The Charter calls on the *Länder* to work actively on behalf of the regional language Low German. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages (Art. 7 (4)). So far, such bodies exist only in Hamburg, Mecklenburg-Western Pomerania, Saxony-Anhalt and Schleswig-Holstein. But their influence is limited by the fact that they meet only at very irregular intervals. In general, any influence beyond information-sharing which could take the form of ongoing and consistent efforts to advance the cause has so far remained in the very early stages, such as the activities of the education sub-committee of the Low German Committee at the Office of the President of the Schleswig-Holstein parliament. In order to see the broad range of language policy tasks, it would be advisable for the Working Group on Low German in Saxony-Anhalt to expand to include representatives of other ministries, especially the Ministry of Social Affairs, which is responsible for early childhood education. The supervising ministries are all called on to make the public more aware of the approaches developed in the bodies for Low German.

Brandenburg, Bremen, Lower Saxony and North Rhine-Westphalia are urged to establish similar forums and integrate them into the government structures. Low German representatives in several *Länder* complain that they have no official point of contact in their *Land* government, and that their attempts to contact policy-makers usually fail.

Low German is especially at risk in those *Länder* which have so far adopted only Part II of the Charter. Apart from a few exceptions in Saxony-Anhalt, the efforts of these *Länder* have been marginal. In the interest of greater transparency, the Federal Council for Low German considers it necessary for these *Länder* to report separately

on the progress of their efforts in future State Reports. The Federal Council for Low German calls on the responsible Council of Europe bodies to pay attention to these Part II *Länder* already in the fourth monitoring cycle.

2. Specific areas

2.1. Education

In 2007, the Federal Council for Low German formulated its ideas for forward-looking educational policy on the regional language Low German in its twelve-point paper, the *Schweriner Thesen*. The articles concerning schools in particular were discussed in the various *Länder*, but have not yet led to dialogue with the *Länder* on this point. In order to teach Low German effectively at public and private schools, it is important to define age- or grade-related goals, but no coordination among the *Länder* is apparent.

In Schleswig-Holstein, the attempt to introduce a new order on Low German at school in 2009 failed. A draft largely based on the Frisian order of 2008 which did not go as far as the *Schweriner Thesen* was ultimately rejected by the responsible Ministry of Education. This constitutes unequal treatment by the state with regard to language matters and is unacceptable to Low German speakers.

In Lower Saxony, the order covering Low German (*Die Region im Unterricht*) was repealed in 2005. There is currently no legal provision governing the treatment of Low German at schools in Lower Saxony. In view of the wide variety of activities at these schools, this situation is untenable. This order laid the groundwork for expert advising on regional issues, including Low German and Sater Frisian, for all types of schools. According to the 2009 restructuring plan, in future expert advising will be provided only for school subjects. Because Low German and Sater Frisian are not school subjects, these languages will come under German, where they are anchored in the core curriculum at a very low level (as language encounter). Thus they will not be covered by expert advising. Promoting these languages will be left to the personal initiative of individual expert advisers or members of the school authorities.

The situation in North Rhine-Westphalia is similarly unstructured and dependent on circumstances. The *Land's* plan (see No. 60870) to include Low German in the school's catalogue of elements for "language reflection" does not represent qualitative progress.

In Saxony-Anhalt too, most Low German activities in schools are the result of individual initiative. The *Land* is called upon to consolidate these activities using

overarching measures and to create a structure of responsibility via “Low German commissioners”.

The Federal Council for Low German recognizes Hamburg’s serious efforts in 2009 to establish Low German as a school subject with a separate curriculum. In so doing, it is essential to monitor the implementation of the provisions, check progress and adjust measures as necessary. It is unfortunate that the implementation of the Low German element of the German curriculum introduced in 2005 has never been evaluated. The Federal Council for Low German welcomes and supports Hamburg's announced intention to give hiring preference to teachers trained in the regional language at university (see No. 60876).

The status of Low German at school continues to be unsatisfactory in structural terms, especially as Low German has not been established as a separate subject. Low German is best formally integrated into the school curriculum in Mecklenburg-Western Pomerania. But here too, there are clear indications that the 2004 administrative regulation on Low German is not being practically implemented as consistently as it should. The Federal Council for Low German recognizes that Schleswig-Holstein creates incentives and sets standards by awarding a Low German seal of approval for schools. But here too, Low German teaching is arbitrary and still dependent on the motivation and initiative of individuals. The Federal Council for Low German appreciates the commitment shown by establishing bilingual history classes and language immersion in sport classes. Efforts in the area of language acquisition are hardly adequate; there is a lack of clear rules for school providers and a lack of specialized further training for teachers, which should be accompanied by a certification course. All the *Länder* need institutionalized bodies to safeguard the individual measures. Schleswig-Holstein has laid a stable foundation by creating the Low German centres in Ratzeburg and Leck, and is therefore called on to ensure their long-term survival.

In view of early childhood development and the advantages of early second language acquisition, in recent years the *Länder* have increased their focus on early childhood education. However, the corresponding educational strategies do not provide for Low German. The Federal Council for Low German calls on the *Länder* to take early childhood education specifically into account in their efforts at Low German language acquisition. This includes directing relevant information to parents and providers of early childhood education, as conducted in exemplary fashion by the Schleswig-Holstein parliament in November 2009 (see No. 60819); the argument of weak or nonexistent demand (see No. 60811) is inadequate in this context.

In all the *Länder* concerned, rules on the training of teaching staff remain incomplete. For example, Schleswig-Holstein is the only *Land* which requires a Low German module in both the first and second training phase for German teachers. At the same time, however, the University of Flensburg, where the training of primary and secondary technical school (*Realschule*) teachers is concentrated, does not offer sufficient classes for students. If Low German remains excluded from the bachelor programme, future students will continue to lack a foundation for the required Low German module in the second training phase. In the Part II *Länder*, Low German teacher training is largely a matter of chance. For example, at the University of Potsdam, Low German is not an established part of any degree programme, although seminars on the linguistic landscape of Brandenburg are regularly offered in order to maintain awareness of Low German among the university teaching staff. North Rhine-Westphalia describes university education as “stable” without specifically referring to the proportion of Low German in basic and further training for teachers (see No. 60878).

Further training for teachers is regularly offered by various providers in Schleswig-Holstein, Mecklenburg-Western Pomerania and northern Lower Saxony. Some initial efforts are apparent in Bremen; Hamburg still has only limited offerings. In 2009, Mecklenburg-Western Pomerania issued certificates in Low German as a subsidiary subject to 86 teachers who successfully completed the necessary course (see No. 60877). However, this course does not have firm structural footing, and some questions of jurisdiction within the responsible ministry remain unresolved.

Particularly in times of financial difficulty, the regional language Low German requires special government protection in the education context. The fact that the College for Social Pedagogy (*Fachschule für Sozialpädagogik*) in Niebüll has turned to external sources to fund its Frisian courses may be a sign of the times, but if every element of Low German is cut in the process, that is unacceptable.

2.2. Judicial authorities

The judicial authorities apparently still have insufficient knowledge of the Charter, so that individuals are subject to arbitrary decisions of the judges. The only certainty is the fact that Low German documents may be used.

2.3. Administrative authorities and public services

In Lower Saxony, there are several concrete examples of open discrimination against Low German with regard to public administration. For example, remarks in Low German were prohibited at a public question-and-answer session and a petition submitted in Low German by a council member in Emden was rejected even though all participants understood the content.

2.4. Media

In 2009, the Federal Council for Low German expressed its positions on the use of Low German in the print media, in radio and television broadcasting and on the Internet in its 13-point media programme. Current safeguards for Low German programming offered by both public and private broadcasters are insufficient. Government could certainly play a more active role with regard to private broadcasters; a broad range of incentives and initiatives is conceivable. The principle of government non-intervention frequently invoked with regard to public broadcasting should not be interpreted to mean that the broadcasters alone determine the choice of language for certain programmes. Given the stubborn stance of the *Länder*, in 2009 the Federal Council for Low German commissioned an expert legal opinion on whether the Charter requires the public broadcasters – at least in those *Länder* which have accepted the relevant provisions of its Article 11 – to offer a certain definable amount of Low German programming as an obligatory element. Under current practice, by contrast, the broadcasting corporations are responsible for all decisions in this regard. The Federal Council for Low German calls on the *Länder*, which are responsible for funding the public broadcasting corporations, to ensure that the regional language is an integral part of the structure at the various broadcasters. Voluntary commitments or target agreements are a good way of arriving at a policy of mutual understanding.

2.5. Cultural activities and facilities

The same principles of funding from the *Länder* apply equally to standard German and Low German projects, so there is no evidence of discrimination based on language; however, there is also no evidence of targeted linguistic-cultural promotion. Above all, there is a lack of initiative in project areas where Low German remains underrepresented, especially in the area of film and current popular music.

Measures taken by North Rhine-Westphalia are almost entirely limited to the field of research and documentation (see No. 61248). For example, funding is providing to build a digital archive of Low German texts at the universities in Bielefeld and

Münster, but this hardly constitutes an intensified effort to stabilize the regional language in the face of existential threat.

2.6. Economic and social life

In a five-point paper (*Schleswiger Appell*) in 2008, the Federal Council for Low German summarized its ideas and demands for anchoring the regional language in hospitals and care facilities. This issue first found a larger hearing at an expert conference. The conference proceedings, background information and arguments were later published. Despite the statements in No. 61308 – 61315, the *Länder* have so far been very hesitant to deal with this issue.

3. Conclusions

There is no overall strategy for promoting the regional language Low German. As a result, most of the activities are individual measures and are not coordinated in terms of content or timing. Integrating these measures within a language plan could significantly increase their effectiveness. In view of the drastic decline in the number of Low German speakers, such coordination is urgently needed. The Federal Council for Low German offers to assist the *Länder* in all relevant areas, always with a focus on all efforts aimed at language acquisition.

With this in mind, the Federal Council for Low German calls on Lower Saxony to report all relevant points concerning schools under Article 8 of the Charter. The *Land* should have no difficulty doing so, especially as it claims that it has already taken such measures (see No. 60808b). The government can help stabilize the language effectively in society only with the participation of the schools.

In a society in which government is increasingly retreating from its former areas of responsibility, precisely those areas which are organized commercially or at private initiative deserve special attention with regard to the effectiveness of measures to promote language acquisition. Whenever the word “freedom” is invoked – for example, freedom of the media, or academic freedom – it usually involves negative consequences for the regional language. For this reason, the Federal Council for Low German strongly urges the responsible bodies of the *Länder*, the Federation and the Council of Europe to re-examine the remaining possibilities for effective language protection on the basis of the European Charter for Regional or Minority Languages.

During its ten years of existence, the Charter has had almost no impact on the Part II *Länder* Brandenburg, North Rhine-Westphalia and Saxony-Anhalt. In view of the drastic decline in the number of Low German speakers, especially in the southern part of the Low German language area, the Federal Council for Low German calls on these *Länder* to increase measures to protect the regional language Low German and to adopt Part III of the Charter as soon as possible.

Bremen, 28 October 2009

Dr Reinhard Goltz, Bundesraat för Nedderdütsch

Annex

More recent legislation, agreements and other arrangements and publications relevant to the implementation of the European Charter for Regional or Minority Languages and not yet included in any State Report

Joint Declaration of the Bavarian Government and the Bavarian *Land* Association of German Sinti and Roma of 16 May 2007

In view of the Sinti and Roma genocide committed under the National-Socialist regime, the Bavarian Government is aware of its special historical responsibility towards the members of this minority.

The *Land* Government expressly acknowledges that the German Sinti and Roma living in Bavaria, as a national minority traditionally resident in Germany, are afforded special protection under the Council of Europe Framework Convention for the Protection of National Minorities. The *Land* Government confirms its resolve to carry out, in cooperation with the Bavarian *Land* Association of German Sinti and Roma, the principles laid down in the Framework Convention. The *Land* Government will continue to work with the *Land* Association appropriately to promote the necessary participation of members of the Sinti and Roma in cultural, social and economic life and in public affairs in line with the European Charter. This includes institutional funding for the *Land* office as permitted by budgetary considerations.

Aware that the Romani language used by the German Sinti and Roma is recognized as a minority language within the meaning of Part II of the European Charter for Regional or Minority Languages, the *Land* Government also confirms its commitment to the undertakings accepted under this Charter. Considering that the Romani language is an expression of cultural wealth of the Free State of Bavaria, the *Land* Government will protect and promote preservation of this language on the basis of these undertakings. To manage issues especially affecting the Sinti and Roma living in Bavaria, and to implement the individual undertakings under the European Charter for Regional or Minority Languages, the *Land* Government will engage in regular dialogue with the Bavarian *Land* Association of German Sinti and Roma.

The *Land* Association strives for recognition for the minority language Romani under Part III of the Charter with the required quorum.

The *Land* Government will promote remembrance of the more than six-hundred-year history of German Sinti and Roma, especially of their persecution and the systematic genocide committed by the National Socialists.

The existing close cooperation between the Bavarian *Land* Association of German Sinti and Roma and the Bavarian Government will continue in a spirit of historical awareness, public information and promotion of tolerance towards minorities.

**Gesetz zur Förderung des Friesischen im öffentlichen Raum
(Friesisch-Gesetz - FriesischG)**

**Act to promote Frisian in the Public Sphere (Frisian Act)
of 13 December 2004**

Frisian Act

GS Schl.-H. II, Gl.Nr. 188-1

[Schleswig-Holstein Gazette of Laws and Ordinances, 2004, p. 481]

The *Land Parliament* has adopted the following Act:

Preamble

ACKNOWLEDGING the Frisians' desire to preserve their language and thus retain their identity also in future; BEARING IN MIND that everyone is free to declare his or her affiliation with the Frisian ethnic group; TAKING INTO ACCOUNT that outside the borders of Federal Republic of Germany, the Frisians do not have any other mother country that would feel committed to their concerns and would take care of the preservation of their language; HAVING IN MIND that protecting and fostering the Frisian language are in the interest of the *Land* of Schleswig-Holstein; IN CONSIDERATION OF the Council of Europe Framework Convention for the Protection of National Minorities and of the European Charter for Regional or Minority Languages; INVOKING Article 3 of the Basic Law and Article 5 of the Constitution of the *Land* of Schleswig-Holstein;

the Parliament of Schleswig-Holstein adopts the following Act:

Section 1

The Frisian language used by, and in relations with, public authorities

(1) Schleswig-Holstein *Land* recognizes the variants of the Frisian language spoken in Schleswig-Holstein as an expression of the *Land's* intellectual and cultural wealth. Use of this language shall be left to the discretion of its speakers. Its use, in spoken and written form, in public life and encouragement to use it in this way shall be protected and promoted.

(2) Citizens shall have the right to address administrative authorities in Nordfriesland *Kreis* and on the Island of Helgoland in Frisian and to submit applications, records, deeds or other documents in this language; Section 82a, paras. 2 to 4 ["Official Language" (translation and interpretation)] of the *Land Administration Act* applies *mutatis mutandis* whenever the staff of the given public authority have no command of the Frisian language. If a person, in his/her dealings with the public authorities of Nordfriesland *Kreis* or on Helgoland, uses the Frisian language, these authorities may also use the Frisian language in their communications with that person provided that the respective administrative action does not infringe upon the rights of third parties or impair the ability to act of other actors in public administration.

(3) The public authorities in Nordfriesland *Kreis* and on the island of Helgoland may draft bilingual official forms and public notices in the German and Frisian languages.

Section 2
Criterion for the recruitment of public service staff

Schleswig-Holstein *Land*, Nordfriesland *Kreis* and its local authorities as well as the local authorities of Helgoland shall take Frisian language skills into account when recruiting personnel for the public service if and where this is considered necessary for performing a specific function.

Section 3
Signs indicating public buildings

(1) In Nordfriesland *Kreis* and on the island of Helgoland, signs marking buildings of *Land* authorities and buildings of public-law corporations, institutions and foundations that are subject to supervision by the *Land* shall bear bilingual inscriptions in the German and Frisian languages. Where monolingual signs are provided, these may be supplemented by Frisian-language inscriptions.

(2) Nordfriesland *Kreis* and its local authorities and the local authorities of Helgoland may provide bilingual signs in the German and Frisian languages to mark their public buildings and buildings of public-law corporations, institutions and foundations that are subject to their supervision in Nordfriesland *Kreis* and on the island of Helgoland.

(3) Schleswig-Holstein will strive to ensure that signs marking other public buildings and topographical markings in Nordfriesland *Kreis* and on the island of Helgoland will also bear bilingual inscriptions in the German and Frisian languages.

Section 4
Seals and letterheads

The provisions under Section 3 above may be applied *mutatis mutandis* to seals and letterheads used by public authorities and public-law corporations in Nordfriesland *Kreis* and on the island of Helgoland.

Section 5
Colours of the Frisian flag, and the Frisian coat of arms

In Nordfriesland *Kreis*, the colours and the coat of arms of the Frisians may be used together with the colours and the coat of arms of the *Land*. The Frisian colours are gold-red-blue.

Section 6
Place-name signs

In Nordfriesland *Kreis*, pursuant to Section 46, para. 2, of the German Road Traffic Regulations, place-name signs (Sign 310 of the Road Traffic Regulations) may bear bilingual front-side inscriptions in the German and Frisian languages. The public authorities of the *Land* shall take account of, and promote this objective; to this end, they may specify requirements with regard to the design and posting of such signs.

Section 7
Promulgation

This Act shall be promulgated in the German language and in a Frisian translation.

Section 8
Entry into Force

This Act shall enter into force on the day following its promulgation.

The above law is hereby enacted and shall be promulgated.

Kiel, 13 December 2004

Heide Simonis

Minister-President

Klaus Buß

Minister of the Interior

Dr Bernd Rohwer

Minister of Economics, Labour and Transport

Friesian-language translation

Gesäts

fort stipen foont friisk önj e öfentlikhäid

(Friisk-Gesäts - FriiskG)

Foon e 13. önj e jülmoune 2004

Präambel

Önj önjerkåning, dåt da friiske jare språke än deerma jare identitääät uk önj e tukamst bewååre wan, aw grün foon et rucht, dåt följt ham fri tu e friiske följkefloose bekåne mätj, aw grün foon et waasen, dåt da friiske bütetfor da gränse foon e Bundesrepubliik Tjüschlönj nån äinen stoot häåwe, wat ham ferplächtet fäilt än stip da friiske bait bewååren foon jare språke, önjt bewustweesen, dåt dåt schöölen än dåt stipen foon e friiske språke önjt inträse foont lönj Slaswik-Holstiinj läit, aw grün foon e „Rååmeoueriinjskamst foon e Eurooparädj fort schöölen foon natsjonaale manerhäide“ än e „Europääisch charta foon e regjonaal- unti manerhäidespråke“, aw grün foon artiikel 3 foont grüngesäts än artiikel 5 foon e ferfooting foont lönj Slaswik-Holstiinj beslüt di Slaswik-Holstiinjsche Loondäi dåtheer gesäts:

§ 1

Friiske språke önj e öfentlik ferwåltung

- (1) Dåt lönj Slaswik-Holstiinj schucht da friiske språkeforme, wat önj Slaswik-Holstiinj brükd wårde, as en diilj foon e gaistie än kulturäle rikduum foont lönj önj. Följt mötj da änkelte friiske språkeforme fri brüke. Dåt brüken foon da änkelte friiske språkeforme önj e öfentlike ferwåltunge önj uurd än schraft än e motiwatsjoon deertu wårt schööld än stiped.
- (2) Da bürgerine än bürgere koone ouerfor e ferwåltunge önj e kris Nordfraschlönj än awt ailönj Hålilönj di friiske språke brüke än insäkne, dokumänte, urkunde än ouder schraftlik materiool önj e friiske språke forleede. Wan deer niimen önj e ferwåltung as, wat friisk koon, jült § 82 a oufsnit 2 bit 4 foont loonsferwåltungsgesäts südänji uk fort friisk. Brükt en bürgerin unti en bürger ouerfor e ferwåltunge önj e kris Nordfraschlönj unti awt ailönj Hålilönj di friiske språke, sü koone e ferwåltunge uk di friiske språke ouerfor jüdeer bürgerin unti dideere bürger brüke, wan oudere niinj noodiile deerdöör häåwe unti dåt årbe foon oudere ferwåltunge deerdöör ai behanerd wårt.
- (3) Ofisjåle formulaare än öfentlike bekåndmååginge koone foon e ferwåltunge önj e kris Nordfraschlönj än awt ailönj Hålilönj twäärspråket aw tjüsch än aw friisk ütjänj wårde.

§ 2

Kriteerium fort instalen önj e öfentlike tiinjst

Wan huum friisk koon än wan jüdeer kwalifikatsjoon önj e änkelte fâl än önjt konkreet ârbefälj nüsi as, wârt jüdeer kwalifikatsjoon foont lönj Slaswik-Holstiinj än di kris Nordfräschlönj än da komuune önj e kris Nordfräschlönj än awt ailönj Håililönj bait instalen önj e öfentlike tiinjst önjräägend.

§ 3

Schilde bai gebüude

(1) Bai gebüude önj e kris Nordfräschlönj än awt ailönj Håililönj schan twääspräkede schilde aw tjüsch än friisk önjbroocht wârde, wan et ham am ferwâltinge foont lönj unti am organisatsjoone, instituutsjoone än stiftinge eeftert öfentlik rucht hoonelt, wat et lönj tuhiire. Bai üülje iinjspräkede schilde koone schilde aw friisk tufäiged wârde.

(2) Di kris Nordfräschlönj än da komuune önj e kris Nordfräschlönj än awt ailönj Håililönj hääwe et rucht än bräng bai gebüude önj e kris Nordfräschlönj än awt ailönj Håililönj twääspräkede schilde aw tjüsch än friisk önj, wan et ham am ferwâltinge unti am organisatsjoone, instituutsjoone än stiftinge eeftert öfentlik rucht hoonelt, wat e kris unti e komuune tuhiire.

(3) Dât lönj Slaswik-Holstiinj seet ham deerfor in, dât da schilde bai oudere öfentlike gebüude än topograafische betiikninge önj e kris Nordfräschlönj än awt ailönj Håililönj twääspräket aw tjüsch än friisk önjbroocht wârde.

§ 4

Siigele än bräifhoode

Da bestiminge önj e § 3 mätj huum südänji uk for siigele än bräifhoode önjwiinje, wat döör ferwâltinge än organisatsjoone önj e kris Nordfräschlönj än awt ailönj Håililönj brükd wârde.

§ 5

Friiske blaie än woopen

Da blaie än et woopen foon da friiske koone önj e kris Nordfraschlönj tubai da blaie än et woopen foont lönj brükd wårde. Da friiske blaie san gölj-rüüdj-ween.

§ 6

Toorpsschilde

Jü fordernid foon toorpsschilde (ferkiirstiiken 310 önj e strooteferkiirsordning) koon önj e kris Nordfraschlönj eefter § 46 oufsnit 2 strooteferkiirsordning twäärspräket aw tjüsch än friisk weese. Da ferwåltunge foont lönj schan deeraw åchte än jam deerfor inseete, dåt dåtdeer müülj långd wårde koon - want nüsi deet, schal deerbai en rååme seet wårde, hüdånji da schilde ütsiinj än apstald wårde schan.

§ 7

Bekånd måågen

Dåtheer gesäts wårt aw tjüsch än önj en friisk ouerseeting bekånd mååged.

§ 8

Termin

Dåtheer gesäts jült ouf ån dái eeftert bekånd måågen.

**Schleswig-Holstein Schools Act
(Schulgesetz – SchulG)
of 24 January 2007**

Promulgated as Article 1 of the Act on the Further Development of Education in Schleswig-Holstein of 24 January 2007 (Gazette of Laws and Ordinances, p. 39)

§ 124

Subsidies irrespective of need, amount of subsidy

Providers of schools of the Danish minority will be granted a subsidy for every pupil amounting to 100% of the public cost-per-pupil rates established for the previous year, regardless of need. The public cost-per-pupil rates shall be determined on the basis of the payroll costs and material expenses (Section 48 (1) second sentence, Section 36 (2)), which on average were incurred for a pupil at a public school of a similar school type in the *Land* the year before such determination is made. Section 119 (1), (2) and (4), Section 122 (4) and Section 123 (1) and (2) shall apply accordingly, and Section 123 (3) second sentence shall apply with the necessary modifications.

Frisian at schools in the district of Nordfriesland and on the island of Helgoland

Order of the Ministry for Education and Women of 2 October 2008

Promulgated in the newsletter of the Ministry for Education and Women (2008, p. 323)

The European Charter for Regional or Minority Languages is intended to protect and promote the traditional regional and minority languages as a threatened element of European cultural heritage. In Schleswig-Holstein, North Frisian in the North Frisian language area is protected under the Charter as a minority language. Based on the obligations under the Charter Germany has accepted as a contracting party and Schleswig-Holstein has accepted with regard to Article 8 (Education) on behalf of North Frisian, the following has been determined:

1. Schools in the district of Nordfriesland and on the island of Helgoland are required to inform parents that they may request that their child participate in Frisian instruction.
2. Participation in Frisian instruction shall be voluntary.
3. Frisian instruction will be offered as personnel resources allow and if a suitable number (usually a minimum of 12) of pupils is available to form a class. Instruction may include pupils from different grades and from different types of schools.
4. Schools which concentrate on teaching the Frisian language and culture may offer Frisian instruction in the absence of applications to this effect, but Frisian instruction remains voluntary.
5. In grades 5 and 6 of secondary modern and secondary technical schools, regional and grammar schools as well as comprehensive schools, Frisian may be offered as an optional subject or within the framework of a Frisian-language cultural project.
6. From grade 7 onwards, all secondary schools can offer Frisian as an optional subject in the normal curriculum.

At the upper secondary level, the minority language Frisian can be chosen as a substitute for a foreign language, if sufficient staff is available. The possibility of setting up activity groups remains unaffected by this provision.

7. Pupils' performance in Frisian is to be described and graded based on the competence levels of the Common European Framework of Reference for modern languages.

This order shall enter into force upon publication. It shall expire on 31 July 2013.

Multilingual town signs and other informational signs
Order of the Schleswig-Holstein Ministry of Research, Economics and
Transport of 31 March 2009

Based on Section 46 (2) first sentence of the Highway Code (StVO) in conjunction with the administrative regulations on Section 46 (2) of the Highway Code, it shall be permitted, in derogation from Section 42 (3) of the Highway Code and V and VI of the administrative regulations on the signs 310 and 311 Highway Code, at the request of the relevant municipality to erect multilingual town signs (Sign 310 Highway Code) in Standard German and the relevant regional or minority language.

Such multilingual signs shall be permitted under the following conditions:

1. Multilingual town signs may not be erected in addition to, but only in place of, existing town signs.
2. If multilingual town signs are to be erected, such signage should be consistent throughout the relevant municipality or district.
3. Town signs should not use more than two languages, especially since a list of various names would significantly reduce the authority of the individual additional names. The municipality concerned shall be responsible for deciding in individual cases.
4. Names in more than one language shall be displayed only on the front of the sign.
5. Only the name of the municipality or district may be displayed in more than one language (including additional designations allowed under the administrative regulations on Sign 310). Signs for administrative districts may not be in more than one language.
6. The name of the municipality or district in the regional or minority language must be written directly beneath the Standard German name in noticeably smaller print.

7. The costs for replacing or adding to town signs shall be borne by the relevant municipality. The relevant municipality shall submit to the responsible road traffic authority a declaration of intent to assume the costs unless it is anyway responsible for road construction and maintenance.

Based on Section 46 (2) first sentence of the Highway Code, it shall also be permitted, in derogation from Section 42 (7) of the Highway Code, at the request of the relevant community to erect multilingual information signs (Sign 385 Highway Code) in Standard German and the relevant regional or minority language, where used to identify places with the official place name.

The conditions for multilingual town signs listed above shall also apply to multilingual information signs with the necessary modifications.

The same shall apply to polders indicated by signs (Sign 385 of the Highway Code).

Topographical signs

Independent of the special reference to possible bilingual town signs, Section 3 (3) of the Frisian Act contains the general statement that Schleswig-Holstein will strive to ensure that signs marking other public buildings and topographical markings in Nordfriesland *Kreis* and on the island of Helgoland will also bear bilingual inscriptions in the German and Frisian languages. This statement shall apply also to marking topographical elements with official traffic signs as necessary.

With regard to this legal statement, the following rule shall apply:

Based on Section 46 (2) first sentence of the Highway Code (StVO) in conjunction with the administrative regulations on Section 46 (2) of the Highway Code, it shall be permitted, in derogation from Section 42 (7) of the Highway Code and the administrative regulations on Sign 386 Highway Code in conjunction with the guidelines for tourist information signs, to erect bilingual (Standard German and the relevant regional or minority language) tourist information signs for special topographical features (e.g. bodies of water and elevations) on request.

When erecting such information signs, Section 45 (9) Highway Code shall be taken into account.

The cost of replacing existing signs or adding new ones shall be borne by the requesting party (Section 51 Highway Code).

If existing signs for topographical features (in particular bodies of water) to be replaced have the format of Sign 385 Highway Code, for reasons of uniformity they shall be replaced with Sign 386 Highway Code.

Direction signage

The special provisions above shall not affect direction signs.

However, the following special provisions shall apply:

Based on Section 46 (2) first sentence of the Highway Code (StVO) in conjunction with the administrative regulations on Section 46 (2) of the Highway Code, it shall be permitted, in derogation from Section 42 (7) and (8) of the Highway Code and the guidelines for direction signage apart from motorways (RWB 2000) or the guidelines for tourist information signs, to indicate individual institutions for which the regional or minority language is clearly relevant (e.g. an institute or cultural centre of the relevant ethnic group) using bilingual signs (Sign 386 or 432 Highway Code) in exceptional cases on request.

When erecting such information signs, Section 45 (9) Highway Code shall be taken into account.

With regard to costs, in such cases the relevant provisions of the Road Traffic Act or Section 51 of the Highway Code shall apply.

This order replaces the order of 11 June 2007.

Opinion of the Federal Ministry of Justice Berlin, July 2009**Introduction of Frisian as an official language in court**

1. The current legal situation does not lead to detrimental results. According to Section 184 first sentence of the Judicature Act (GVG), the official language in court is German. However, based on the constitutional right to a fair trial (Article 2 (1), Article 20 (3) of the Basic Law), the right to a legal hearing (Article 103 (1) Basic Law) and the right of recourse to the courts (Article 19 (4), Article 20 (3) Basic Law), the courts are obligated to take into account statements by persons involved in proceedings which are in a foreign language, including documents and evidence in a foreign language. If persons who have no or insufficient command of German are involved, proceedings may be conducted in the foreign language if the court is convinced that all persons involved in proceedings have a sufficient command of that language (Section 185 (2) GVG). If not, an interpreter must be provided to translate statements into German. In case of a criminal investigation, the accused shall be informed of the charges in a language he/she understands and shall have the opportunity to respond to the charges. As soon as it is apparent that communication is not possible for language reasons, it shall be mandatory to provide an interpreter also in this case. Articles 5 (2) and 6 (3) (a) of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) also stipulate this right.

Frisians who also speak German are therefore required to speak German before the courts. Only if they do not have a sufficient command of German, and only if proceedings cannot be conducted with all participants in Frisian, is it necessary to provide an interpreter for oral arguments. Procedural documents are to be submitted in German. If the court requires that a document in a foreign language is to be submitted, it may require the submitting party to provide a translation so that the court may take its content into account (Section 142 (3) of the Code of Civil Procedure (ZPO)). The legal situation is the same as for any other party to proceedings who does not speak German. It has proven entirely satisfactory in practice.

2. The applicable provisions of Section 184 GVG do not constitute discrimination against Frisians in comparison to the legal status granted them by Schleswig-Holstein's Frisian Act in dealings with the authorities. Under Section 1 (2) of this Act, Frisians in their settlement areas in Schleswig-Holstein have the right to address administrative

authorities in Frisian, even if they are able to speak German. If the administrative authorities are unable to read Frisian, however, the documents submitted in Frisian must be accompanied by a German translation provided at the submitter's expense (Section 82a (2) of the Schleswig-Holstein Administrative Act (LVwG SH). If no translation is provided, the authorities may commission one. The costs of such translation and of any necessary interpreting are to be borne by the person who exercises his/her right to use the Frisian language (Section 82a (2) third and fourth sentences LVwG SH).

This also applies in the (rare) event that the person speaks only Frisian and no German. In this case, the federal legislation governing the official language in court is much more favourable to the Frisian speaker, as the losing party in civil cases must bear the costs of language mediation (Section 91 ZPO). In criminal cases, the costs of language mediation are always borne by the state, in compliance with Article 6 (3) (e) ECHR, even if the defendant is found guilty; the court may charge such costs to the defendant only if he/she unnecessarily causes them (e.g. through neglect) (No. 9005 of the index of costs for the Act on Court Costs (GKG), Sections 464c, 467 (2) first sentence of the Code of Criminal Procedure).

Current federal law on the language in court differs from Schleswig-Holstein's rules on official language to the disadvantage of the Frisians only in that it requires them to use German if they are able. The advantage of Schleswig-Holstein's rules is however significantly limited by requiring those who wish to use Frisian to pay for the cost of language mediation.

2. The current legal situation complies with the European Charter for Regional or Minority Languages. As far as the use of Frisian in court proceedings is concerned, Germany has accepted only the following obligations under the Charter:
 - allowing documents and evidence to be presented in Frisian in proceedings before civil and administrative courts, if necessary by providing interpreters or translations (Article 9 (1) (b) (iii) in conjunction with Article 2 (2) and Article 3 (1) of the Charter), and

- not denying the validity of legal documents written in Germany only because they are written in Frisian (Article 9 (2) (a) in conjunction with Article 2 (2) and Article 3 (1) of the Charter).

As far as the first point is concerned, which is the only one relevant here (presentation of documents and evidence), Section 142 (3) ZPO (in conjunction with Section 173 of the Code of Administrative Court Procedure (VwGO)) implements this with regard to the obligation undertaken under the Charter for proceedings in civil and administrative courts. According to this provision, the court may order the provision of translations as necessary. The provisions of the Charter which Germany has accepted explicitly do not state that the participating parties should not incur additional expenses, as demonstrated by other provisions of the Charter (compare Article 9 (1) (a) (iv), (b) (ii), (c) (ii), and (d)).

However, Section 142 (3) ZPO applies directly only to contested civil proceedings. As far as matters of non-contentious jurisdiction (in this case, the register of associations) are concerned, the current Act on matters of non-contentious jurisdiction (FGG) contains no reference to this provision. The literature provides different answers to the question whether the original of the association statutes must be in German to be entered in the register of associations, or whether it suffices to present a foreign-language original accompanied by a German translation. To be correct, one would have to say that, due to Germany's acceptance of the above-mentioned provisions of the European Charter for Regional or Minority Languages in the jurisdiction of the Flensburg local court, presenting a Frisian original accompanied by a German translation is sufficient. When the Act to Reform the Act on Procedures in Family Matters and in Matters of Non-Contentious Jurisdiction enters into force on 1 September 2009, this conclusion will also be able to draw on Section 97 (1) first sentence of the Act on Procedures in Family Matters and in Matters of Non-Contentious Jurisdiction (FamFG), which explicitly grants priority to international agreements applicable nationally in matters of non-contentious jurisdiction. The European Charter for Regional or Minority Languages constitutes such an international agreement and has applied to the federal territory since 1 January 1999. In case of doubt, however, the German translation must be authoritative. This is essential from the perspective of law on associations and also complies with the above-mentioned provision in Article 9 (1) (b) (iii) of the Charter, which allows documents and evidence to be produced in the regional or minority languages, if necessary “by the use of interpreters and translations”.

4. Nor does the applicable law violate the principle of equal treatment. Expanding Section 184 second sentence GVG in order to give Frisians the same right to use their minority language in court as the Sorbs cannot be derived from the general principle of equality in Article 3 (1) and (3) of the Basic Law. The principle of equality only prohibits lawmakers from unequal treatment of matters that are essentially the same without reasonable cause, and it makes certain specific differences subject to special justification. The current rule does not violate this principle.

Sorbs were granted the right to use their minority language also in court by the German Democratic Republic in 1949 (Article 11 of the GDR constitution of 7 October 1949 and Article 40 of the GDR constitution of 6 April 1968 in the version of 7 October 1974). At the request of the GDR, this right was maintained in the Unification Treaty. In addition to a joint note of both German states on Article 35 of the Unification Treaty, Annex I Chapter III Sub-section A III 1 r on the Treaty states that the right of the Sorbs to speak Sorbian in court in their areas of settlement shall not be affected by Section 184 GVG. The First Act on the Reform of Federal Law within the remit of the Federal Ministry of Justice (1. RBerG) declared (r) above to be no longer applicable and added the second sentence to Section 184 GVG with effect from 25 April 2006. The explanatory memorandum to the government draft (Bundestag document 16/47 p. 50 on Article 17 no. 8) explicitly states that this establishes the previous legal situation unchanged.

So the law gives preference to Sorbian not based on its linguistic characteristics, but because of a previous title under the GDR constitution, which was included in the Unification Treaty and was ultimately to be incorporated into judicature law. The preservation of this old title, which arose outside the influence of federal lawmakers before coming under their regulatory powers, constitutes a reason of fact justifying the privilege of the Sorbs over other ethnic groups with their own regional or minority languages, because these groups cannot point to a similar entitlement.

There is no basis for claiming equal treatment with the German language. The principle of equality, also expressed as a prohibition against discrimination on the basis of language, is subject to a constitutional limitation, in that the Federal Republic of Germany is constituted as a nation-state based on monolingualism. This allows for qualification based on language use.

5. In addition, expanding Section 184 second sentence GVG would also entail the risk of unnecessary errors in proceedings, as it is safe to assume that neither the judges nor the other parties in the settlement areas of the Frisian ethnic group have a command of Frisian. This would regularly require providing interpreters and translators to translate from Frisian into German. Interpreting and translating may be unavoidable at times but always represent an additional risk of error. Because Section 184 GVG orders the use of German as the general means of communication in court, this provision also serves the purpose of ascertaining the truth and fulfilling the right to a legal hearing. As provided in Section 185 GVG, exceptions to this principle should be limited to those cases when a party does not have a sufficient command of German. This is not likely to apply in most cases to be discussed here; according to the Federal Ministry of the Interior, almost all members of the Frisian ethnic group speak German as well as their minority language.

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**Brandenburg Administrative Procedure Act
(Verwaltungsverfahrensgesetz für das Land Brandenburg, VwVfGBbg)**

of 7 July 2009

**Section 4
Sorbian participants in legal proceedings**

Section 23 (2) to (4) of the Administrative Procedure Act applies in the Sorbian settlement area under the condition that Sorbian participants in proceedings are not charged for interpreters and translators. Notwithstanding Section 23 (3) of the Administrative Procedure Act, the time limit begins the day an authority in the Sorbian settlement area receives a notice, application or statement of intent in Sorbian.

Minor interpellation

of MP Ole Thorben Buschhüter (SPD) of 13 October 2009

and the Senate's response

Subject: Implementation of the Resolution "Schiller op plattdüütsch"

At its meeting of 7 February 2008, the Hamburg Parliament unanimously passed the following resolution (Doc. 18/7833):

1. *De Senot schall kieken, wat an de groten roden Schiller mit „Freie und Hansestadt Hamburg“ un dat Stadtwappen dorop ünner en lütt Schild mit „Hamborg seggt Goden Dag“ un op de anner Sied „Hamborg seggt Tschüß“ anbummelt warm kann.*
2. *De Senot schall dat meuglich maken, wat op de witten (oder roden) Schiller för de Deelee vun de Stadt so as „Moorwerder/Moorwarder“ un „Neuengamme/Neigamm“ de Namen in beide Sproken stohn kann, wenn de Lüüd dat dor so wüllt un ook betolt un ook de Regionolutschuss/de Bezirksversammlung nix dorgegen hett.*

In this context, I ask the Senate:

1. *What is the current status of the Hamburg signs at the Land borders?*
2. *Has the plan for implementing this resolution been completed?*

If so: when and with what content?

If not: Why not? When can we expect it to be completed?

The parliamentary request in Doc. 18/7833 has fallen victim to discontinuity and is therefore not being pursued by the responsible authority.

3. *Is there already a proposal for how the signs should look?*
If so: What does the proposed design look like? (Please enclose.)
If not: Why not? When will the proposal be presented?
4. *Have the phrases "Hamborg seggt Goden Dag" and "Hamborg seggt Tschüß" already been added to the Hamburg signs at the Land borders?*

If so: How many and where?

If not: Why not?

5. *How many Hamburg signs are there at the Land borders?*

There are currently eight red Hamburg signs (3x2-metre signs with the coat of arms and the writing "Freie und Hansestadt Hamburg") at the *Land* borders with Lower Saxony and Schleswig-Holstein.

In the districts, there are 13 red entry signs with the coat of arms and the writing "FREIE UND HANSESTADT HAMBURG" at the *Land* border with Schleswig-Holstein. At least 45 additional points of entry are marked with yellow entry signs with the words "Hamburg" and in some cases "Freie und Hansestadt Hamburg".

6. *Does the responsible authority already have a model showing how the signs (special signs 313-51) will appear with bilingual text?*

If so: What does the proposed design look like? (Please enclose.)

If not: Why not? When will the proposal be presented? NA; see answer to

question 1.

7. *What are the Low German names for the 105 Hamburg neighbourhoods?*

The Senate does not have a Low German translation of the neighbourhood names.

8. *Have bilingual neighbourhood signs already been erected in Hamburg?*

If so: Where, when and at whose initiative? Who paid for them?

No.

9. *How much*

a) does a Hamburg sign, and

b) a neighbourhood sign with bilingual text cost?

Including pole, foundation and installation, the 3x2-metre Hamburg sign on the motorway costs about €2,100.

A Hamburg sign at the *Land* border costs about €1,000 and a bilingual neighbourhood sign costs about €500.