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**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**APPLICATION OF THE CHARTER IN GERMANY**

**5th monitoring cycle**

- A. Report of the Committee of Experts on the Charter**
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Germany**

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making recommendations for improving its legislation, policy and practices. The central element of this procedure is the Committee of Experts, set up under Article 17 of the Charter. Its principal purpose is to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15, paragraph 1, an outline for periodical reports that a Party is required to submit to the Secretary General. The report should be made public by the State. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under Part II and, in more precise terms, all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee of Experts' first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee of Experts' role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee of Experts gathers information from the respective authorities and from independent sources within the State, so as to attempt to obtain a fair and just overview of the real language situation. After a preliminary examination of an initial periodical report, the Committee of Experts submits, if necessary, a number of questions to each Party to obtain supplementary information from the authorities on matters it considers insufficiently developed in the report itself. This written procedure is usually followed up by an on-the-spot visit by a delegation of the Committee of Experts to the State in question. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention. This information-gathering process is designed to enable the Committee of Experts to evaluate more effectively the application of the Charter in the State concerned.

Having concluded this process of collecting information, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter may decide to address to the State Party.

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## **A. Report of the Committee of Experts on the application of the Charter in Germany**

adopted by the Committee of Experts on 14 November 2013  
and presented to the Committee of Ministers of the Council of Europe  
in accordance with Article 16 of the Charter

### **Chapter 1 Background Information**

#### **1.1. The ratification of the Charter by Germany**

1. The Federal Republic of Germany signed the European Charter for Regional or Minority Languages (hereafter referred to as “the Charter”) on 5 November 1992 and ratified it on 16 September 1998. The Charter entered into force in Germany on 1 January 1999.
2. The instrument of ratification of Germany is set out in the Appendix to this report. Germany declared at the time of ratification the regional or minority languages protected under the Charter were Danish, Upper Sorbian, Lower Sorbian, North Frisian, Sater Frisian, Low German and Romani.
3. Article 15, paragraph 1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers. The German authorities presented their fifth periodical report to the Secretary General of the Council of Europe on 8 April 2013.

#### **1.2. The work of the Committee of Experts**

4. This fifth evaluation report is based on the information obtained by the Committee of Experts from the fifth periodical report of Germany as well as through interviews held with representatives of the regional or minority languages in Germany and the German authorities during the on-the-spot visit, which took place from 20–23 August 2013. The Committee of Experts received comments from bodies and associations legally established in Germany, submitted pursuant to Article 16, paragraph 2 of the Charter.
5. In the present fifth evaluation report the Committee of Experts will focus on the provisions and issues under both Part II and Part III which were singled out in the fourth evaluation report as raising particular problems. It will evaluate in particular how the German authorities have reacted to the issues detected by the Committee of Experts and, where relevant, to the recommendations made by the Committee of Ministers. The report will firstly recall the key elements of each issue. The Committee of Experts will also look at the new issues detected during the fifth monitoring round.
6. The present report contains detailed observations that the German authorities are urged to take into account when developing their policy on regional or minority languages. On the basis of these detailed observations, the Committee of Experts has also established a list of general proposals for the preparation of a fifth set of recommendations to be addressed to Germany by the Committee of Ministers, as provided in Article 16, paragraph 4 of the Charter.
7. This report is based on the political and legal situation prevailing at the time of the Committee of Experts’ on-the-spot visit to Germany (August 2013).
8. The present report was adopted by the Committee of Experts on 14 November 2013.

#### **1.3. General issues arising in the evaluation of the application of the Charter in Germany**

9. The German authorities have continued to inform the public at large about the Charter and the regional or minority languages used in Germany. A new brochure on minorities and regional or minority languages was published in 2012 by the Federal Ministry of the Interior<sup>1</sup>. In addition, the Ministry organised an implementation conference on the Charter and the Framework Convention for the Protection of National Minorities. The Committee of Experts considers these measures as exemplary and shares the view of the

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<sup>1</sup>[http://www.bmi.bund.de/SharedDocs/Downloads/DE/Broschueren/2013/Minderheiten\\_Minderheitensprachen.pdf?\\_\\_blob=publicationFile](http://www.bmi.bund.de/SharedDocs/Downloads/DE/Broschueren/2013/Minderheiten_Minderheitensprachen.pdf?__blob=publicationFile)

Advisory Committee on the Framework Convention for the Protection of National Minorities that this constitutes best practice to be followed by other states<sup>2</sup>.

10. In the fourth evaluation report, the Committee of Experts encouraged the authorities to give a presentation of the cooperation between *Länder* authorities with regard to the protection and promotion of Low German in the next periodical report.

11. According to the fifth periodical report, federal and state officials of the eight *Länder* where Low German is spoken have been meeting annually, since 2007. According to the information provided, the meetings repeatedly focused on education, but the role of Low German in the media, administration and justice was also discussed. The latest meeting took place in May 2013 (see also under Part II).

12. On the occasion of the 20<sup>th</sup> anniversary of the signing of the Charter by Germany, in November 2012, the German *Bundestag* discussed language protection in Germany and adopted a list of requirements to the federal and *Land* authorities. Among others, it invited the authorities to develop, in co-operation with the speakers, a global strategy promoting regional and minority languages, and to ensure a greater impact of these languages in education, administration and media, in line with the Charter.

13. One general problem which persists in the education field is that there seems to be a lack of supervision of minority language education in line with the Charter. According to the German authorities, the existing structures, such as the education ministries and school authorities, monitor the measures to develop regional or minority language education. The German authorities maintain that no further reporting or new mechanism at central level is necessary for fulfilling the undertaking, as it would only increase bureaucracy and costs.

14. The Committee of Experts would like to underline that the purpose of monitoring minority language education is to identify satisfactory measures and methods which work well, as well as areas where additional efforts or other measures are needed. Monitoring reports are therefore very important in the development of minority language education. Regular reports provide the opportunity to assess minority language education over time, thereby making it possible to adjust methods and measures according to the experiences acquired through the reports. Publication of the reports makes the monitoring system transparent. It creates opportunities for representatives of regional or minority language speakers and civil society to take part in a public discussion on the development of minority language education, based on measures taken and progress achieved.

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<sup>2</sup>Third Opinion on Germany of the Advisory Committee on the Framework Convention for the Protection of National Minorities, paragraph 6, ACFC/OP/III(2010)003

## Chapter 2 Conclusions of the Committee of Experts on how the German authorities reacted to the recommendations of the Committee of Ministers

### Recommendation no. 1:

*“adopt specific legal provisions, where their absence hinders practical implementation of the undertakings which Germany has entered into under the Charter”*

15. No further legal provisions to implement the Charter have been adopted. The German authorities maintain that the Charter is directly applicable and no further legal provisions are needed.

### Recommendation no. 2:

*“ensure that the reduction of subsidies for private schools and cuts of the transport allowances will not jeopardize the continued functioning of the Danish-language education at the current level”*

16. The German authorities made up, by federal funding, for the reduction of subsidies to the Danish Schools Association by Schleswig-Holstein in 2011 and 2012. In 2013, an agreement was reached to take back the reductions and to put the financing of Danish schools on a suitable long-term basis. As regards the transport allowances, in 2009-2011, Schleswig-Holstein reimbursed half of the costs that the districts of Schleswig-Flensburg, Nordfriesland and Rendsburg-Eckernförde had voluntarily paid in transport allowances for 2008, 2009 and 2010. In the meantime, an amendment to the Schools Act has been adopted in order to cover allowances for the transport of pupils to schools of the Danish minority.

### Recommendation no. 3:

*“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”*

17. **North Frisian** education still meets with difficulties, as teaching generally takes place outside regular hours, due to a lack of teachers and since there are no binding curricula. In addition there is a lack of continuity between school levels and programmes. The new *Land* Government of Schleswig-Holstein has decided to take up these problems and to develop a structured policy for North Frisian language education.

18. In August 2011, Lower Saxony adopted the decree on *The Region and its Languages in Education (Die Region und ihre Sprachen im Unterricht)*. On the basis of this decree, mandatory subjects in primary education may be taught in **Sater Frisian**. In practice, subjects are taught bilingually or using the immersion method. The rules in the decree also apply to lower secondary and to optional compulsory subjects, except foreign languages. Advice and support is offered to schools for implementing their activities related to Sater Frisian. Knowledge of Sater Frisian may be added as an additional qualification required by schools when recruiting teachers. Various research and education-related projects are conducted in cooperation with the University of Oldenburg and civil society.

19. In practice, compared to the situation in the last monitoring cycle, two additional kindergartens use **Lower Sorbian** and one additional primary school teaches the language. However, there have been no structured measures on behalf of the authorities to strengthen Lower Sorbian education. Bilingual education remains rare, the existing offer does not cover all the territory where Lower Sorbian is spoken, the educational models vary, and there is a lack of continuity between school levels. The current situation will, in practice, not lead to a preservation of Lower Sorbian.

### Recommendation no. 4:

*“ensure that the provision of education in Upper Sorbian is not jeopardized by the changes in the educational system concerning this language”*

20. The “2plus” model, introduced in the 2002-2003 school year and consisting of bilingual German-Upper Sorbian education to all pupils, irrespective of their linguistic background, was examined in a scientific study which found the results positive. It seems that the model has strengthened language learning in the mixed areas; however, the effects on the language competence of native Upper Sorbian speaking children still need to be assessed.

### Recommendation no. 5:

*“upgrade the teaching of Low German to the status of a regular school subject being taught as an integral part of the curriculum and increase the number of hours devoted to Low German, in the Länder concerned”*

21. Hamburg remains the only *Land* where Low German is taught as a regular school subject, with separate hours allocated to it. In Lower Saxony, on the basis of the decree on *The Region and its Languages in Education*, in force since 1 August 2011, subjects may be taught in Low German. As a rule, this means bilingual teaching. Lower Saxony wishes to assess the language learning possibilities offered by the decree, before deciding on introducing Low German as a regular subject. In all the other *Länder*, Low German is taught as part of the German classes, or in working groups outside regular school hours.

**Recommendation no. 6:**

*“ensure that an effective monitoring mechanism in the sense of the Charter exists in the field of education for all regional or minority languages covered under Part III”*

22. No measures have been taken to ensure an effective monitoring mechanism in the field of education for regional or minority languages. The German authorities maintain that no further reporting or mechanisms are necessary to fulfil this undertaking. Any such measures would merely increase bureaucracy and costs.

23. However, Lower Saxony set up a supervisory body composed of representatives of the authorities and of the minority associations, monitoring how the Charter provisions in the field of education are implemented. The monitoring is based on Lower Saxony’s school authority report, which provides information on how Sater Frisian and Low German is promoted, how the allotted teaching hours are used and on the activities of the advisers for Sater Frisian and Low German.

**Recommendation no. 7:**

*“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”*

24. A structured policy for the use of regional and minority languages in dealings with the administration or, where relevant, in courts continues to be lacking. The authorities maintain the view that, as long as the possibility exists *de jure* according to statutory law, no additional measures are necessary. Saxony adopted, in 2012, a Plan of Measures to Encourage and Revive the Use of the Sorbian Language (hereinafter, the Sorbian Language Plan), which contains measures relevant for the use of Sorbian in administration. Some encouragement measures have been taken by Lower Saxony, concerning the use of Sater Frisian. The use of regional and minority languages in these fields is still very limited in practice.

**Recommendation no. 8:**

*“take measures so that adequate radio and television broadcasting is available in Danish, Low German, Lower Sorbian, North Frisian, Romani, Sater Frisian”*

25. The presence of regional or minority languages in the media, in particular television, remains limited and irregular. The German authorities continue to consider that their possibilities to intervene in this field are limited, due to the independence of the media.

26. There have been no developments concerning **Danish** and **Lower Sorbian**. Some progress was made for **North Frisian** which is now used on private radio (*Friiskfunk*). In 2010, Lower Saxony amended the Media Act, which now requires broadcasters to include the regional and minority languages spoken in their coverage area (**Sater Frisian** and **Low German**) in an adequate manner in their programme. In addition, the Federal Commissioner for Matters related to the Ethnic German Repatriates and National Minorities wrote to the chair of the broadcasting board of *Norddeutscher Rundfunk* (NDR), asking for further promotion of television broadcasts in Sater Frisian. However, Sater Frisian is still not present on television. Bremen also amended the Media Act in 2012, and this now requires broadcasters to provide an adequate share of programmes in **Low German**. There is a presence of **Low German** on private television in Bremen. A private TV channel in Hamburg occasionally includes **Low German** in its programme. Schleswig-Holstein seconded the Commissioner for National Minorities and Ethnic Groups to the Broadcasting Board of the *Deutschlandfunk* broadcasting station, hoping to improve the presence of minorities in public broadcasting. DW broadcasts a 15-minute weekly programme in **Romani**. Moreover, in 2012, Bremen concluded an agreement with the German Sinti and Roma Association, related also to presence in the media.

## **Chapter 3 The Committee of Experts' evaluation in respect of Part II and Part III of the Charter**

### **3.1. Evaluation in respect of Part II of the Charter**

27. The German authorities declared at the moment of ratification that, as a result of German law and administrative practice, the requirements of a number of Part III provisions were met with regard to Romani on the whole territory of the Federal Republic of Germany and with regard to Low German in the *Länder* of Brandenburg, North Rhine-Westphalia and Saxony-Anhalt. The Committee of Experts decided that Part II applied to these languages in these cases.

28. The Committee of Experts will focus on the provisions of Part II which were singled out in the fourth report as raising particular problems. It will therefore not comment in the present report on provisions where no major issues were raised in the fourth evaluation report and for which the Committee of Experts did not receive any new information requiring it to reassess their implementation. These provisions are as follows:

Article 7, paragraph 1.a;  
Article 7, paragraph 1.e;  
Article 7, paragraph 1.g;  
Article 7, paragraph 1.i;  
Article 7, paragraph 2;  
Article 7, paragraph 3.

#### **Article 7**

##### **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:*

- b the respect of 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;*

##### **Lignite mining and the Sorbian languages**

29. In the fourth monitoring cycle, the Committee of Experts was informed of plans to expand the lignite mining area in Brandenburg. The envisaged expansion would have resulted into the resettlement of the population of a village belonging to the officially defined settlement area of the Sorbs, which could have had negative repercussions on the promotion of Lower Sorbian. Therefore, the Committee of Experts encouraged the authorities to continue their efforts to compensate the difficulties in the protection and promotion of the Sorbian language caused by lignite mining.

30. No new information is provided on the subject in the fifth periodical report.

31. The Committee of Experts asks the German authorities to provide more specific information, including the efforts to compensate the difficulties in the protection and promotion of the Sorbian language caused by lignite mining in the next periodical report.

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

##### **Upper and Lower Sorbian**

32. In the fourth evaluation report, the Committee of Experts asked the authorities to provide more information on the initiative to develop a strategy to encourage the use of Sorbian in public life in the forthcoming periodical report.

33. According to the fifth periodical report, the Sorbian Language Plan was adopted by Saxony in 2012. This strategy was prepared in cooperation with the speakers. It is divided into three chapters: learning and improving the knowledge of Sorbian, using Sorbian in public life, knowledge about the Sorbian language and culture, each with its own set of measures. Such measures include, for example, improving the knowledge of Sorbian in the public service, by training courses or possibly requiring knowledge of Sorbian for certain posts, developing the offer of Sorbian at pre-school level, improving teacher training, offering opportunities to



learn Sorbian and obtain certificates in accordance with Common European Framework of Reference for Languages, improving bilingual signage, including in the private sector, using Sorbian for announcements in public transport, using Sorbian place names in mail addresses, encouraging the use of Sorbian in tourism, providing interpreters and interpretation equipment for Sorbian-German simultaneous interpretation at events or meetings, encourage the use of Sorbian in social care facilities, improving the information about Sorbian language and culture in schools, training for civil servants about the Sorbian language and culture, as well as minority rights, increasing the information about Sorbian language and culture in tourism. The Committee of Experts commends the authorities for the Sorbian Language Plan, which it considers best practice.

34. As far as Lower Sorbian is concerned, Brandenburg is currently revising the Law on the Rights of the Sorbs. The representatives of the Lower Sorbian speakers have suggested that the law should be brought in line with the Charter provisions. It seems, however, that the basic deficiency of the law in delimiting the Sorbian speaking area is not likely to be corrected, due to strong resistance from local authorities. The Committee of Experts would welcome more information in this respect in the next periodical report.

35. The language contest between bilingual municipalities *Serbska rěc jo žywa – Serbska rěč je žiwa – Sprachenfreundliche Kommune* took place for the second time in 2011-2012, under the auspices of the parliament presidents of Saxony and Brandenburg, the two councils for Sorbian, and the *Domowina*. The aim was to raise awareness among municipalities of the Sorbian language and to encourage their use. The second European football championship of minorities also took place in Upper Lusatia, Saxony.

### **Low German**

36. In the fourth evaluation report, the Committee of Experts requested information on the concrete measures that have been taken as a result of the consultation meetings of the federal and *Länder* authorities with the umbrella association of the speakers. Furthermore, the Committee of Experts encouraged the authorities of Schleswig-Holstein to review the plans for a complete discontinuation of the support provided to the Institute for Low German (*Institut für niederdeutsche Sprache*) in order not to jeopardise the activities of this institution.

37. According to the fifth periodical report, the meeting of federal and state officials on Low German has been held annually, since 2007, in one of the eight *Länder* where Low German is spoken. Meetings repeatedly focused on education, but the role of Low German in the media, administration and justice was also discussed. The latest meeting took place in May 2013. The Committee of Experts asks the authorities again to inform on concrete measures that have been taken as a result of this meeting.

38. As for the Institute for Low German, according to the fifth periodical report, the termination of the agreement to provide funding was reversed and the subsidies for the institute have only been reduced from 2012 on. Schleswig-Holstein will continue to be a member of the Institute. Moreover, the government and the Low German Council of the Schleswig-Holstein Parliament asked Brandenburg, Mecklenburg-Western Pomerania, North Rhine-Westphalia and Saxony-Anhalt to provide financial support to the Institute for Low German. The Committee of Experts requests the German authorities to provide further information on the participation of the states of Brandenburg, Mecklenburg-Western Pomerania, North Rhine-Westphalia and Saxony-Anhalt to the support of the Institute for Low German. Moreover, it encourages the German authorities to ensure that the activities of the Institute for Low German will not be hindered because of the financial cuts.

39. A conference organised by the Federal Council for Low German (*Bundesrat für Nedderdüütsch*) and the Institute for Low German, in November 2010 was also funded by the Federal Ministry of the Interior.

40. In 2012 and 2013 Lower Saxony provided € 450 000 as financial support to promote Low German in schools. The funding to the *Landschaften* and *Landschaftsverbände* (municipal associations) has been increased by € 600 000 as targeted project support for Low German. € 1.15 million are earmarked for research and education in Low German and Sater Frisian.

### **Romani**

41. According to the fifth periodical report, North Rhine-Westphalia continues to fund the Advisory Office for Sinti and Roma, which mediates between the minority, majority and their institutions, and also promotes school and extra-curricular education, among other things. The *Sinti-Allianz* in North Rhine-Westphalia has not requested any financial support, so the authorities have not worked with them in recent years.

42. Rhineland-Palatinate continues to provide funding to the Association of German Sinti and Roma in Rhineland-Palatinate, and the Sinti Union of Rhineland-Palatinate. According to the comments made by

Roma and Sinti associations, more funding would be necessary. The Sinti radio programme *Latscho Dibes* is not supported by public funding. The Hildesheim Sinti music festival funding is no longer secured either.

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

### **Low German**

43. In 2012 the Parliament of Mecklenburg-Vorpommern submitted an interpellation in Low German to the *Land* government.

44. In Brandenburg, the Low German speakers expressed their wish for Low German to be present in the media, in the areas where Low German is spoken. Low German could also be promoted in activities related to tourism and culture.

45. The Low German theatre company of Münster had its production of the Low German play *Spiells van Dr Faustus* professionally recorded and produced a DVD thanks to the contribution of North Rhine-Westphalia. At the initiative of the Münster district authorities, all institutions working in the field of Low German produced a cultural programme in autumn 2011, which was advertised throughout the Münsterland region and attracted large audiences.

46. Low German theatre competitions and workshops are organised throughout Saxony-Anhalt.

47. Various authorities of Schleswig-Holstein have initiated a new prize to promote Low German in day-care centres, schools, higher education and youth groups - the *Emmi für Plattdüütsch in Sleswig-Holsteen*.

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

48. The teaching and study of languages covered under Part III is examined in detail in the section dealing with Part III undertakings.

### **Low German**

49. Part II only applies to Low German in the following *Länder*: Brandenburg, Saxony-Anhalt and North Rhine-Westphalia. Low German is covered by Part III in Lower Saxony, but with regard to education the essential components of primary and secondary education are missing in the Part III ratification for Low German. The Committee of Experts underlines that there is a need for a structured policy to promote Low German across all levels of education.

50. In the fourth evaluation report, the Committee of Experts called upon the Lower Saxony authorities to develop a structured policy intended to improve the state of Low German education in primary and secondary schools and to grant a secure place for Low German in the educational system.

51. According to the fifth periodical report, the decree on *The Region and its Languages in Education* entered into force in Lower Saxony on 1 August 2011. On the basis of this decree, specific mandatory subjects in primary education may be taught in the regional or minority language (bilingually, or using *inter alia* the immersion method). These rules also apply to lower secondary schools and may also be applied to optional compulsory courses or subjects. The Lower Saxony's school authority has recruited 20 teachers for advisory work. Furthermore, schools may apply for the "Low German" label. Since 2009, further training courses have been offered on the basis of the core curriculum, which take into account language learning (an average of 35 participants for each course). Since 2012, the Low German position of chair of Germanic linguistics at the University of Oldenburg has been permanent. During the past years, various types of Low German courses were also tested at the University of Oldenburg. In 2012, Lower Saxony's State Ministry of Education and the *Ostfriesische Landschaft* agreed to cooperate on an education project for the learning of Low German and Sater Frisian as early second languages (*Zweitsprache*). The authorities finally report that before taking a decision on introducing Low German as an additional subject, they wish to analyse the language learning possibilities in regular classes offered under the decree. The Committee of Experts would welcome further information on the results of this analysis. In order to continue and further develop the positive steps towards the strengthening of Low German education, the earmarked funding for Low German education programmes needs to be put on a stable basis and should be enlarged.

52. Saxony-Anhalt has taken various measures concerning the teaching of Low German at preschools and primary schools. At the beginning of the 2011-2012 school year, there were 26 Low German working

groups at 25 schools, attended by 221 pupils and the authorities are seeking to provide more offers and attract more pupils. Moreover, it is possible to follow some teaching of Low German at different levels of University, including training in Low German for teaching staff; a text book in Low German was revised and delivered to 41 schools. Saxony-Anhalt is also funding a project of the *Landesheimatbund* (association of regional culture) on early childhood education. A reading competition is also organised. It appears, however, that there is no structured policy intended to improve the state of Low German education in primary and secondary schools.

53. Brandenburg has declared that it would not introduce Low German as a separate subject in primary or secondary education, due to the low number of interested pupils. Low German is, however, offered in the form of activity groups at some primary schools. It seems that there is practically no offer of Low German classes in the ordinary school system. A structured and comprehensive offer in Low German is needed in education, starting with pre-school and continuing to primary and secondary school.

54. According to the fifth periodical report, the North Rhine-Westphalia's Ministry for Schools and Continuing Education is currently reviewing the possibility of conducting a school pilot project in Low German. This project, initially limited to five years, would be carried out at six to ten primary schools, building on the German core curriculum investigating language and language use as an integral part of the curriculum. There is no offer at kindergarten level. The Committee of Experts asks the German authorities to provide further information on this project. Low German competitions for primary school pupils continue to be very important for the schools. In the Münsterland and in Münster, a new model for experienced teachers and artists has been developed, with support from the district government, which enables the Low German speakers to offer Low German activities for schools. In commemoration of the 150th birthday of Augustin Wibbelt (well-known writer in Münsterland) in 2012, the University of Münster and the Augustin Wibbelt Society planned a campaign for schools and cultural associations across Westphalia. These local efforts are laudable, but they cannot replace a structured and comprehensive offer in Low German throughout the state school system in the Low German speaking part of North Rhine-Westphalia.

55. The Committee of Experts encourages the German authorities to continue their efforts to provide education in Low German. It also maintains its position that the German authorities should develop a structured policy to protect and promote Low German across all levels of education.

### **Sater Frisian**

56. In the fourth evaluation report, the Committee of Experts encouraged the German authorities to take the necessary structural measures, in particular in the field of teacher training, to ensure the sustainability of the initiative to teach Sater Frisian bilingually at kindergartens and in primary schools in Saterland.

57. According to the fifth periodical report, one of the schools participating in the project on early bilingualism is a primary school in Saterland; as a result, primary school children in Saterland have been learning Sater Frisian since January 2012. The decree on *The Region and its Languages in Education* also applies to Sater Frisian in Lower Saxony.

58. During the on-the-spot visit, the Committee of Experts noted that there is still no structured teacher training for Sater Frisian and encourages the German authorities to arrange such training so that teaching operates on a continuing basis.

### **Romani**

59. The situation of Romani in Hesse is dealt with in Part III of this report.

60. As far as the Committee of Experts is aware, almost no teaching of the language of the Sinti and Roma is taking place in practice in the *Länder*, except in Hamburg. During the on-the-spot visit, the Committee of Experts did not receive any information on this matter. It emphasises the need to promote Romani in education and asks the German authorities to provide information on this issue in the next periodical report.

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

### **Low German**

61. In the fifth periodical report, the German authorities state that various research projects on Low German are carried out by the University of Oldenburg. In 2011, the University of Oldenburg submitted an application to the German Research Foundation (DFG) for an initial project on language contact between

Sater Frisian, Low German and High German in Saterland; this application was approved in 2012. The University of Oldenburg also serves as a partner for the various projects, in which aspects of language promotion, language protection and cultural work predominate (*Saterland as a model region for early bilingualism*; completion of the dictionary of Sater Frisian; Sater Frisian language course). A project, aiming at collecting audio recordings in the region Bersenbrücker Land, is intended to serve as a model for other projects in other Low German regions. Another project is dedicated to the Low German-High German online dictionary for Ostfriesland.

#### **Paragraph 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.*

#### **Low German**

62. In October 2012, the parliament of Bremen set up an Advisory Council on Low German (Beirat Platt), to the president of the parliament. The Advisory Council is composed of representatives of the parliamentary groups, of the Institute for Low German, the Low German umbrella NGOs from Bremen and Bremerhaven, of the schools, academics, media, theatre, churches and administration. The Advisory Council provides a framework for sharing information and ensures participation of the Low German speakers in all cultural matters. During the on-the-spot visit, the Committee of Experts learnt that a similar consulting body exists also in Hamburg, but its meetings are not held regularly.

63. During the on-the-spot visit, the Committee of Experts was informed by the authorities that the two main Low German associations in Mecklenburg-Western Pomerania went bankrupt, due to violations of the budgetary regulations. These used to be subsidised on an institutional basis, not only project-based, but these subsidies were discontinued due to the violation of budgetary regulations. At present, there are no Low German associations in the *Land* with regional coverage, and only two remaining cultural institutions promote Low German: the *Fritz-Reuter-Bühne*, in Schwerin, performing theatre plays in Low German and the *Literaturmuseum* in Stavenhagen. The Committee of Experts encourages the authorities to facilitate the re-emergence of a Low German civil society umbrella association, possibly on the basis of one of the existing institutions.

#### **Romani**

64. In the fourth evaluation report, the Committee of Experts encouraged the German authorities to take into consideration, in the promotion of Romani, the needs and wishes expressed by all relevant groups which use Romani in Germany.

65. The German authorities continue to co-operate only with the *Zentralrat deutscher Sinti und Roma*, and not with the *Sinti-Allianz Deutschland*, the other of the two umbrella NGOs of the German Sinti and Roma. The Committee of Experts urges the German authorities to take into consideration, in the promotion of Romani, the needs and wishes expressed by all relevant groups which use Romani in Germany.

66. During the on-the-spot visit, the Committee of Experts was informed that Hesse is negotiating a framework agreement about the promotion of the group with *Zentralrat deutscher Sinti und Roma*.

67. Schleswig-Holstein is in the process of amending its Constitution. The proposed new text, *inter alia*, expressly provides for the protection and promotion of the German Sinti and Roma. A committee, including representatives of the minority, will be established by the president of the parliament.

## 3.2. Evaluation in respect of Part III of the Charter

### 3.2.1. Danish in the Land of Schleswig-Holstein

68. For the purposes of the present report, the Committee of Experts will not comment on provisions in relation to which no major issues were raised in the previous evaluation reports and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. In the case of Danish in Schleswig-Holstein, these provisions are the following:

Article 8, paragraph 1.a.iv; b.iv; c. iii/iv; d.iii; e.ii; f.ii/iii; g; h; paragraph 2;  
Article 9, paragraph 1.b.iii; c.iii; paragraph 2.a;  
Article 10, paragraph 4.c; paragraph 5;  
Article 11, paragraph 1.e.ii; paragraph 2;  
Article 12, paragraph 1.c; d; e; f; g; paragraph 2;  
Article 13, paragraph 1.a, c, d  
Article 14.a; b.

69. For these provisions, the Committee of Experts refers to the conclusions reached in its previous reports but reserves the right to evaluate the situation again at a later stage.

## Article 8 – Education

### *Subsidies to Danish schools and transport costs for pupils attending Danish schools*

70. In the fourth evaluation report, the Committee of Ministers recommended to the German authorities **“to ensure that the reduction of subsidies for private schools and cuts of the transport allowances will not jeopardise the continued functioning of the Danish-language education at the current level”**. Furthermore, the Committee of Experts encouraged the German authorities to ensure that the foreseen budgetary cuts of the Land of Schleswig-Holstein do not jeopardise the current level of provision of Danish-language education.

71. According to the fifth periodical report, a federal grant largely made up for the cuts of funding attributed to the Danish Schools Association by the Land of Schleswig-Holstein in 2011 and 2012. In 2013, an agreement was reached to take back the reductions and to put the financing of Danish schools on a suitable long-term basis. The Schools Act was amended accordingly.

72. In addition, according to the fifth periodical report, in 2009-2011, Schleswig-Holstein reimbursed the districts half of the costs that the districts of Schleswig-Flensburg, Nordfriesland and Rendsburg-Eckernförde had voluntarily paid in transport allowances for 2008, 2009 and 2010. Moreover, in 2012, the governing coalition parties stated in an agreement that the state government would make the necessary amendment to the Schools Act in order to cover allowances for the transport of pupils to schools of the Danish minority, in an effort to establish the equality of Danish minority schools and public schools.

73. During the on-the-spot visit, the Committee of Experts was informed that this amendment had been adopted and implemented. The Committee of Experts commends the authorities for this step.

### **Paragraph 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:*

- 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.*

74. In the fourth evaluation report, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers recommended that the German authorities **“ensure that an effective monitoring mechanism in the sense of the Charter exists in the field of education for all regional or minority languages covered under Part III”**.

75. The Committee of Experts refers to its comments under *General issues arising in the evaluation of the application of the Charter in Germany* (paragraphs 13-14). It reiterates that the current undertaking does not necessarily require the setting up of a new body to carry out the monitoring envisaged under this undertaking. It is, for example, possible for existing supervisory bodies to carry out these functions and integrate them into existing administrative structures. The reports from the monitoring process should be made public. The current reporting mechanism referred to by the German authorities does not fulfil the requirements of this undertaking.

76. The Committee of Experts considers the undertaking not fulfilled.

## 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:*

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

77. In the fourth evaluation report, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”. Furthermore, the Committee of Experts strongly urged the German authorities to ensure that documents in Danish can be submitted to administrative authorities in practice.

78. According to the fifth periodical report, users of Danish may validly submit a document in Danish with a German translation. Specific talks with respect to the validity of documents drafted in Danish were to be held in the first six months of 2013, as requested by the Danish minority.

79. During the on-the-spot visit, the Committee of Experts was informed that the authorities are implementing a model of submitting documents in Danish to the *Land* authorities in Kiel. As a rule, the documents drafted in Danish are accepted in Schleswig-Holstein. However, users of Danish may be asked to attach a German translation. In these cases, the costs of translation are borne by the Danish speakers. The authorities are in a process of amending the legislation to make sure that the documents can be submitted in Danish.

80. The Committee of Experts welcomes the initiatives taken and asks for information on the new legislation in the next periodical 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:*

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

81. In the fourth evaluation report, the Committee of Experts considered this undertaking partly fulfilled. The Committee of Ministers recommended that the German authorities “**take measures so that adequate radio [...] broadcasting is available in Danish**”. Furthermore, the Committee of Experts strongly urged the German authorities to take measures to encourage and/or facilitate a sufficient level of broadcasting of radio programmes in Danish on a regular basis.

82. According to the fifth periodical report, Danish is sometimes used in interviews on the *NDR 1 Welle Nord*. Moreover, journalists of the *NDR 1 Welle Nord* and the Danish *Radio P4 Syd* produced a one-hour German-Danish radio feature which was broadcast on *NDR 1 Welle Nord* in August 2012. In addition, *Radio*

*Schleswig-Holstein (R.SH)* produces programmes and features in Danish in cooperation with the Danish newspaper *Flensburg Avis*. There are broadcasts several times a day on weekdays. Furthermore, regional windows are offered on special occasions, such as elections. The coalition agreement covering the period of 2012–2017 foresees discussion with the *NDR* to make sure that public service broadcasting reflects the linguistic and cultural diversity prevailing in Schleswig-Holstein.

83. During the on-the-spot visit, however, the Committee of Experts was informed that, regarding the negotiation with *NDR*, no significant improvements have been made.

84. The Committee of Experts notes that no significant developments have taken place and maintains its previous conclusion that this undertaking is partly fulfilled.

***The Committee of Experts strongly urges the authorities to take measures to encourage and/or facilitate a sufficient level of broadcasting of radio programmes in Danish on a regular basis.***

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

85. In the fourth evaluation report, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**take measures so that adequate [...] television broadcasting is available in Danish**”. Furthermore, the Committee of Experts strongly urged the German authorities to take measures to encourage and/or facilitate the broadcasting of television programmes in Danish on a regular basis.

86. According to the fifth periodical report, the governing coalition was planning an agreement with the *NDR* broadcasting station. However, pursuant to the information received during the on-the-spot visit, this issue did not lead to further development (see also Article 11, paragraph 1.b.ii). At present, the Danish language is used by the *NDR* broadcasting studio in Flensburg in only marginal instances, in interviews in the *SH-Magazin* and *SH 18:00* programmes (in subtitles or voice-over). The Flensburg branch of the Open Channel (*Offener Kanal*) Schleswig-Holstein regularly produces and broadcasts Danish programmes, which can be received in the area of Flensburg, Schleswig, Niebüll and Kappeln. The German authorities report that the cooperation between the Open Channel Flensburg and *AI-TV*, a non-profit making television station in Åbenrå, Denmark, plays an important role in this production and broadcasting. During the on-the-spot visit, the Committee of Experts was informed by the Danish speakers that there is no involvement of the German authorities in supporting the activities of Open Channel Flensburg.

87. The Committee of Experts considers this undertaking partly fulfilled. It encourages the authorities to take measures to encourage and/or facilitate the broadcasting of television programmes in Danish on a regular basis.

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

88. In the fourth evaluation report, the Committee of Experts considered this undertaking not fulfilled.

89. The fifth periodical report refers to the programmes of Open Channel Flensburg. However, the Committee of Experts has not been informed of any measures taken by the authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in Danish relevant under this undertaking.

90. In light of this information, the Committee of Experts considers this undertaking not fulfilled.

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

91. In the fourth evaluation report, the Committee of Experts requested the German authorities to provide information about audiovisual productions in Danish that have been supported by the *Filmförderung Hamburg Schleswig-Holstein*.

92. No information is provided on this issue in the fifth periodical report.

93. The Committee of Experts considers the undertaking not fulfilled.

## Article 12 – Cultural Activities and Facilities

### 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.*

94. In the fourth evaluation report, the Committee of Experts considered this undertaking not fulfilled at federal level.

95. The Federal Foreign Office and the *Goethe-Institut* do not take any measures to promote the regional and minority languages and cultures in the framework of the cultural and educational policy abroad. The German authorities do not consider such measures necessary for the implementation of this undertaking.

96. The Committee of Experts underlines that this provision requires the German authorities to include the Danish language and the culture it reflects when presenting Germany's culture and heritage abroad. As a first step, embassies and the *Goethe-Institut* could distribute the brochure *National minorities, regional and minority languages in Germany*, issued by the Ministry of the Interior, at international events where Germany promotes its culture abroad.

97. The Committee of Experts considers this undertaking not fulfilled at federal level. It encourages the authorities to make appropriate provision for the Danish language and the culture it reflects, when pursuing their cultural policy abroad.

## Article 13 - Economic and social life

### 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:*

- 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;*

98. In previous monitoring cycles, the Committee of Experts considered the undertaking fulfilled, based on the information received.

99. In the fifth monitoring round, the Committee of Experts received complaints from the speakers about the possibility to be received and treated in Danish in hospitals.

100. Based on this information, the Committee of Experts asks the authorities to provide detailed information in this respect in the next periodical report.



### 3.2.2. Upper Sorbian in the Free State of Saxony

101. In this section, the Committee of Experts will focus on problematic areas and new developments in the protection and promotion of Upper Sorbian. It will therefore not assess the implementation of provisions which were fulfilled in the previous monitoring cycles, apart from such undertakings where the Committee of Experts has received new relevant information. The following provisions will not be commented upon:

Article 8, paragraph 1.e.ii; f.iii; g;  
Article 9, paragraph 1 b iii, c iii, d; paragraph 2.a;  
Article 10, paragraph 2.a; g; paragraph 5;  
Article 11, paragraph 1.d; e.i; paragraph 2;  
Article 12, paragraph 1.b; c; d; e; f; g; h; paragraph 2;  
Article 13, paragraph 1.a; d.

102. For these provisions, the Committee of Experts refers to the conclusions reached in its previous reports, but reserves the right to evaluate the situation again at a later stage.

## Article 8 – Education

### Paragraph 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:*

- a 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;*

103. In the fourth evaluation report, the Committee of Experts considered this undertaking fulfilled. However, it encouraged the competent authorities to take measures to ensure that the demand for pre-school education in Upper Sorbian is met with a sufficient number of adequately trained pre-school teachers.

104. The fifth periodical report does not contain specific information on this issue. However, the Sorbian Language Plan mentions the training of Sorbian-speaking pre-school teachers as one of its objectives and foresees the evaluation and improvement of the offer of the Sorbian College for Social Pedagogy in Bautzen/Budyšin (*Sorbische Fachschule für Sozialpädagogik*).

105. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled, but nevertheless asks the authorities to provide information on the implementation of the Sorbian Language Plan in the next periodical report.

- b 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;*

106. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled. The Committee of Ministers recommended that the German authorities “**ensure that the provision of education in Upper Sorbian is not jeopardised by the changes in the educational system concerning this language**”. Furthermore, the Committee of Experts encouraged the authorities to take the necessary measures so that the practical implementation of the “2plus” model ensures adequate language proficiency of the Upper Sorbian-speaking pupils.

107. According to the fifth periodical report, the evaluation of the “2plus” model project has been finalised. The results indicate that all pupils involved made progress in their language development. They had

improved access to Upper Sorbian and a better attitude towards the language. Pupils were also better able to read and write in both German and Upper Sorbian and achieved functional bi- and multilingualism, enabling them to use their language skills in various situations. The “2plus” model project was launched in 2002/2003, in all six Upper Sorbian primary schools and the primary school in Schleife/Slepo, as well as at secondary level in a number of schools. Bilingual classes were set up, irrespective of the different linguistic backgrounds of the pupils and all curricular and extracurricular activities were carried out bilingually.

108. According to the representatives of the Upper Sorbian speakers, the “2plus” model raises concerns where the Sorbian mother-tongue pupils make up small proportions compared to the non-mother tongue pupils. This situation is the result of earlier reforms, which have led to school closures and thus changed the enrolment composition in the remaining schools. Although the “2plus” model is meant to remedy this, by offering early bilingual education, the evaluation of the project shows that the conditions of and the results in language learning differ significantly. In their view, if the “2plus” model is to be successful, clearer regulations are needed for its implementation at the two former mother tongue education schools that have adopted it. In addition, better resources, in particular qualified teachers for bilingual education, are required. To this end, a binding ordinance of the *Land* Ministry of Education would be necessary.

109. The Committee of Experts considers the undertaking fulfilled. It nonetheless asks the authorities to take care that the practical implementation of the “2plus” model ensures adequate language proficiency to the Upper Sorbian mother tongue pupils.

- c* *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;**

110. In the fourth evaluation report, the Committee of Experts considered this undertaking partly fulfilled. The Committee of Ministers recommended that the German authorities “**ensure that the provision of education in Upper Sorbian is not jeopardised by the changes in the educational system concerning this language**”. Furthermore, the Committee of Experts encouraged the authorities to take the necessary measures so that the practical implementation of the *2 plus* model ensures adequate language proficiency of the Upper Sorbian-speaking pupils.

111. According to the fifth periodical report, the evaluation of the “2plus” model project has been finalised and the results are positive (see Article 8.1. b.iv above). The “2plus” model project was launched in 2002/2003, in all four Upper Sorbian secondary schools (*Mittelschulen*), the Sorbian grammar school (*Gymnasium*) and the secondary school in Schleife/Slepo. Bilingual classes were set up, irrespective of the linguistic background of the pupils and all curricular and extracurricular activities were carried out bilingually. However, the representatives of the speakers are still concerned about the effects of the “2plus” model on the language competence of Upper Sorbian mother tongue students (see Article 8.1.b.iv).

112. The Committee of Experts considers the undertaking fulfilled. It nonetheless asks the authorities to take care that the practical implementation of the “2plus” model ensures adequate language proficiency of the Upper Sorbian-speaking pupils.

- d* *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;**

113. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It urged the competent authorities to take proactive measures to identify areas where vocational training in Upper Sorbian might be offered.

114. According to the fifth periodical report, Upper Sorbian is still only offered at the Sorbian College for Social Pedagogy in Bautzen/Budyšin. The Committee of Experts has not been informed of any measures to identify other areas where vocational training in Upper Sorbian might be offered.

115. According to the representatives of the speakers, Upper Sorbian could also be taught in the vocational training for tourism. The Committee of Experts also notes that the Sorbian Language Plan foresees the encouragement of the use of Upper Sorbian in the tourism industry.

116. The Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled. It strongly urges the competent authorities to identify, in cooperation with the speakers, other areas of technical or vocational education where teaching in or of Upper Sorbian could be offered.

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

117. In the fourth monitoring cycle report, the Committee of Experts asked for more information on the implementation of the recruitment agreement between the Ministry of Education and the Sorbian-speaking students, guaranteeing them a teaching position, as it had been informed of difficulties in finding vacancies for the practical phase of the teacher training.

118. According to the fifth periodical report, the students of the Sorbian grammar school (*Gymnasium*) are regularly informed about the possibility to conclude the recruitment agreement, in case they wish to follow teacher training. Such students are guaranteed places for practical training. In addition, the Coordinator for Sorbian Affairs at the Bautzen Regional Office of the Saxon Education Agency has established the practice of having the Sorbian-speaking teacher training students reporting annually on their progress, in order to minimise any possible problems. The Committee of Experts welcomes this information.

119. The representatives of the speakers have drawn the attention of the Committee of Experts to the fact that an increased number of qualified teachers for bilingual education are necessary for the adequate implementation of the “2plus” model (see under Article 8.1.b.iv above). Furthermore, the Committee of Experts is aware that the Sorbian Language Plan foresees a reinforcement of the training for Sorbian-speaking teachers, including for pre-school teachers.

120. While considering the undertaking fulfilled, the Committee of Experts would welcome more information on the developments in teacher training, once the Sorbian Language Plan is implemented.

*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.*

121. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**ensure that an effective monitoring mechanism in the sense of the Charter exists in the field of education for all regional or minority languages covered under Part III.**”

122. The Committee of Experts refers to its comments under *General issues arising in the evaluation of the application of the Charter in Germany* (paragraphs 13-14). It reiterates that the current undertaking does not necessarily require the setting up of a new body to carry out the monitoring envisaged under this undertaking. It is for example possible for existing supervisory bodies to carry out these functions and integrate them into existing administrative structures. The reports from the monitoring process should be made public. The current reporting mechanism referred to by the German authorities does not fulfil the requirements of this undertaking

123. The Committee of Experts considers this undertaking not fulfilled.

## **Paragraph 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.*

124. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It urged the authorities to take measures to make available Upper Sorbian education in a pro-active manner in those places where the number of users would justify such an offer.

125. According to the fifth periodical report, educational offers are provided or can be provided if and when actual demand exists. As a result, no further measures are necessary. The Committee of Experts received no information about measures taken by the authorities to inform about the possibility of teaching in or of Upper Sorbian, outside the Upper Sorbian traditional language area, nor about any such teaching actually taking place.

126. The Committee of Experts thus considers the undertaking not fulfilled. It strongly urges the authorities to make available Upper Sorbian education, outside the Sorbian traditional language area, in those places where the number of users would justify such an offer, most likely Dresden and Leipzig<sup>3</sup>.

## 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:*

*a 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; and/or if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

*b 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 if necessary by the use of interpreters and translations;*

*c 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 if necessary by the use of interpreters and translations;*

127. In the fourth evaluation report, the Committee of Experts considered these undertakings partly fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages [...] in the courts**”. Furthermore, the Committee of Experts encouraged the authorities to take measures to improve the implementation of these undertakings in practice.

128. In the fifth periodical report, the authorities state that the right to use Sorbian before courts is implemented in practice. According to the periodical report, the Upper Sorbian speakers are aware of this right, as are the legal professionals. Courts have Upper Sorbian-speaking staff. In addition, the authorities state that they raise awareness on the possibilities to use Upper Sorbian before courts at public events or during law courses at grammar school.

129. However, Upper Sorbian is practically not used before courts.

130. The Committee of Experts was informed by the representatives of the Sorbian speakers, that during the monitoring cycle, the regional court was relocated from Bautzen/Budyšin to Görlitz, which is situated outside the Sorbian settlement area. The relocation caused some concerns to the Sorbian-speakers, but the application of Section 9 of the Act on the Sorbs’ Rights in the Free State of Saxony, dealing with the use of Sorbian before courts, has been extended. However, the consequences in practice are not yet known.

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<sup>3</sup> Third Opinion on Germany of the Advisory Committee on the Framework Convention for the Protection of National Minorities, paragraphs 11-12, ACFC/OP/III(2010)003

131. The Committee of Experts maintains its previous conclusion that the undertakings are partly fulfilled. It asks the authorities to provide information about the implementation of these undertakings in practice, including about the use of Sorbian before the regional court in Görlitz, in the next periodical 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:*

- a iv to ensure that users of regional or minority languages may submit oral or written applications in these languages;*

132. In the fourth evaluation report, the Committee of Ministers recommended that the German authorities **“take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]”**. Furthermore, the Committee of Experts encouraged the authorities to provide specific information with respect to the *Land* administrative bodies physically situated outside the Upper Sorbian language areas and which had responsibilities within those areas.

133. According to the fifth periodical report, the *Land* administrative bodies physically situated outside the Upper Sorbian settlement area where the Act on the Sorbs’ Rights in the Free State of Saxony applies, have no obligation to accept applications in Upper Sorbian.

134. The Committee of Experts underlines that, under the Charter, the Upper Sorbian speakers must be able to submit oral and written applications in Upper Sorbian to all *Land* administrative bodies which have responsibilities within the Upper Sorbian language area, as well as to those situated outside this area. The Committee of Experts asks the authorities to provide information on any cases where *Land* authorities situated outside the Sorbian language area deal directly with citizens in the language area.

### Paragraph 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:*

- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

135. In the fourth evaluation report, the Committee of Experts considered the undertaking fulfilled in the core area, and only formally fulfilled in other parts of the Upper Sorbian language area. The Committee of Ministers recommended that the German authorities **“take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]”**. Furthermore, the Committee of Experts encouraged the German authorities to take measures in order to encourage the practical use of the possibility to submit applications in Upper Sorbian to local and regional authorities in other parts of the Upper Sorbian language area outside the core area.

136. According to the fifth periodical report, commissioners for Sorbian affairs and Upper Sorbian speaking staff are present within the administrative bodies. In the rural district of Görlitz, 27 out of 2000 civil servants speak Upper Sorbian. Applications are received in Upper Sorbian, and the reply is drawn up in German, or Upper Sorbian, if the applicant so requested. The authorities received no complaints concerning the way applications in Upper Sorbian are dealt with. Furthermore, one of the objectives of the Sorbian Language Plan is to increase the Sorbian language skills in the public service, by considering them an asset in job applications and by offering Sorbian language courses to civil servants.

137. The Committee of Experts considers the undertaking fulfilled.

### 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:*

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

138. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”. The Committee of Experts urged the authorities to take measures in order to ensure that replies from public bodies are given in Upper Sorbian.

139. According to the fifth periodical report, the administrative authorities are allowed to reply in Upper Sorbian to requests, but have no obligation in this sense. However, as a rule, replies are given in Upper Sorbian if the applicant so requests. It is not clear to the Committee of Experts whether this applies also to public services provided by the administrative authorities or other persons acting on their behalf (i.e. hospitals, public transport). The Committee of Experts asks the authorities to clarify this issue in the next periodical report.

### 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:*

- 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.*

140. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”. Furthermore, the Committee of Experts urged the authorities to take measures to ensure compliance as far as possible with requests from public service employees with knowledge of Upper Sorbian to be appointed in the territory in which that language is used.

141. According to the fifth periodical report, no information is available on the number of requests from public service employees with knowledge of Upper Sorbian to be appointed in the territory in which the language is used. The report further refers to the measures provided for by the Sorbian Language Plan: to consider Sorbian language skills as an asset in job applications and to offer Sorbian language courses to civil servants. The Committee of Experts welcomes the information on the measures contained in the Sorbian Language Plan, but it lacks information about how the authorities comply with requests from public service employees with knowledge of Upper Sorbian to be appointed in the territory in which the language is used.

## 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:*

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

142. In the fourth evaluation report, the Committee of Experts considered the undertaking fulfilled, in light of the existing offer on public service broadcasting<sup>4</sup>. It nevertheless encouraged the authorities to promote the broadcasting of Upper Sorbian programmes by private radio broadcasters.

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<sup>4</sup> Paragraph 17, 3<sup>rd</sup> Report of the Committee of Experts on the application of the Charter in Germany, ECRML (2008) 4

143. According to the fifth periodical report, the Act on Private Broadcasting provides that the private broadcasters should take into consideration the views of the minorities. The Sorbian associations have one representative in the assembly of the Saxony's media authority (*Sächsische Landesmedienanstalt*, SLM). The Saxonian Training and Testing Channel (*Sächsischer Ausbildungs- und Erprobungskanal*, SAEK) launched by Saxony's media authority broadcasts in Sorbian.

144. According to the representatives of the speakers, no private radio stations broadcast programmes in Upper Sorbian, mainly because of a lack of resources. However, they commend the training of young Upper Sorbian speakers by the SAEK, as they gain the necessary skills to produce radio or TV programmes.

145. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled. It nevertheless encourages the authorities to further promote the broadcasting of Upper Sorbian programmes also by private radio broadcasters.

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

146. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled, in light of the existing offer on public service broadcasting<sup>5</sup>. It encouraged the authorities to promote the broadcasting of Upper Sorbian television programmes on a regular basis.

147. According to the fifth periodical report, the public broadcaster MDR continues to broadcast the monthly programme in Upper Sorbian *Wuhladko*. There are no private TV channels broadcasting programmes in Upper Sorbian.

148. The Committee of Experts maintains its previous conclusion that the undertaking remains partly fulfilled. It encourages the authorities to promote the broadcasting of Upper Sorbian television programmes on a regular basis.

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

149. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the authorities to apply existing measures for financial assistance also to audiovisual productions in Upper Sorbian and to inform the Committee of Experts in the next periodical report.

150. According to the fifth periodical report, the authorities focus on film projects for children and young people in Upper and Lower Sorbian. In 2009-2011 eight projects co-funded by the *Land* authorities were finalised. In 2012, the production of one film by *Domowina*, in preparation of the 10<sup>th</sup> International Folklore Festival in Lusatia received financial support from the Federal Ministry of the Interior.

151. It is not clear to the Committee of Experts whether the audiovisual projects mentioned above were supported by applying the general existing measures for financial assistance to audiovisual productions in Upper Sorbian, to which Article 11.1.f.ii refers, or they were part of a scheme specifically targeting audiovisual productions in minority languages, which is covered by Article 11.1.d, already fulfilled. The Committee of Experts is not in a position to conclude on the fulfilment of the undertaking and asks the authorities to clarify these aspects in the next periodical 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;*

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<sup>5</sup> Ibid.

152. In the fourth evaluation report, the Committee of Experts considered the undertaking still fulfilled at the time of the report. The Committee of Experts had been informed by the representatives of *Domowina* that the available resources were not enough to ensure the future of institutional structures and the financial situation remained precarious.

153. According to the information received during the on-the-spot visit, the German authorities (the federal level, the *Länder* Brandenburg and Saxony) have continued to finance the Foundation for the Sorbian People with considerable budgetary means. In 2012 the contribution even increased by € 1 000 000. The Committee of Experts commends the authorities for these measures.

154. The Committee of Experts considers the undertaking fulfilled.

### **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.*

155. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled at federal level.

156. The Federal Foreign Office and the *Goethe-Institut* do not take any measures to promote the regional and minority languages and cultures in the framework of the cultural and educational policy abroad. The German authorities do not consider such measures necessary for the implementation of this undertaking.

157. The Committee of Experts underlines that this provision requires the German authorities to include the Upper Sorbian language and the culture it reflects when presenting Germany's culture and heritage abroad. As a first step, embassies and the *Goethe-Institut* could distribute the brochure *National minorities, regional and minority languages in Germany*, issued by the Ministry of the Interior, at international events where Germany promotes its culture abroad.

158. The Committee of Experts considers this undertaking not fulfilled at federal level. It encourages the authorities to make appropriate provision for the Upper Sorbian language and the culture it reflects, when pursuing their cultural policy abroad.

## **Article 13 – Economic and social life**

### **Paragraph 1**

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

- c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

159. In the fourth evaluation report, the Committee of Experts considered the undertaking only partly fulfilled. It encouraged the authorities to strengthen their efforts to oppose practices designed to discourage the use of Upper Sorbian in connection with economic or social activities.

160. According to the information received, the Sorbian Language Plan envisages taking focused measures in that regard.

161. The Committee of Experts maintains its previous conclusion that the undertaking remains partly fulfilled at present.

### **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:*

- 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;*



162. In the fourth evaluation report the Committee of Experts considered the undertaking partly fulfilled. It strongly urged the authorities to take measures to ensure that social care facilities can receive and treat the persons concerned in Upper Sorbian.

163. According to the fifth periodical report, the Sorbian Language Plan provides for intensified contacts with social care providers, in order to raise awareness about the benefits of using Upper Sorbian in social care facilities and convince them to offer this possibility. Otherwise, the authorities maintain that they are not competent in this area and that privately-run social facilities are free to select their own staff, the only legal requirements being those concerning professional skills. Although subject to supervision, these facilities could not be obliged to employ Sorbian-speaking staff.

164. While welcoming the information about the Sorbian Language Plan, the Committee of Experts reiterates<sup>6</sup> that the current undertaking requires authorities to *ensure* that Upper Sorbian is used in these establishments, which can only be achieved by a bilingual human resources policy. It reiterates its view that it is possible for the authorities to take measures such as regulations governing the relevant qualifications which take account of a person's knowledge of Upper Sorbian, or facilities and incentives for the existing social care personnel to improve their Upper Sorbian skills<sup>7</sup>.

165. The Committee of Experts considers the undertaking partly fulfilled. It encourages the authorities to take measures to ensure that social care facilities can receive and treat the persons concerned in Upper Sorbian.

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<sup>6</sup> Paragraph 184, 3<sup>rd</sup> Report of the Committee of Experts on the application of the Charter in Germany, ECRML (2008) 4

<sup>7</sup> Paragraph 465, 2<sup>nd</sup> Report of the Committee of Experts on the application of the Charter in Germany, ECRML (2006) 1

### 3.2.3. Lower Sorbian in the Land of Brandenburg

166. In this section, the Committee of Experts will focus on problematic areas and new developments in the protection and promotion of Lower Sorbian. It will therefore not assess the implementation of provisions which were fulfilled in the previous monitoring cycles, apart from such undertakings where the Committee of Experts has received new relevant information. The following provisions will not be commented upon:

Article 8, paragraph 1 f.iii;  
Article 9, paragraph 1 b iii, c iii; paragraph 2.a;  
Article 10, paragraph 2.g; paragraph 4.a;  
Article 11, paragraph 1d; e i; paragraph 2;  
Article 12, paragraph 1.b; c; d; e; f; g; h; paragraph 2;  
Article 13, paragraph 1.a; c.

167. For these provisions, the Committee of Experts refers to the conclusions reached in previous reports, but reserves the right to evaluate the situation again at a later stage.

#### Article 8 – Education

168. There is a need for decided efforts by the *Land of Brandenburg* to strengthen the presence of Lower Sorbian in education. Language acquisition in families has practically broken down. Accordingly, the maintenance of Lower Sorbian is largely dependent on language learning in the school system. However, the current presence of Lower Sorbian in the educational system is too marginal to deliver a real contribution towards language maintenance and revitalisation.

#### Paragraph 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:***

- a**
  - 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;***

169. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

170. According to the fifth evaluation report, ten nursery schools are using Lower Sorbian. However, the Committee of Experts was informed by the Lower Sorbian speakers that five different models are applied by the ten nursery schools and no reliable studies on their effectiveness exist. In the long-term, it would not be possible to maintain many of these offers, due to a lack of qualified pre-school teachers. In addition, in large parts of the Sorbian settlement area there is no offer of Lower Sorbian at pre-school level.

171. The Committee of Experts maintains its previous conclusion that the undertaking is only partly fulfilled. It encourages the authorities to extend the Lower Sorbian pre-school offer and to ensure that a sufficient number of adequately trained pre-school teachers is available.

- b**
  - 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;***

172. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled. The Committee of Ministers recommended that the German authorities “**adopt and implement a structured**

**policy for the promotion and preservation of [...] Lower Sorbian, including in particular measures which ensure as a matter of urgency that primary [...] education is systematically available in [this language]”.**

173. According to the fifth periodical report, in the Cottbus/Chóšebuz school district, 20 public schools and one church school offer Lower Sorbian in primary education. In addition, the primary school in Drebkau offered Lower Sorbian for the first time in the sixth grade in the 2011/2012 school year. The *Witaj* project (bilingual teaching in Lower Sorbian) is carried out in five additional schools. In the Wünsdorf school district, two schools teach Lower Sorbian, and one of these also participates in the *Witaj* project. On the whole, in the 2011/2012 school year, 959 pupils attended Lower Sorbian classes and 284 participated in the *Witaj* project.

174. The Lower Sorbian-speakers informed the Committee of Experts about several concerns related to Lower Sorbian education. Teaching of Lower Sorbian takes place in mixed age groups, which makes these optional classes less attractive for pupils and diminishes the quality of teaching. In addition, Lower Sorbian is not offered in all schools in the Sorbian settlement area and not every year. In the six schools offering bilingual education, four different models are applied. The subjects offered in bilingual education differ, depending on the available teachers, who do not have proper training to teach in Lower Sorbian. Bilingual classes are also not systematically available throughout the Sorbian settlement area. The current system also raises continuity problems from pre-school to primary level. On the whole, there is no appropriate strategy for bilingual education and the current offer does not ensure a sustainable language revitalisation. A new legal basis is necessary, as the current ordinance of 2000 was issued before the setting up of bilingual education and is in conflict with other subsequent regulations.

175. In light of this information the Committee of Experts maintains its previous conclusion that the undertaking is only partly fulfilled.

- c*
  - 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;

176. In the fourth evaluation report, the Committee of Experts considered this undertaking partly fulfilled. The Committee of Ministers recommended that the German authorities “**adopt and implement a structured policy for the promotion and preservation of [...] Lower Sorbian, including in particular measures which ensure as a matter of urgency that [...] secondary education is systematically available in [this language]”.**

177. According to the fifth periodical report, the Lower Sorbian Grammar School, the *Oberstufenzentrum* in Cottbus/Chóšebuz and three *Oberschulen* offer Lower Sorbian classes. Lower Sorbian is taught as an optional subject, except at the Lower Sorbian Grammar School, where it is compulsorily taught as a second foreign language. Bilingual forms of teaching are still rather underdeveloped.

178. According to the Lower Sorbian speakers, the current offer is not enough to ensure continuity from primary to secondary education. Many students choosing different specialisations from those offered by the above-mentioned schools have no possibility to continue their Lower Sorbian studies. Although the Lower Sorbian Grammar School developed a strategy for bilingual education in 2008, it has not received the allocation of hours and is therefore not in a position to extend its offer. The number of students leaving secondary education with sufficient knowledge of Lower Sorbian is therefore insufficient. As in the case of primary education, a new legal basis and structured measures are necessary.

179. The Committee of Experts maintains that the undertaking is only partly fulfilled.

***The Committee of Experts encourages the authorities to take immediate measures strengthening the offer of Lower Sorbian primary and secondary education, in particular as far as bilingual teaching is concerned.***

- e*
  - 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; or

*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;*

180. In the previous evaluation reports, the Committee of Experts considered this undertaking fulfilled.

181. According to the representatives of the Lower Sorbian speakers, the University of Leipzig, where Lower Sorbian was studied on the basis of an agreement with Brandenburg, is considering reorganising the Institute for Sorbian Studies. The Committee of Experts asks the authorities to inform about further developments on this issue and on how Brandenburg is encouraging the provision of university or other forms of higher education in Lower Sorbian or of facilities for the study of Lower Sorbian at this level in the next periodical report.

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

182. In the fourth evaluation report, the Committee of Experts considered the undertaking fulfilled. It nevertheless asked for more information about the teaching of the history and culture of the Sorbs at university level.

183. According to the fifth periodical report, the University of Potsdam has been offering since 2007/2008 a seminar on national minorities/regional and minority languages in Germany/Sorbs in Brandenburg, as a compulsory optional subject in social sciences, for students training to be teachers. To this day eleven seminars have been offered and 210 students have attended. The Lower Sorbian speakers, however, have informed the Committee of Experts that these seminars are not included in the plan of studies and they do not reach all teacher training students. In addition to the seminars, individual classes are offered in the German Department, at the instructor's initiative.

184. The Lower Sorbian speakers also informed the Committee of Experts that teaching of the history and culture of the Sorbs in schools is not subject to any monitoring and depends on the initiative of the teacher. As a result, such teaching seems to be missing in most schools.

185. The Committee of Experts must therefore revise its previous conclusion and consider the undertaking only partly fulfilled.

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

186. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It strongly urged the German authorities to adopt a more structured policy with regard to teacher training, in close cooperation with the speakers.

187. According to the fifth periodical report, the *Office for the Development of Sorbian Education* in Cottbus/Chóšebuz offers a two-year further teacher training programme, under the supervision of the University of Potsdam and of the *Association for Further Qualification in Education*, leading to an additional qualification in Sorbian as a working language in primary education and secondary subject instruction. 33 teachers have completed this course. At present, no teachers are undergoing this training, but the offer has been maintained. The University of Leipzig continues to offer a master programme in Lower Sorbian and five students graduated during the reporting period. Other opportunities are offered by the adult education centres. In addition, the University of Potsdam has published four pedagogical guides on Lower Sorbian, available for free on the internet.

188. The Lower Sorbian speakers however, are concerned that the half-time post for a lecturer, which Brandenburg funds at the University of Leipzig is insufficient for adequate teacher training. In addition, teacher training in the two *Länder* is different, which makes it less attractive for students from Brandenburg to study in Leipzig. Furthermore, the University of Leipzig is considering reorganising its *Institute for Sorbian*, and it is not clear what impact this will have on teacher training. Additional concerns have been expressed with regard to the pre-school teachers (see also under Article 8.1.a.iv above).

189. The Committee of Experts maintains its previous conclusion that the undertaking is only partly fulfilled. It again strongly urges the German authorities to adopt a more structured policy with regard to teacher training, in close cooperation with the speakers.

- 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.*

190. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**ensure that an effective monitoring mechanism in the sense of the Charter exists in the field of education for all regional or minority languages covered under Part III**”.

191. The Committee of Experts refers to its comments under *General issues arising in the evaluation of the application of the Charter in Germany* (paragraphs 13-14). It reiterates that the current undertaking does not necessarily require the setting up of a new body to carry out the monitoring envisaged under this undertaking. It is for example possible for existing supervisory bodies to carry out these functions and integrate them into existing administrative structures. The reports from the monitoring process should be made public. The current reporting mechanism referred to by the German authorities does not fulfil the requirements of this undertaking.

192. The Committee of Experts considers this undertaking not fulfilled.

## **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:*

- a 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; and/or*
- if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

193. In the fourth evaluation report, the Committee of Experts considered the undertaking formally fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages [...] in the courts**”.

194. According to the fifth periodical report, the authorities received no complaints concerning the use of Lower Sorbian in criminal proceedings. However, the Lower Sorbian speakers have informed the Committee of Experts about a statement of the *Land* government of October 2012, according to which using Lower Sorbian would lengthen the court proceedings. Furthermore, the local court in Cottbus/ Chóšebuz allegedly refused to accept documents in Lower Sorbian, asked the interested person for a legal clarification and warned of the possibility to incur the translation expenses. The Committee of Experts asks the authorities to comment on these allegations.

195. The Committee of Experts reminds the authorities that by ratifying the Charter they committed themselves to promoting the use of minority languages in all spheres of public life. It reiterates that the authorities should take positive measures to facilitate the use of Lower Sorbian in criminal proceedings.

196. The Committee of Experts considers the undertaking formally fulfilled, but in its opinion the practical implementation of these undertakings is deficient. It encourages the authorities to take measures facilitating the use of Lower Sorbian before courts in criminal proceedings.

## Article 10 – Administrative authorities and public services

197. The Brandenburg authorities are in the process of revising the Law on the Rights of the Sorbs (*Sorben-Wenden-Gesetz*). The most disputed issue in this legislative procedure is whether the traditional mechanism of defining the Sorbian settlement area, and thus the territorial scope of application of the statute's provisions, is in conformity with the requirements of the Charter. At present, it is more or less left to the discretion of the individual municipalities whether they want to belong to the settlement area or not. In previous monitoring cycles, the Committee of Experts has criticised that arrangement because it does not ensure that all the places where Lower Sorbian is traditionally used really fall under the protective mechanisms of this statute. The associations of the speakers claim that a number of municipalities where Lower Sorbian is traditionally used are left out from the scope of application. The Committee of Experts urges the authorities to look into that matter and to take care that the territorial coverage of the provisions on administrative use of Lower Sorbian really conforms to the requirements of the Charter.

### 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:*

- a iv *to ensure that users of regional or minority languages may submit oral or written applications in these languages;*

198. In the fourth evaluation report, the Committee of Experts considered the undertaking formally fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”. Furthermore, the Committee of Experts strongly urged the authorities to take the necessary steps to ensure that the possibility to submit oral and written applications in Lower Sorbian is guaranteed in practice.

199. The fifth periodical report contains no information on the practical implementation of this undertaking.

200. The Lower Sorbian speakers, however, informed the Committee of Experts that, according to an October 2012 statement of the *Land* Government, using Lower Sorbian in administration would be an unreasonable burden in technical and organisational terms. Moreover, the public service employees are not aware about the right to use Lower Sorbian in relations with the administration. In several cases applicants were asked not to use Lower Sorbian or had to inform the authorities on the relevant legal framework. The tax office in Cottbus, for example, refused to accept documents in Lower Sorbian, asked the applicant for legal clarifications and warned of the possibility to incur the costs of translation. In addition, it was stated that the correct use of Lower Sorbian in the electronic data processing system is very difficult, due to the lack of special characters. The Committee of Experts asks the authorities to comment on these allegations.

***The Committee of Experts again strongly urges the authorities to ensure in practice the possibility of submitting oral and written applications in Lower Sorbian.***

### Paragraph 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:*

- b *the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

201. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”. Furthermore, the Committee of Experts encouraged the authorities to take measures to improve the practical implementation of this undertaking in practice.

202. According to the fifth periodical report, oral and written applications are only rarely submitted in Lower Sorbian, although conditions are in place to process and reply to such requests. The municipalities in the Sorbian language area have Lower Sorbian commissioners, serving as contact point and as translators in case of need. Furthermore, in the Sorbian settlement area bilingual signs and bilingual letterheads are used. Publications are printed as well bilingually. However, the Lower Sorbian speakers have informed the

Committee of Experts that practical problems still exist when using Lower Sorbian (see under Article 10.1.a.iv).

203. The Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled. It encourages the authorities to continue their efforts to improve the implementation of this undertaking in practice.

### **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:*

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

204. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”. Furthermore, the Committee of Experts encouraged the authorities to provide further detailed information with regard to the possibility to submit a request and receive a reply in Lower Sorbian in the case of public services provided by the administrative authorities or other persons acting on their behalf (i.e. postal services, hospitals, public transport).

205. According to the fifth periodical report, the Brandenburg Administrative Procedure Act provides that minority language speakers may submit oral and written application in Sorbian to administrative authorities and public services. No information is provided about the practical implementation of this undertaking.

206. In view of its question for additional information under Article 10.1. a.iv, the Committee of Experts will not conclude on this undertaking at present. It asks the authorities to provide information about its implementation in practice.

### **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:*

*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.*

207. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It urged the authorities to take measures to ensure compliance as far as possible with requests from public service employees having knowledge of Lower Sorbian to be appointed in the territory in which that language is used.

208. The fifth periodical report reiterates that the Brandenburg Minister of the Interior had consultations with other ministries and with the municipalities in the Sorbian settlement area and recommended that Lower Sorbian knowledge should be considered an advantage, when this language skill might be useful for performing for the respective job. However, Lower Sorbian knowledge as criterion for employment in the public authorities cannot be envisaged.

209. The Committee of Experts asks the authorities to provide examples of the practical implementation of this undertaking in the next periodical report.

### **Paragraph 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.*

210. The Committee of Experts considered this undertaking fulfilled in the previous monitoring cycles.

211. In the fifth monitoring cycle, the representatives of the speakers have informed the Committee of Experts that there is no legal guarantee of the possibility to use the masculine and feminine forms of the

names in Sorbian. In addition, problems relating to the correct spelling of family names in Lower Sorbian were reported (see paragraph 200).

212. The Committee of Experts asks the authorities to provide specific information in this respect in the next periodical 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:*

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

213. In the fourth evaluation report, the Committee of Experts considered the undertaking fulfilled, in light of existing offer on public service broadcasting<sup>8</sup>. The Committee of Ministers recommended that the German authorities “**take measures so that adequate radio [...] broadcasting is available in [...] Lower Sorbian [...]**”. Furthermore, the Committee of Experts encouraged the authorities to promote the broadcasting of Lower Sorbian programmes by private radio broadcasters.

214. There is a continuous offer of Lower Sorbian by the regional public broadcaster *Radio Berlin-Brandenburg* (RBB). According to the information received by the Committee of Experts during the on-the-spot visit, no private radio stations broadcast programmes in Lower Sorbian.

215. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled. Nevertheless, it encourages the authorities to promote the broadcasting of Lower Sorbian programmes also by private radio broadcasters.

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

216. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**take measures so that adequate [...] television broadcasting is available in [...] Lower Sorbian [...]**”. Furthermore, the Committee of Experts encouraged the authorities to take measures to encourage and/or facilitate the broadcasting of television programmes in Lower Sorbian on a regular basis.

217. The fifth periodical report reiterates that any measures encouraging and/or facilitating the broadcasting of programmes in minority languages are incompatible with the independence of the media. However, the representatives of the speakers informed the Committee of Experts that the *Act on the Rights of the Sorbs in Brandenburg* already provides that the authorities will ensure that the Sorbian culture and language are taken into account by private media. There is a 30-minute monthly TV programme in public broadcasting. No private TV channels broadcast programmes in Lower Sorbian.

218. In light of the existing offer on the public service broadcasting, the Committee of Experts considers the undertaking partly fulfilled. It urges the authorities to extend the current offer and to encourage the broadcasting of television programmes in Lower Sorbian by private broadcasters.

## 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:*

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<sup>8</sup> Paragraph 17, 3rd Report of the Committee of Experts on the application of the Charter in Germany, ECRML (2008) 4



- 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;*

219. In the fourth evaluation report, the Committee of Experts considered the undertaking fulfilled at the time of the report. The Committee of Experts had been informed by the representatives of Domowina that the available resources were not enough to ensure the future of institutional structures, in particular the Sorbian National Ensemble, and the financial situation remained precarious.

220. According to the information received during the on-the-spot visit, the German authorities (the federal level, the *Länder* Brandenburg and Saxony) have continued to finance the Foundation for the Sorbian People with considerable budgetary means. In 2012 the contribution even increased by € 1 000 000. The Committee of Experts commends the authorities for these measures.

221. The Committee of Experts considers the undertaking fulfilled.

### **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.*

222. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled at federal level.

223. The Federal Foreign Office and the *Goethe-Institut* do not take any measures to promote the regional and minority languages and cultures in the framework of the cultural and educational policy abroad. The German authorities do not consider such measures necessary for the implementation of this undertaking.

224. The Committee of Experts underlines that this provision requires the German authorities to include the Lower Sorbian language and the culture it reflects when presenting Germany's culture and heritage abroad. As a first step, embassies and the *Goethe-Institut* could distribute the brochure *National minorities, regional and minority languages in Germany*, issued by the Ministry of the Interior, at international events where Germany promotes its culture abroad.

225. The Committee of Experts considers this undertaking not fulfilled at federal level. It encourages the authorities to make appropriate provision for the Lower Sorbian language and the culture it reflects, when pursuing their cultural policy abroad.

## **Article 13 – Economic and social life**

### **Paragraph 1**

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

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

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

227. The fifth periodical report contains no specific information in this respect. According to the information received by the Committee of Experts during the on-the-spot visit, no activities encouraging the use of Lower Sorbian in economic and social life have taken place.

228. The Committee of Experts considers the undertaking not fulfilled. It urges the German authorities to encourage and/or facilitate the use of Lower Sorbian in economic and social life.

### 3.2.4. North Frisian in the Land of Schleswig-Holstein

229. In this section, the Committee of Experts will focus on problematic areas and new developments in the protection and promotion of North Frisian. It will therefore not assess the implementation of provisions which were fulfilled in the previous monitoring cycles, apart from such undertakings where the Committee of Experts has received new relevant information. The following provisions will not be commented upon:

Article 8, paragraph 1 e ii, f.iii; g; paragraph 2;  
Article 9, paragraph 1.b.iii; c.iii; paragraph 2.a;  
Article 10 paragraph 2.g; paragraph 4.c; paragraph 5;  
Article 11, paragraph 1.d; paragraph 2;  
Article 12, paragraph 1.a; b; c; d; f; g; h; paragraph 2;  
Article 13, paragraph 1.a; c; d.

230. For these provisions, the Committee of Experts refers to the conclusions reached in its previous reports, but reserves the right to evaluate the situation again at a later stage.

## Article 8 – Education

231. During the on-the-spot visit, the authorities of Schleswig-Holstein informed the Committee of Experts of their plans to set up two schools with a specific profile in North Frisian language education, one in Niebüll and a second school on one of the North Frisian Islands. The Committee of Experts considers that the establishment of such schools could contribute to making the teaching of North Frisian more systematic and effective. Consequently, the Committee of Experts welcomes these plans as a step towards a structured offer of North Frisian language education and asks the German authorities to provide additional information on the further development in the next periodical report.

### Paragraph 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:***

- a
  - 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;*

232. In the fourth evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It strongly urged the authorities 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.

233. According to the fifth periodical report, North Frisian is used in 17 kindergartens. It is not clear how many children are enrolled in these pre-schools. In addition, the periodical report states that the extent to which North Frisian is used differs from pre-school to pre-school and depends on whether North Frisian-speaking teachers are employed. Some pre-schools use North Frisian 30 minutes per week, others provide pre-school education entirely in this language. The Committee of Experts understands from this information that there is a lack of trained pre-school teachers for North Frisian. Furthermore, the Committee of Experts notes that using North Frisian for only 30 minutes per week does not correspond to the requirement of making available at least a substantial part of pre-school education in this language, i.e. to provide for bilingual education. Moreover, a stable framework for financial support does not seem to exist. While the financial support for pre-school education in North Frisian is currently provided by the *Kreise*, the *Land* authorities consider making supplementary means available. In a statement appended to the periodical report, the *Friesenrat* umbrella association points out that a stable financial framework for pre-school education in North Frisian should be created. In addition, a systematic training of pre-school teachers for North Frisian is needed.

234. The Committee of Experts considers this undertaking partly fulfilled.

**The Committee of Experts again strongly urges the German authorities 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.**

- b 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;

235. In the fourth evaluation report, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**adopt and implement a structured policy for the promotion and preservation of North Frisian [...] including in particular measures which ensure as a matter of urgency that primary [...] education is systematically available in [this language]**”. Furthermore, the Committee of Experts strongly urged the authorities to make available North Frisian teaching as an integral part of the curriculum within primary education.

236. The fifth periodical report states that the *Land* of Schleswig-Holstein is not planning to offer North Frisian teaching as an integral part of the curriculum within primary education, despite a clear wish expressed by the *Friesenrat* umbrella association. 802 pupils currently learn Frisian as a subject, but it is not clear whether the figure of 802 concerns only primary education. Also, the number of hours during which North Frisian is taught is not clear. In one primary school, North Frisian is, as of the third grade, also used in regional and social studies (*Heimat- und Sachkunde*).

237. The Committee of Experts considers this undertaking not fulfilled.

**The Committee of Experts again strongly urges the German authorities to make systematically available teaching in or of North Frisian as an integral part of the curriculum within primary education.**

- c 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;

238. In the fourth evaluation report, the Committee of Experts considered this undertaking partly fulfilled. The Committee of Ministers recommended that the German authorities “**adopt and implement a structured policy for the promotion and preservation of North Frisian [...] including in particular measures which ensure as a matter of urgency that [...] secondary education is systematically available in [this language]**”. Furthermore, the Committee of Experts strongly urged the authorities to make available North Frisian teaching as an integral part of the curriculum within secondary education.

239. According to the fifth periodical report, North Frisian is taught at six secondary schools, including one *Gymnasium*. The number of students and the number of hours are unclear.

240. The Committee of Experts considers this undertaking partly fulfilled. It asks the German authorities to provide comprehensive information about the implementation of this undertaking in the next periodical report.

**The Committee of Experts again strongly urges the German authorities to make systematically available teaching in or of North Frisian as an integral part of the curriculum within secondary education.**

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

241. In the fourth evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It strongly urged the authorities to ensure that appropriate facilities for teacher training are in place to meet the needs for education in North Frisian in a short and long term perspective and to provide incentives aimed at increasing the number of North Frisian teachers at all levels of education.

242. The fifth periodical report states that the training of North Frisian teachers meets the demand for learning North Frisian, which is low according to the authorities. North Frisian can be studied as a

complementary subject at the universities of Kiel and Flensburg. Until 2012, eleven students had completed masters studies at the Flensburg University enabling them to teach North Frisian. Currently, three students follow these studies. During the on-the-spot, the Committee of Experts was made aware of a lack of teacher training offer for pre-school teachers.

243. The Committee of Experts considers this undertaking partly fulfilled. It again strongly urges the German authorities to ensure that appropriate facilities for teacher training are in place to meet the needs for education in North Frisian in a short and long term perspective and to provide incentives aimed at increasing the number of North Frisian teachers at all levels of education.

- 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.

244. In the fourth evaluation report, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**ensure that an effective monitoring mechanism in the sense of the Charter exists in the field of education for all regional or minority languages covered under Part III**”.

245. The Committee of Experts refers to its comments under *General issues arising in the evaluation of the application of the Charter in Germany* (paragraphs 13-14). It reiterates that the current undertaking does not necessarily require the setting up of a new body to carry out the monitoring envisaged under this undertaking. It is for example possible for existing supervisory bodies to carry out these functions and integrate them into existing administrative structures. The reports from the monitoring process should be made public. The current reporting mechanism referred to by the German authorities does not fulfil the requirements of this undertaking.

246. The Committee of Experts considers this undertaking not fulfilled.

## **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:*

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

247. In the fourth evaluation report, the Committee of Experts considered this undertaking formally fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”. Furthermore, the Committee of Experts encouraged the authorities to provide specific information on measures taken to ensure that it is possible in practice to validly submit documents in North Frisian.

248. According to the fifth periodical report, no new measures have been taken.

249. The Committee of Experts considers this undertaking formally fulfilled. It urges the German authorities to take necessary measures to ensure that it is possible in practice to validly submit documents in North Frisian.

## **Article 11 – Media**

250. According to the *Friesenrat* umbrella association and information received during the on-the-spot visit, North Frisian organisations consider applying for a seat on the board of public broadcaster *Norddeutscher Rundfunk*. If the application is successful, they could more directly influence the presence of the North Frisian language on public radio and television.

## 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:*

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

251. In the fourth evaluation report, the Committee of Experts considered this undertaking partly fulfilled. The Committee of Ministers recommended that the German authorities “**take measures so that adequate radio [...] broadcasting is available in [...] North Frisian [...].**” Furthermore, the Committee of Experts encouraged the German authorities to continue to take measures that encourage and/or facilitate a sufficient level of broadcasting of radio programmes in North Frisian on a regular basis.

252. The fifth periodical report states that a private radio programme in North Frisian (*Friiskfunk*) is broadcast in the mornings from Monday to Saturday for one hour. The programme is also available on the internet and receives financial support from the federal authorities. Representatives of the North Frisian speakers have welcomed the launch of *Friiskfunk*. In addition, Radio Schleswig-Holstein “occasionally considers the regional or minority languages” in the framework of news, event announcements and entertainment. However, there is no precise information about the use of North Frisian on Radio Schleswig-Holstein.

253. The Committee of Experts notes that, according to the fifth periodical report, the public *Norddeutscher Rundfunk* broadcasts some radio programmes in North Frisian.

254. The Committee of Experts considers this undertaking fulfilled.

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

255. In the fourth evaluation report, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**take measures so that adequate [...] television broadcasting is available in [...] North Frisian.**” Furthermore, the Committee of Experts strongly urged the authorities to take measures to encourage and/or facilitate the broadcasting of television programmes in North Frisian on a regular basis.

256. The fifth periodical report does not contain any information about private television programmes in North Frisian. The Committee of Experts notes that, according to the fifth periodical report, the public *Norddeutscher Rundfunk* broadcasts television programmes in North Frisian. According to the information received, however, these broadcasts are quite infrequent. Furthermore, the Committee of Experts considers this undertaking not fulfilled. It again strongly urges the German authorities to take measures to encourage and/or facilitate the broadcasting of television programmes in North Frisian on a regular basis.

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

257. In the fourth evaluation report, the Committee of Experts considered this undertaking not fulfilled. It urged the authorities to take measures to encourage and/or facilitate the publication of newspaper articles in North Frisian on a regular basis.

258. The fifth periodical report refers to the independence of the media which in view of the authorities limit the possibilities of the State to implement this undertaking. During the on-the-spot visit, the Committee of Experts was informed that articles in North Frisian are published in local newspapers at irregular intervals. It is not clear in which newspapers such articles appear and what content they cover. Besides, the publication of articles in North Frisian is not the outcome of an encouragement by the authorities.

259. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts strongly urges the German authorities to take measures to encourage and/or facilitate the publication of newspaper articles in North Frisian on a regular basis.***

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

260. In the fourth evaluation report, the Committee of Experts asked the German authorities to provide, in the next periodical report, information about support by the *Filmförderung Hamburg Schleswig-Holstein* to audiovisual productions in North Frisian.

261. According to the fifth periodical report, no audiovisual productions in North Frisian were supported during the reporting period because no applications were received. In addition, it is stated that the only criterion for granting support is the quality of the proposed project. The intended use of North Frisian in an audiovisual production therefore does not constitute an advantage in the application procedure. The Committee of Experts notes that in order to fulfil this undertaking some practical implementation is needed. The German authorities should therefore specifically inform the North Frisian speakers of this undertaking and encourage them to submit applications.

262. The Committee of Experts considers this undertaking not fulfilled. It urges the German authorities to apply existing measures for financial assistance also to audiovisual productions in North Frisian.

## **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:*

- 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;*

263. In the fourth evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the German authorities to provide specific information on measures taken to ensure that the bodies responsible for organising or supporting cultural activities other than the Frisian organisations have at their disposal staff who have a full command of North Frisian.

264. According to the fifth periodical report, no new measures have been taken to implement this undertaking.

265. The Committee of Experts considers this undertaking partly fulfilled. It urges the German authorities 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 North Frisian.

### **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.*

266. In the fourth evaluation report, the Committee of Experts considered this undertaking not fulfilled at federal level.

267. The Federal Foreign Office and the *Goethe-Institut* do not take any measures to promote the regional and minority languages and cultures in the framework of the cultural and educational policy abroad. The German authorities do not consider such measures necessary for the implementation of this undertaking.

268. The Committee of Experts underlines that this provision requires the German authorities to include the North Frisian language and the culture it reflects when presenting Germany's culture and heritage abroad. As a first step, embassies and the *Goethe-Institut* could distribute the brochure *National minorities, regional and minority languages in Germany*, issued by the Ministry of the Interior, at international events where Germany promotes its culture abroad.

269. The Committee of Experts considers this undertaking not fulfilled at federal level. It encourages the authorities to make appropriate provision for the North Frisian language and the culture it reflects, when pursuing their cultural policy abroad.

## 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;*

270. In the fourth evaluation report, the Committee of Experts considered this undertaking not fulfilled.

271. According to the fifth periodical report, no measures have been taken to implement this undertaking.

272. The Committee of Experts considers this undertaking not fulfilled. It urges the German authorities to apply existing bilateral and multilateral agreements which bind them with the Netherlands, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of North Frisian and Frisian in the fields of culture, education, information, vocational training and permanent education.

### 3.2.5. Sater Frisian in the Land of Lower Saxony

273. In this section, the Committee of Experts will focus on problematic areas and new developments in the protection and promotion of Sater Frisian. It will therefore not assess the implementation of provisions which were fulfilled in the previous monitoring cycles, apart from such undertakings where the Committee of Experts has received new relevant information. The following provisions will not be commented upon:

Article 9, paragraph 1.b.iii; c.iii; paragraph 2.a;  
Article 10, paragraph 2.a; g; paragraph 4.a; paragraph 5;  
Article 11, paragraph 1.e ii; paragraph 2;  
Article 12, paragraph 1.a; b; c; e; f; g; paragraph 2;  
Article 13, paragraph 1.a; c; d.

274. For these provisions, the Committee of Experts refers to the conclusions reached in its previous reports, but reserves the right to evaluate the situation again at a later stage.

## Article 8 – Education

### Paragraph 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:**

- a** *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;**

275. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled. It looked forward to learning more about the results of the initiative to teach Sater Frisian bilingually in kindergartens and primary schools in Saterland and to offer financial support to activities in the educational field of the *Seelter Bund*.

276. The fifth periodical report does not contain specific information in this respect. According to the report, the *Land* authorities do not require Sater Frisian to be taught at kindergartens. The Orientation Plan for Language and Speaking only provides that “in the areas where a regional language is spoken, multilingualism is a good way to enhance language comprehension and speaking skills”. The decision to offer Sater Frisian at pre-school belongs to the providers, whether public or private. They must decide at local level and in consultation with the parents if and how Sater Frisian is to be part of pre-school education.

277. The Committee of Experts was informed during the on-the-spot visit that, although to a very limited degree, Sater Frisian is used in some of the kindergartens in the Saterland.

278. The Committee of Experts considers the undertaking partly fulfilled. It asks the authorities to provide more detailed information in the next periodical report.

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

279. In the fourth evaluation report, the Committee of Experts considered the undertaking fulfilled. It looked forward to receiving information on the further developments and sustainability of the Sater Frisian offer in higher education.

280. According to the fifth periodical report, Sater Frisian is, along with Low German, a priority at the chair of German philology at the University of Oldenburg. A course of Sater Frisian has been offered annually since 2009. Since 2011, the chair has taken part in a joint teacher training programme, which aims to extend the current offer of immersion language teaching in pre-schools and primary schools in Saterland. There are also plans to transfer parts of the pre-school teacher training to the University of Oldenburg. In 2011, the



chair contributed to the publication of the textbook *Friesischer Sprachkurs: Seeltersk*. The Sater Frisian dictionary is still under preparation.

281. The Committee of Experts considers the undertaking fulfilled.

- f*    *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;**

282. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It urged the authorities to take measures to re-establish an offer of adult education in Sater Frisian.

283. According to the fifth periodical report, publicly funded adult education institutions offer courses of Sater Frisian. Funding for workshops and similar events, in order to extend the current Sater Frisian offer, is under consideration by the authorities.

284. The Committee of Experts considers the undertaking fulfilled.

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

285. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It requested the German authorities to provide more specific information on the extent to which the teaching of the history and the culture which is reflected by Sater Frisian is ensured in practice, not only in the education of Sater Frisians, but also in mainstream education in the region.

286. According to the fifth periodical report, in line with the decree on “The Region and its Languages in Education” (*Die Region und ihre Sprachen im Unterricht*), which entered into force on 1 August 2011, information has to be provided about the languages in the region when teaching about the regional context. This is compulsory for all types of classes (teaching compulsory subjects, teaching optional compulsory subjects, activity groups, and all-day school offers). The core curriculum for all schools covers teaching about the regional context and this information must be included in subjects such as German, history, geography, political science, music and art, in particular.

287. The Committee of Experts considers the undertaking fulfilled.

- 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.**

288. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**ensure that an effective monitoring mechanism in the sense of the Charter exists in the field of education for all regional or minority languages covered under Part III**”. Furthermore, the Committee of Experts asked the authorities to provide information about the outcome of the revision of a decree dealing, *inter alia*, with supervisory bodies.

289. According to the fifth periodical report, a supervisory body composed of representatives of the authorities, of the regional associations and of the *Niedersächsischer Heimatbund*, monitors how the Charter provisions in the field of education are implemented. The monitoring is based on the report of the Lower Saxony school authority, which provides information on the how Sater Frisian is promoted, how the allotted teaching hours are used and on the activities of the advisers for Sater Frisian.

290. The Committee of Experts asks the authorities to inform it whether the report of this supervisory body is made public and what the results of monitoring are.

## **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:*

- a v *to ensure that users of regional or minority languages may validly submit a document in these languages;*
- c *to allow the administrative authorities to draft documents in a regional or minority language.*

291. In the fourth evaluation report, the Committee of Experts considered these undertakings not fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”. Furthermore, the Committee of Experts strongly urged the authorities to take the necessary steps to ensure that the users of Sater Frisian may validly submit a document in Sater Frisian and to allow the administrative authorities to draft documents in Sater Frisian.

292. In the fifth periodical report, the German authorities repeat their view that the Charter is directly applicable law and no further legislation is needed in order for the Sater Frisian-speakers to validly submit a document in Sater Frisian and for the administrative authorities to draft documents in Sater Frisian. During the on-the-spot visit, the Committee of Experts was informed by the representatives of the speakers that documents in Sater Frisian were submitted to and accepted by the tax authorities. The Committee of Experts has not been informed on any documents drafted in Sater Frisian by the authorities.

293. The Committee of Experts considers the undertaking under Article 10.1.a.v partly fulfilled and the undertaking under Article 10.1.c not fulfilled. It encourages the authorities to ensure their implementation in practice.

## **Paragraph 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:*

- b *the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

294. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”. Furthermore, the Committee of Experts encouraged the German authorities to take positive measures to improve the implementation of this undertaking in practice.

295. According to the fifth periodical report, due to the competence of the local self-government, the Land authorities may not set rules concerning the use of Sater Frisian in local administration. According to the authorities, the Charter is also binding for the local authorities and these are aware of the need to make the use of Sater Frisian in dealings with the administration possible. During the on-the-spot visit, the Committee of Experts was informed that the town hall of Saterland has a sign encouraging the use of Sater Frisian.

296. The Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled. It asks the authorities to provide information on the implementation of this undertaking in practice.

- c *the publication by regional authorities of their official documents also in the relevant regional or minority languages;*

297. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled.

298. In the fifth periodical report, the authorities reiterate that the Charter is directly applicable law and no further legislation is needed in order for regional authorities to publish their official documents also in Sater Frisian. During the on-the-spot visit the representatives of the Sater Frisian speakers informed the Committee of Experts that no documents are issued or published in Sater Frisian.

299. The Committee of Experts considers the undertaking not fulfilled.

- d *the publication by local authorities of their official documents also in the relevant regional or minority languages;*

300. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It urged the authorities to take measures to encourage the local publication of official documents also in Sater Frisian.

301. In the fifth periodical report, the authorities reiterate that the Charter is directly applicable law and no further legislation is needed in order for the local authorities to publish their official documents also in Sater Frisian. During the on-the-spot visit the Sater Frisian speakers informed the Committee of Experts that no documents are published in Sater Frisian.

302. The Committee of Experts considers the undertaking not fulfilled.

- 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;*

303. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

304. The fifth periodical report states that the regional authorities are aware of the need to use Sater Frisian as far as possible in their assemblies. The Committee of Experts received no information about how the undertaking is implemented in practice.

305. The Committee of Experts considers the undertaking not fulfilled.

- 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;*

306. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

307. The fifth periodical report states that the local authorities are aware of the need to use Sater Frisian as far as possible in their assemblies. During the on-the-spot visit, the representatives of the Sater Frisian speakers informed the Committee of Experts that Sater Frisian may only be used when all the members present are Sater Frisian speakers. It seems that this practically never happens.

308. The Committee of Experts considers the undertaking not fulfilled.

#### **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:*

- 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.*

309. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

310. According to the fifth periodical report, due to the competence of the local-self-government, local authorities are entitled to decide where they assign their staff. The periodical report further states that it can be however assumed that language skills are taken into account when such decisions are made.

311. The Committee of Experts received no information on examples reflecting the practical implementation of this undertaking. It asks the authorities to provide such information in the next periodical report. The Committee of Experts considers the undertaking not fulfilled.

#### **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:*

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

312. In the fourth evaluation report, the Committee of Experts considered the undertaking fulfilled.

313. According to the fifth periodical report, in 2010 the authorities amended the Lower Saxony Media Act. The law now requires broadcasters to include in an adequate manner in their programme the regional and minority languages spoken in their coverage area. In addition, as a result of the meeting of the Consultative Committee on Issues Concerning the Frisian Ethnic Group, the Federal Commissioner for Matters related to the Ethnic German Repatriates and National Minorities wrote to the chair of the broadcasting board of NDR, asking for further promotion of radio broadcasts in Frisian. The public-access radio *Ems-Vechte-Welle* broadcasts the two-hour programme *Middeeges* in Sater Frisian every second Sunday. The Committee of Experts welcomes these developments.

314. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled.

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

315. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities **“take measures so that adequate [...] television broadcasting is available in [...] Sater Frisian.”** Furthermore, the Committee of Experts strongly urged the authorities to adopt positive measures aimed at encouraging and/ or facilitating the broadcasting of television programmes in Sater Frisian on a regular basis.

316. According to the fifth periodical report, in 2010 the authorities amended the Lower Saxony Media Act. The law now requires broadcasters to include the regional and minority languages spoken in their coverage area in an adequate manner in their programme. In addition, as a result of the meeting of the Consultative Committee on Issues Concerning the Frisian Ethnic Group, the Federal Commissioner for Matters related to the Ethnic German Repatriates and National Minorities wrote to the chair of the broadcasting board of NDR, asking for further promotion of television broadcasts in Sater Frisian. The Committee of Experts welcomes these developments. However, it has not been informed on any television programmes in Sater Frisian broadcast by private channels.

317. The Committee of Experts reserves its conclusion until the next monitoring cycle when the law has been in force for some time and invites the authorities to provide information on television programmes in Sater Frisian.

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

318. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

319. The fifth periodical report contains no information in respect of this undertaking. During the on-the-spot visit, the Sater Frisian speakers informed the Committee of Experts that no audiovisual works have been produced or distributed in Sater Frisian.

320. The Committee of Experts considers the undertaking not fulfilled. It encourages the authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in Sater Frisian.

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

321. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

322. The fifth periodical report contains no information in respect of this undertaking. During the on-the-spot visit, the representatives of the speakers informed the Committee of Experts that no audiovisual works in Sater Frisian have been financed.

323. The Committee of Experts considers the undertaking not fulfilled. It encourages the authorities to also apply existing measures of financial assistance to audiovisual works in Sater Frisian.

## 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:*

- 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;*

324. In the fourth evaluation report, the Committee of Experts asked the authorities to provide information on the effect on Sater Frisian of the transfer of the task of promoting regional culture to the *Landschaftsverbände* (regional local authority associations), which in the case of Sater Frisian means the *Oldenburgische Landschaft*.

325. According to the fifth periodical report, a traineeship, turned into a permanent position in 2012, was created at the *Oldenburgische Landschaft*, to cater, *inter alia*, for the interests of the Sater Frisian speakers. This permanent position will be financed by the *Land* authorities until 2014, and starting in 2014 by the *Oldenburgische Landschaft*. Several projects related to Sater Frisian have been implemented since the creation of this post.

326. The Committee of Experts considers the undertaking fulfilled.

### 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.*

327. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled for Lower Saxony and not fulfilled for federal authorities.

328. According to the fifth periodical report, *Deutsche Welle* provides information about Sater Frisian on its website. The Federal Foreign Office and the *Goethe-Institut* do not take any measures to promote the regional and minority languages and cultures in the framework of the cultural and educational policy abroad. The German authorities do not consider such measures as necessary for the implementation of this undertaking.

329. The Committee of Experts underlines that this provision requires the German authorities to include the Sater Frisian language and the culture it reflects when presenting Germany's culture and heritage abroad. As a first step, embassies and the *Goethe-Institut* could distribute the brochure *National minorities, regional and minority languages in Germany*, issued by the Ministry of the Interior, at international events where Germany promotes its culture abroad.

330. The Committee of Experts considers this undertaking not fulfilled at federal level. It encourages the authorities to make appropriate provision for the Sater Frisian language and the culture it reflects, when pursuing their cultural policy abroad.

### 3.2.6. *Low German in the Länder of Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein*

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

331. In this section, the Committee of Experts will focus on problematic areas and new developments in the protection and promotion of Low German in Bremen. It will therefore not assess the implementation of provisions which were fulfilled in the previous monitoring cycles, apart from such undertakings where the Committee of Experts has received new relevant information. The following provisions will not be commented upon:

- Article 8, paragraph 1 e ii; f.i;
- Article 9, paragraph 1.b.iii; c.iii; paragraph 2.a;
- Article 10, paragraph 2.e; f;
- Article 11, paragraph 1. b ii, f.ii; paragraph 2;
- Article 12, paragraph 1.a; b; e; g;
- Article 13, paragraph 1.a; c.

332. For these provisions, the Committee of Experts refers to the conclusions reached in its previous reports but reserves the right to evaluate the situation again at a later stage.

### **Article 8 – Education**

333. In the fourth monitoring cycle the Committee of Experts was informed that the Bremen authorities were considering adopting the Low German education model of Hamburg, and a set of measures with a view to implementing the provisions chosen under the Charter by 2016. The Committee of Experts encouraged the authorities to continue the steps towards establishing a systematic approach to Low German education.

334. Low German continues to be taught in Bremen only as part of the curricula for the subject of German, in primary and secondary education. How this is implemented in practice lies within the competence of the schools.

335. According to information received from the Low German speakers, the Parliament of Bremen announced in a 2011 report dedicated to Low German its intention to monitor the developments in Hamburg, where Low German is being taught as a separate subject, and to assess the efficiency of this approach. The report further stated that teaching materials would be drafted in cooperation with the Institute for Low German and other *Länder*, and that Low German as an option for language learning would be more clearly defined. However, no concrete measures have been taken, as a result of these statements. Low German is still not taught as a separate subject and teaching materials have not been developed.

336. The Committee of Experts urges the authorities to continue the steps towards establishing a systematic approach to Low German education.

### **Paragraph 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:***

- a***
  - 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;***

337. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled, in the absence of information about the extent to which Low German was used in pre-school education and of steps towards a systematic approach in this field.

338. According to the fifth periodical report, Low German is used in kindergartens in the regions bordering Lower Saxony. Children are taught songs and poems in Low German. According to the authorities, there is no demand for using Low German in pre-school education beyond the existing offer.

339. The Committee of Experts is of the view that the current offer, composed of songs and poems, does not amount to at least a substantial part of pre-school education in Low German, as required by the undertaking. Furthermore, the Committee of Experts considers that the authorities should promote the virtues of, and opportunities for Low German education among the parents.<sup>9</sup>

340. The Committee of Experts considers the undertaking not fulfilled. It encourages the authorities to adopt a systematic approach promoting the substantial use of Low German in pre-school education.

*b iii to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;*

341. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**upgrade the teaching of Low German to the status of a regular school subject being taught as an integral part of the curriculum and increase the number of hours devoted to Low German, in the Länder concerned**”. Furthermore, the Committee of Experts strongly urged the authorities of the Free Hanseatic City of Bremen to adopt a structured approach with a view to ensuring that Low German is systematically taught within primary education with regular school hours allocated to it.

342. According to the fifth periodical report, Low German continues to be offered as part of the German classes and across subject areas. At primary level pupils usually learn poems and songs in Low German. Seven schools in Bremen and four in Bremerhaven offer also Low German working groups (afternoon optional classes). In addition, Bremen organises an annual Low German reading competition.

343. According to the information received from the Low German speakers, the curriculum still does not contain a systematic requirement to use Low German in the classroom. In practice, this does not lead to the teaching of Low German, but, at most, to an occasional use in the classroom.

344. The Committee of Experts notes that the current offer does not amount to teaching Low German as a separate subject and an integral part of the curriculum. It therefore considers the undertaking not fulfilled.

***The Committee of Experts again strongly urges the authorities to provide for the systematic teaching of Low German in primary education, with regular school hours allocated to it.***

*c iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;*

345. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled. The Committee of Ministers recommended that the German authorities “**upgrade the teaching of Low German to the status of a regular school subject being taught as an integral part of the curriculum and increase the number of hours devoted to Low German, in the Länder concerned**”. Furthermore, the Committee of Experts strongly urged the authorities to take the necessary measures to make the teaching of Low German within secondary education more systematic with regular school hours allocated to it.

346. According to the fifth periodical report, at secondary level Low German is taught across subject areas, for example in music classes. The curriculum for German aims at developing the students’ cultural identity through the teaching of Low German. This involves identifying expressions and regional variants, as well as addressing similarities between Low German and other languages. Each school decides to what extent it wishes to teach Low German as part of the general curriculum. Two secondary schools in Bremen offer Low German working groups (afternoon optional classes). In 2012 two secondary schools in Bremen and Bremerhaven took part in the Low German reading competition.

347. The Committee of Experts notes that at present Low German is not taught in secondary education as a separate subject and an integral part of the curriculum. It therefore considers the undertaking not fulfilled.

<sup>9</sup> See paragraph 66, 4<sup>th</sup> Report of the Committee of Experts on the application of the Charter in Hungary, ECRML (2010) 2

***The Committee of Experts again strongly urges the authorities to provide for the systematic teaching of Low German in secondary education, with regular school hours allocated to it.***

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

348. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the German authorities to make arrangements to ensure the teaching of the history and culture which is reflected by Low German.

349. According to the fifth periodical report, teaching Low German across subject areas is intended to ensure also the teaching of the history and culture reflected by Low German.

350. The Committee of Experts notes that it remains unclear how the teaching of the history and culture reflected by Low German is ensured in practice, whether this depends on the teacher or there are compulsory provisions in this respect in the curricula.

351. The Committee of Experts considers the undertaking not fulfilled.

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

352. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It urged the authorities to provide the basic and further training of teachers of Low German needed to fulfil the undertakings under Article 8.

353. According to the fifth periodical report, Low German is part of the regular university teacher training, which lasts for five years. For the second phase, the practical training, which lasts for 18 months, the *Land* Institute for Schools offered Low German as an optional compulsory course. However, due to an insufficient number of interested students, the course was cancelled. The Low German speakers, however, are of the view that students are not motivated to attend such courses, as long as Low German is not a regular school subject or becomes part of the programme or profile of some schools.

354. The Committee of Experts received no information about the further training of teachers. Moreover, in light of the information above, the basic training is not fully provided.

355. The Committee of Experts considers the undertaking not fulfilled.

***The Committee of Experts strongly urges the authorities to provide the basic and further training of teachers of Low German needed to fulfil the undertakings under Article 8.***

## **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:*

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

356. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”.

357. According to the fifth evaluation report, in April 2011 the Senator for the Interior and Sport of Bremen sent a letter to the authorities and the staff under his supervision about the Charter and the recommendations in the fourth evaluation report of the Committee of Experts. The letter, *inter alia*, asked the managers to consider appointing a Low German contact person. The Bremen authorities further reiterate that no specific administrative regulations are necessary for the implementation of the Charter, as the treaty



is directly applicable in Germany. They also do not see the need for a structured policy, as recommended, since they are not aware of any practical obstacles to using Low German in administration.

358. The Committee of Experts welcomes the information about the steps taken by the authorities. However, it points out that the undertaking requires, on the one hand, for the law to allow the submission of documents in minority languages and, on the other hand, for practical arrangements to be in place, such as staff able to deal with such requests. To this end, a structured policy is necessary.

359. The Committee of Experts received no information on documents in Low German being submitted to the authorities in practice. It encourages the authorities to continue efforts to ensure that documents may be validly submitted in Low German and asks them to provide specific information on the practical implementation of this undertaking in the next periodical report.

*c to allow the administrative authorities to draft documents in a regional or minority language.*

360. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled.

361. According to the fifth evaluation report, in the letter of April 2011 (see under Article 10.1.a.v above), the Senator for the Interior and Sport of Bremen *inter alia* invited staff to suggest publications or other documents to be issued also in Low German. The Bremen authorities further reiterate that no specific administrative regulations are necessary for the implementation of the Charter, as the treaty is directly applicable in Germany. The Charter would also not require positive action, but only an absence of the prohibition the use of a regional or minority language.

362. The Committee of Experts welcomes the information about the steps taken by the authorities and encourages them to pursue these measures further. However, it has not received any information on documents drafted in Low German by administrative authorities. The Committee of Experts asks the authorities to provide specific information on the practical implementation of this undertaking in the next periodical report.

## **Paragraph 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:*

*a the use of regional or minority languages within the framework of the regional or local authority;*

363. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

364. According to the fifth evaluation report, the letter of the Senator for the Interior and Sport of Bremen of April 2011 (see also under Article 10.1 above) encouraged the staff to use Low German in relations with applicants and among them in the workplace and invited them to propose publications or other documents to be also issued in Low German. In addition, the letter asked the managers to consider appointing a Low German contact person.

365. The Committee of Experts received no information on the use of Low German within the framework of local authorities. It encourages the authorities to continue efforts to promote the use of Low German within the framework of local authorities and asks them to provide specific information on the practical implementation of this undertaking in the next periodical report.

*b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

366. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”.

367. In the fifth evaluation report, the authorities state that in his letter of April 2011 (see also under Article 10.1 above), the Senator for the Interior and Sport of Bremen encouraged the staff to use Low German in relations with applicants and among them in the workplace. Furthermore, the letter asked the managers to consider appointing a Low German contact person. The Bremen authorities further reiterate that no specific administrative regulations are necessary for the implementation of the Charter, as the treaty is directly

applicable in Germany. The Charter would also not require positive action, but only the absence of any prohibition of the use of a regional or minority language.

368. The Committee of Experts welcomes the information about the steps taken by the authorities and encourages them to pursue these measures further. The Committee of Experts asks the authorities to provide specific information on the practical implementation of this undertaking in the next periodical report.

*c the publication by regional authorities of their official documents also in the relevant regional or minority languages;*

*d the publication by local authorities of their official documents also in the relevant regional or minority languages;*

369. In the fourth evaluation report, the Committee of Experts considered the undertakings not fulfilled.

370. According to the fifth periodical report, the letter sent by the Senator for the Interior and Sport of Bremen in April 2011 invited staff to suggest publications or other documents that should be also issued in Low German. The Bremen authorities further reiterate that no specific administrative regulations are necessary for the implementation of the Charter, as the treaty is directly applicable in Germany. The Charter would also not require positive action, but only the absence of any prohibition of the use of a regional or minority language.

371. The Committee of Experts welcomes the steps taken by the authorities. However, it has received no information on any official document published in Low German.

372. The Committee of Experts therefore considers the undertakings not fulfilled. It asks the authorities to provide examples of official documents of local and regional authorities published in Low German in the next periodical 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:*

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

373. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**take measures so that adequate [...] television broadcasting is available in [...] Low German [...]**”. Furthermore, the Committee of Experts urged the authorities to encourage the broadcasting of television programmes in Low German on a regular basis.

374. In the fifth periodical report, the authorities reiterate their view on the independence of the media. However, the Media Act was amended in 2012 and it now requires broadcasters to provide an adequate share of programmes in Low German. According to the report, the private broadcasters *SAT1regional* and *RTLregional* offer news and reports in Low German. *Center.tv Bremen*, a regional private broadcaster covers topics about Low German and is preparing a series *Traces of Low German. Learning the Language* to be broadcast by the daily regional magazine. The public-access TV *Bürgerrundfunk Bremen (Radio Weser.TV)* is producing a television programme based on the radio programme “*De Plattsnuten*”. In addition, it broadcasts theatre plays in Low German.

375. The Low German speakers commended the authorities for amending the legislation. However, they informed the Committee of Experts that the Low German programmes remain irregular and that a structured approach in this field is missing.

376. The Committee of Experts considers the undertaking partly fulfilled. It encourages the authorities to take measures facilitating the broadcasting of television programmes in Low German on a regular basis.

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

377. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the German authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in Low German.

378. The fifth periodical report provides examples of programmes (e.g. news, reports, magazines) in Low German produced by the public station Radio Bremen, by the private radio *ENERGY Bremen*, the public access radio *Bürgerrundfunk* and by the public access television *Radio Weser TV*.

379. The Committee of Experts reminds the authorities that the undertaking requires them to provide for specific assistance to audio and audiovisual productions in Low German. It asks the authorities to provide specific information in the next periodical report.

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

380. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It urged the authorities to encourage and/or facilitate the publication of newspaper articles in Low German on a regular basis.

381. According to the fifth periodical report, the public radio station Radio Bremen posts daily on its website news, contributions and interviews in Low German. The Institute for Low German, which is publicly funded, runs *ins-presse*, a press service regularly issuing news about Low German. The Committee of Experts notes, however, that this news is in standard German. During the on-the-spot visit, the Low German speakers informed the Committee of Experts that the local newspaper publishes articles in Low German on a regular basis. However, it is not clear to the Committee of Experts how this has been encouraged by the authorities.

382. The Committee of Experts asks the authorities to inform it about the amount and regularity of Low German articles in the local press and about the measures taken to encourage their publication.

- g** *to support the training of journalists and other staff for media using regional or minority languages.*

383. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It asked the authorities to provide more specific information on the support for the training of journalists and other staff for media using Low German.

384. According to the fifth periodical report, most journalists in Bremen are trained by private schools and by the media companies; in such cases, the authorities cannot influence the content of teaching. The students in journalism of state universities may use the Low German offer of the University of Bremen, but not as part of journalist training. According to the Low German speakers, sustainable measures in this field need to be taken by the authorities.

385. The Committee of Experts considers the undertaking not fulfilled. It encourages the authorities to support the training of journalists and other staff for media using Low German.

## **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:*

- 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;*

386. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

387. The fifth periodical report refers only to the daily translation by Radio Bremen of the news and weather report from standard German to Low German.

388. The Committee of Experts maintains that the undertaking is still only partly fulfilled. It encourages the authorities to foster access in Low German to additional works produced in other languages.

*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;*

389. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

390. According to the fifth periodical report, the Parliament of Bremen set up in October 2012 an Advisory Council on Low German (*Beirat Platt*), to the president of the Parliament. The Advisory Council is composed of representatives of the parliamentary groups, of the Institute for Low German, the Low German umbrella NGOs from Bremen and Bremerhaven, of the schools, academics, media, theatre, and church administrations. The Advisory Council provides a framework for sharing information and ensures participation of the Low German speakers in all cultural matters.

391. The Committee of Experts considers the undertaking fulfilled.

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

392. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

393. According to the fifth periodical report, the Bremen authorities implement this undertaking by supporting the Institute for Low German.

394. In light of the information above about the Advisory Council, the Committee of Experts considers the undertaking fulfilled.

### **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.*

395. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled as regards the federal level.

396. According to the fifth periodical report, *Deutsche Welle* provides information about Low German on its website. The Federal Foreign Office and the *Goethe-Institut* do not take any measures to promote the regional and minority languages and cultures in the framework of the cultural and educational policy abroad. The German authorities do not consider such measures necessary for the implementation of this undertaking.

397. The Committee of Experts underlines that this provision requires the German authorities to include Low German and the culture it reflects when presenting Germany's culture and heritage abroad. As a first step, embassies and the *Goethe-Institut* could distribute the brochure *National minorities, regional and minority languages in Germany*, issued by the Ministry of the Interior, at international events where Germany promotes its culture abroad.

398. The Committee of Experts considers this undertaking not fulfilled at federal level. It encourages the authorities to make appropriate provision for Low German and the culture it reflects, when pursuing their cultural policy abroad.

## **Article 13 – Economic and social life**

### **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:*

- 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;*

399. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It strongly urged the authorities to adopt a structured policy with a view to making more systematic the possibility to be received and treated in Low German in social care facilities.

400. According to the fifth periodical report, many social care facilities in Bremen employ Low German speaking staff, and therefore receiving and treating persons in Low German is generally ensured. However, the authorities state that they cannot impose requirements concerning the recruitment of staff, as most of these facilities are privately run. In addition, in the long term, they foresee difficulties in finding staff for the social care facilities.

401. The Committee of Experts reiterates<sup>10</sup> that the undertaking requires the authorities to *ensure* that the possibility of receiving and treating persons in Low German is offered, which implies structural measures with a view to guaranteeing a systematic provision. Such measures could include regulations on the relevant qualifications which take account of a person's knowledge of Low German or facilities and incentives for the existing social care personnel to improve their Low German skills. Without such measures, the chances of being treated in Low German will continue to be patchy and there is nothing to prevent the situation from deteriorating in the future. However, at present there seem to be services in Low German available in several social care facilities.

402. The Committee of Experts considers the undertaking partly fulfilled at present. The Committee of Experts again strongly urges the authorities to adopt a structured policy with a view to making more systematic the possibility to be received and treated in Low German in social care facilities.

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<sup>10</sup> Paragraph 465, 2<sup>nd</sup> Report of the Committee of Experts on the application of the Charter in Germany, ECRML (2006) 1; paragraph 441, 4<sup>th</sup> Report of the Committee of Experts on the application of the Charter in Germany, ECRML (2011) 2

### 3.2.6.b. Low German in the Free and Hanseatic City of Hamburg

403. In this section, the Committee of Experts will focus on problematic areas and new developments in the protection and promotion of Low German in Hamburg. It will therefore not assess the implementation of provisions which were fulfilled in the previous monitoring cycles, apart from such undertakings where the Committee of Experts has received new relevant information. The following provisions will not be commented upon:

Article 8, paragraph 1.e ii; f.ii; g  
Article 9, paragraph 1.b.iii; c.iii; paragraph 2.a;  
Article 10, paragraph 2 e; f;  
Article 11, paragraph 1; bii, e.ii; paragraph 2;  
Article 12, paragraph 1.a;g;  
Article 13, paragraph 1.a; c;

404. For these provisions, the Committee of Experts refers to the conclusions reached in its previous reports but reserves the right to evaluate the situation again at a later stage.

## Article 8 – Education

### Paragraph 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:***

- a***
  - 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;***

405. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It asked the authorities for clarification concerning the extent to which Low German is taught at pre-schools, according to the directive on pre-school classes and for further information on the practical implementation of this new directive.

406. In the fifth periodical report, the authorities reiterate that the directive requires the creation of a “great variety of learning situations enabling children to acquire basic interaction means and skills”. The time dedicated in practice to Low German depends on the group and its language skills. Children who do not speak Low German are familiarised with it, in particular through poems and songs. During the on-the-spot visit, the authorities confirmed that in practice this does not amount to bilingual pre-school education. The periodical report further states that in 2010, the Low German association *Plattdüütsch in Hamborg*, in co-operation with the authorities, established the *Hamborger Plattdüütsch Pries*, awarded to pre-schools and nursery schools on the basis of a competition. This has had a positive effect on teaching Low German.

407. The Committee of Experts considers the undertaking partly fulfilled. It encourages the authorities to strengthen the use of Low German in pre-school education.

- b***
  - iii* ***to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;***

408. In the fourth evaluation report, the Committee of Experts considered the undertaking fulfilled.

409. According to the information received during the current monitoring cycle, Low German continues to be taught at primary level as a subject in its own right, for two hours/week. A textbook and a teacher’s manual for Low German have been developed, which are the only professionally developed teaching materials for Low German in Germany. A curriculum for Low German is also in place. The Low German speakers have also acknowledged the progress made in primary education.

410. The Committee of Experts commends the authorities and maintains its conclusion that the undertaking is fulfilled.

*c    iii    to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;*

411. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

412. According to the fifth periodical report, Low German is offered in Hamburg schools as an optional subject. Schools may also set priority areas and teach Low German in particular. However, the Low German speakers have expressed their concern about the continuity of Low German education from primary to secondary level. During the on-the-spot visit the Committee of Experts was informed that the Hamburg school authority is in the process of developing a curriculum for Low German in lower secondary education. The authorities also signalled a clear commitment to ensure continuity in Low German teaching in the areas where Low German is offered as a regular part of the curriculum in primary schools.

413. The report further informs on the publicly funded association *Plattolio*, founded in 2011, and its website, [www.plattolio.de](http://www.plattolio.de), which provides teaching materials for Low German, for the grades 1-12.

414. The Committee of Experts considers the undertaking partly fulfilled. It looks forward to the implementation of the planned measures intended to ensure a systematic offering of Low German in secondary education.

*d    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;*

415. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

416. According to the fifth periodical report, some vocational schools use or present elements related to the Low German language and culture. There are no plans to include the teaching of Low German in the curriculum of these schools on a large scale, since it does not match the main objectives of vocational education. According to the Low German speakers, teaching of Low German in the health care vocational schools could be considered by the authorities.

417. The Committee of Experts considers the undertaking not fulfilled. It encourages the authorities to provide, in consultation with the speakers, for the teaching of Low German in technical and vocational education, with regular school hours allocated to it.

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

418. In the fourth evaluation report, the Committee of Experts considered the undertaking fulfilled and looked forward to receiving more information on the Low German teacher training reform.

419. The fifth periodical report provides additional information about further training. The *Land* Institute for Teacher Training and School Development (*Landesinstitut für Lehrerbildung und Schulentwicklung*) offers further training for primary school teachers. Since 2010 it also organises every two years a Low German forum, which is attended by teachers, school administrators, students, volunteers, representatives of the media, artists, advocacy groups. The aim of the forum is to promote exchanges and create a network supporting Low German education. The Low German speakers welcomed the setting up of this forum.

420. The Committee of Experts maintains its conclusion that the undertaking is fulfilled.

*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.*

421. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. Furthermore the Committee of Ministers recommended that the German authorities “**ensure that an effective monitoring mechanism in the sense of the Charter exists in the field of education for all regional or minority languages covered under Part III**”.

422. The Committee of Experts refers to its comments under *General issues arising in the evaluation of the application of the Charter in Germany* (paragraphs 13-14). It reiterates that the current undertaking does not necessarily require the setting up of a new body to carry out the monitoring envisaged under this undertaking. It is for example possible for existing supervisory bodies to carry out these functions and integrate them into existing administrative structures. The reports from the monitoring process should be made public. The current reporting mechanism referred to by the German authorities does not fulfil the requirements of this undertaking

423. The Committee of Experts considers the undertaking not fulfilled.

## **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:*

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

424. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”.

425. According to the fifth periodical report, the authorities are not aware of any documents being submitted in Low German or of an interest expressed in this respect. Therefore, they do not see the need for proactive measures, also taking into consideration the costs that these would entail.

426. The Committee of Experts underlines that the undertaking goes beyond passive permission to submit documents in Low German. It requires a proactive and structured approach by the authorities to ensure that this can be done. Consequently, proactive measures need to be taken by the authorities, aimed at encouraging the Low German-speakers to avail themselves of the opportunity of submitting documents in Low German, starting from the human resources policy, information campaigns and measures to inform the relevant authorities of their obligations<sup>11</sup>.

427. The Committee of Experts considers the undertaking not fulfilled.

- c *to allow the administrative authorities to draft documents in a regional or minority language.*

428. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

429. According to the fifth periodical report, the authorities do not see the need for proactive measures, also taking into consideration the costs that these would entail.

430. The Committee of Experts reiterates that a certain degree of implementation must follow the mere allowing of documents to be drafted in Low German. The Committee of Experts has not been made aware of any document drafted in Low German by the administrative authorities. It therefore maintains its previous conclusion that the undertaking is not fulfilled.

### **Paragraph 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:*

- a *the use of regional or minority languages within the framework of the regional or local authority;*

431. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

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<sup>11</sup> Paragraph 497, 3<sup>rd</sup> Report of the Committee of Experts on the application of the Charter in Germany, ECRML (2008) 4



432. According to the fifth periodical report, the authorities do not see the need for any additional measures, taking also into consideration the costs these would entail.

433. The Committee of Experts maintains its previous conclusion that the undertaking is only partly fulfilled. It encourages the authorities to promote the use of Low German within the regional or local authority.

*b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

434. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”.

435. According to the fifth periodical report, individual departments offer the possibility to submit oral or written applications in Low German. For documentation purposes, the applications have to be translated into standard German. The authorities do not see the need for any additional measures, also taking into consideration the costs that these would entail.

477. Since there seems to be at least an oral use of Low German, the Committee of Experts considers the undertaking partly fulfilled.

#### **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:*

*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.*

436. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”.

437. According to the fifth periodical report, the authorities are not aware of any such request being made by public service employees. However, the Committee of Experts is not aware of any measures taken to inform the public service employees of the possibility envisaged by the undertaking.

438. The Committee of Experts considers the undertaking not fulfilled.

### **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:*

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

439. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**take measures so that adequate [...] television broadcasting is available in [...] Low German [...]**”. Furthermore, the Committee of Experts urged the authorities to encourage the broadcasting of television programmes in Low German on a regular basis.

440. According to the fifth periodical report, the public broadcaster NDR broadcasts news and reports in Low German and, in addition, programmes such as *Plattdüütsch*, *Die Welt op Platt* and *Neues aus*

*Büttenwarder op Platt*. All the broadcasts in Low German are also available on the website of NDR. The private TV channel *Hamburg 1* occasionally includes Low German broadcasts in its programme.

441. In light of the existing offer on public service broadcasting, the Committee of Experts considers the undertaking fulfilled.

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

442. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the German authorities to take measures to encourage and/or facilitate the production and distribution of audio and audiovisual works in Low German.

443. According to the fifth periodical report, *Filmförderung Hamburg Schleswig-Holstein* does not grant specific support for audio and audiovisual works in Low German. As any other works, they are eligible for funding if they meet the quality and content criteria.

444. The Committee of Experts considers the undertaking not fulfilled. It urges the authorities to take measures to specifically encourage and/or facilitate the production and distribution of audio and audiovisual works in Low German

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

445. In the fourth evaluation report, the Committee of Experts considered the undertaking formally fulfilled. It encouraged the authorities to apply existing measures for financial assistance also to audiovisual productions in Low German.

446. According to the fifth periodical report, audio and audiovisual works in Low German are eligible for funding under the general support scheme of *Filmförderung Hamburg Schleswig-Holstein*, if they meet the quality and content criteria.

447. However, the Committee of Experts has not been informed of any audiovisual production in Low German supported under this scheme. It therefore maintains that the undertaking is only formally fulfilled.

**g** *to support the training of journalists and other staff for media using regional or minority languages.*

448. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the authorities to support the training of journalists and other staff for media using Low German.

449. According to the fifth periodical report, the University of Hamburg does not have a specific training offer for media using Low German, within journalism studies. The students at the Institute for Journalism and Communication may choose Low German as an optional subject offered by other departments, or attend Low German courses at the interdisciplinary language centre. The public broadcaster *NDR* offers internships, which include assignment to regional studios where Low German is used, but a specific training focused on Low German media does not exist. The *NDR's* central office for Low German broadcasting has an exchange programme with the University of Hamburg and in the winter semester of 2012-2013 a journalist held a course on Low German radio features.

450. The Committee of Experts considers the undertaking partly fulfilled. It encourages the authorities to take structured measures to support the training of journalists and other media staff using Low German.

## **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:*

- 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;

451. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

452. In the fifth periodical report the authorities refer to the activities of *Ohnsorg-Theater*, which is funded annually with € 1.8 million. In the recent season, 400 theatre performances in Low German were presented on its stage. Starting with the 2012-2013 season, the theatre has also offered plays for children, in Low German or bilingually. The organisation *Die Wendeltreppe*, which receives a small financial support from the authorities, performs in Low German as well. The *Hamburger Engelsaal*, a private theatre supported by the authorities, offers occasionally performances in Low German. Other amateur theatre companies also offer plays in Low German.

453. The Committee of Experts commends the authorities for contributing to the presence of Low German in the field of theatre. However, there is a lack of a focused cultural policy in favour of Low German in other fields of culture. The Committee of Experts has not been informed of any effort to ensure that the bodies responsible for supporting cultural activities (except for the theatre) make appropriate allowance for incorporating the knowledge and use of Low German.

454. The Committee of Experts considers the undertaking partly fulfilled.

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

455. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

456. According to the fifth periodical report, the authorities and the Low German speakers are in regular contact regarding the cultural activities and facilities.

457. The Committee of Experts asks the authorities to provide more specific information in the next periodical report.

### **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.*

458. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled as regards the federal level.

459. According to the fifth periodical report, *Deutsche Welle* provides information about Low German on its website. The Federal Foreign Office and the *Goethe-Institut* do not take any measures to promote the regional and minority languages and cultures in the framework of the cultural and educational policy abroad. The German authorities do not consider such measures necessary for the implementation of this undertaking.

460. The Committee of Experts underlines that this provision requires the German authorities to include Low German and the culture it reflects when presenting Germany's culture and heritage abroad. As a first step, embassies and the *Goethe-Institut* could distribute the brochure *National minorities, regional and minority languages in Germany*, issued by the Ministry of the Interior, at international events where Germany promotes its culture abroad.

461. The Committee of Experts considers this undertaking not fulfilled at federal level. It encourages the authorities to make appropriate provision for Low German and the culture it reflects, when pursuing their cultural policy abroad.

## **Article 13 – Economic and social life**

### **Paragraph 1**

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

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

462. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It asked the German authorities to provide specific information on other measures taken to facilitate and/or encourage the use of Low German in economic and social life.

463. According to the fifth periodical report, in 2012 the Hamburg public transport network launched an advertising campaign in Low German, on posters, buses and in newspapers.

464. The Committee of Experts considers the undertaking fulfilled and encourages the authorities to continue with similar initiatives.

## **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:*

- 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;*

465. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It strongly urged the authorities to adopt a structured policy with a view to making more systematic the possibility to be received and treated in Low German in social care facilities.

466. According to the fifth periodical report, no structured policy has been adopted in this respect and Low German is rarely used in social care facilities.

467. The Committee of Experts reiterates that the undertaking requires the authorities to ensure that the possibility of receiving and treating persons in Low German is offered, which implies structural measures with a view to guaranteeing a systematic provision. Such measures could include regulations on the relevant qualifications which take account of a person's knowledge of Low German or facilities and incentives for the existing social care personnel to improve their Low German skills. Without such measures, the chances of being treated in Low German will continue to be patchy and there is nothing to prevent the situation from deteriorating in the future. However, at present there seem to be services in Low German available in several social care facilities.

468. The Committee of Experts considers the undertaking partly fulfilled at present. The Committee of Experts again strongly urges the authorities to adopt a structured policy with a view to making the possibility to be received and treated in Low German in social care facilities more systematic.

### 2.2.6.c. *Low German in the Land of Mecklenburg-Western Pomerania*

469. In this section, the Committee of Experts will focus on problematic areas and new developments in the protection and promotion of Low German in Mecklenburg-Western Pomerania. It will therefore not assess the implementation of provisions which were fulfilled in the previous monitoring cycles, apart from such undertakings where the Committee of Experts has received new relevant information. The following provisions will not be commented upon:

Article 8, paragraph 1 g;  
Article 9, paragraph 1.b.iii; c.iii; paragraph 2.a;  
Article 10, paragraph 2.a; b; f;  
Article 11, paragraph 1b.ii, d, e. ii; paragraph 2;  
Article 12, paragraph 1.a; b; d; e; h;  
Article 13, paragraph 1.a; c; d.

470. For these provisions, the Committee of Experts refers to the conclusions reached in its previous reports but reserves the right to evaluate the situation again at a later stage.

## **Article 8 – Education**

### **Paragraph 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:***

- a***
  - 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;***

471. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It asked the authorities for clarification and further information on the teaching of Low German in practice at pre-schools.

472. According to the fifth periodical report, a model project has been developed, on the recommendation of the Working group on *Low German at school and early-childhood education*, in order to ensure a more systematic teaching of Low German at pre-school level. The project was financed by *Stiftung Mecklenburg*. In its framework, in 2010 teaching materials were developed and distributed to all 20 participating pre-schools. In 2010-2011, workshops for teachers were organised, where they could provide feedback and receive additional training. In 2011, an evaluation meeting was organised at Güstrow, where teachers agreed that Low German should be more firmly anchored in education and become a regular subject. The teaching materials developed in the framework of the project are at present being used for teaching Low German in pre-school education. During the on-the-spot visit, the authorities informed the Committee of Experts that the project will continue.

473. The Committee of Experts welcomes the development of this project. However, it remains unclear to what extent Low German is used in pre-school education, and whether this amounts to at least a substantial part of it.

474. The Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled. It encourages the authorities to continue their efforts to strengthen Low German in pre-school education and asks them to provide specific information about the teaching of Low German in practice at this level.

- b    iii    to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;
- c    iii    to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;

475. In the fourth evaluation report, the Committee of Experts considered the undertakings partly fulfilled. The Committee of Ministers recommended that the German authorities “**upgrade the teaching of Low German to the status of a regular school subject being taught as an integral part of the curriculum and increase the number of hours devoted to Low German, in the Länder concerned**”. Furthermore, the Committee of Experts urged the authorities to pursue their efforts to ensure that Low German is systematically taught as an integral part of the curriculum at primary and secondary schools in the territories where Low German is used.

476. According to the fifth periodical report and the information received during the on-the-spot visit, Low German is taught in 66 primary and secondary schools, within the German classes. Low German is not a separate subject in schools and there are no plans of the authorities in this respect, although the teachers would support this approach. The authorities also admit that no body supervises how the regulation on *Low German in the classroom* is applied in schools. A survey on teaching Low German in primary and secondary schools is planned in 2012-2013 as part of the model project *Low German in early-education childhood and transition to secondary school*, financed by *Stiftung Mecklenburg*. According to the Low German speakers, teaching Low German as part of the German classes is not effective as regards language learning.

477. In light of this information, the Committee of Experts must revise its conclusion and consider the undertaking not fulfilled. It strongly urges the authorities to provide for the systematic teaching of Low German as an integral part of the curriculum at primary and secondary schools in the territories where Low German is used.

- d    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;

478. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

479. According to the fifth periodical report, Low German is taught as part of the German classes, and there are no plans to teach it as a separate subject. However, the Low German speakers are of the view that teaching Low German in vocational schools in the health care field could be considered by the authorities.

480. The Committee of Experts considers the undertaking not fulfilled. It encourages the authorities, in cooperation with the speakers, to provide for the teaching of Low German as an integral part of the curriculum, in technical and vocational education.

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

481. In the fourth evaluation report, the Committee of Experts considered the undertaking fulfilled. It asked the authorities to provide more information about the decentralised Low German Master course and the Low German certificate, both under consideration by the Universities of Greifswald, Rostock, Magdeburg, Hamburg and Kiel.

482. According to the fifth periodical report, concrete proposals concerning the decentralised Low German masters course and certificate discussed by the five universities were still to be presented in the course of 2013. Low German continues to be an option for specialised study within the teacher training course for German at the University of Greifswald and 40 students were enrolled in the 2012-2013 winter trimester. Low German is still offered as a module in the bachelor, master and teacher training studies at the University of Rostock; a Low German introductory course is compulsory in teacher training, while for the other studies Low German is an optional compulsory subject.

483. In addition, the regulation on the first state examination for teachers at general and vocational schools, issued in July 2012, foresees that Low German may be a complementary subject in the teacher training studies, as an exception from the general rules. The authorities expect that on the basis of this provision both the University of Greifswald and the University of Rostock will offer Low German as a subsidiary subject.

484. The Committee of Experts considers the undertaking fulfilled. Nevertheless, it asks the authorities to provide information on further developments in this field.

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

485. This undertaking was considered fulfilled in the previous evaluation reports.

486. According to the fifth periodical report, no further training for teachers and pre-school teachers leading to a certificate for Low German as a complementary subject has taken place since 2009. The Low German speakers have informed the Committee of Experts that no reason has been given for the discontinuation of this training. The authorities further inform that 17 teachers and pre-school teachers have completed a Low German course, at B2 level.

487. Since no further training of teachers is taking place and the undertakings concerning primary and secondary education are not fulfilled, the Committee of Experts must revise its previous conclusion and considered the undertaking only partly fulfilled. It asks the authorities to provide specific information about further training of teachers in the next periodical report.

*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.**

488. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**ensure that an effective monitoring mechanism in the sense of the Charter exists in the field of education for all regional or minority languages covered under Part III**”.

489. The Committee of Experts refers to its comments under *General issues arising in the evaluation of the application of the Charter in Germany* (paragraphs 13-14). It reiterates that the current undertaking does not necessarily require the setting up of a new body to carry out the monitoring envisaged under this undertaking. It is, for example, possible for existing supervisory bodies to carry out these functions and integrate them into existing administrative structures. The reports from the monitoring process should be made public. The current reporting mechanism referred to by the German authorities does not fulfil the requirements of this undertaking

490. The Committee of Experts considers the undertaking not fulfilled.

## **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:*

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

491. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”.

492. According to the fifth periodical report, on the basis of the Charter, Low German is considered a possible second language in administration. The authorities, however, are not aware of any official correspondence drawn up in Low German, neither of documents being rejected because they were drafted in Low German.

493. The Committee of Experts reiterates that proactive measures need to be taken by the authorities aimed at encouraging the Low German-speakers to avail themselves of the opportunity of submitting documents in Low German, starting from the human resources policy, information campaigns and measures to make aware the relevant authorities of their obligations.

494. The Committee of Experts considers that the undertaking is not fulfilled.

*c to allow the administrative authorities to draft documents in a regional or minority language.*

495. In the fourth monitoring round, the Committee of Experts considered the undertaking partly fulfilled.

496. According to the fifth periodical report, no documents have been drafted in Low German during the present monitoring cycle. The Committee of Experts therefore maintains its previous conclusion that the undertaking is only partly fulfilled.

#### **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:*

*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.*

497. In the fourth evaluation report, the Committee of Experts considered the undertaking fulfilled. However, it asked the authorities to provide specific information concerning compliance with requests for appointment in the territory where Low German is used.

498. According to the fifth periodical report, the authorities are not aware of any such request being made by public service employees. However, the Committee of Experts is not aware of any measures taken to inform the public service employees of the possibility envisaged by the undertaking.

499. The Committee of Experts asks the authorities to provide specific information concerning compliance with requests for appointment in the territory where Low German is used in the next periodical 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:*

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

500. In its second evaluation report, the Committee of Experts considered the undertaking partly fulfilled. The Committee of Ministers recommended that the German authorities “**take measures so that adequate [...] television broadcasting is available in [...] Low German**”. Furthermore, the Committee of Experts encouraged the authorities to promote the broadcasting of Low German programmes by private broadcasters.

501. According to the fifth periodical report, there are no programmes in Low German offered by private broadcasters, but only occasional programmes about Low German-related topics. The Committee of Experts notes that there have been no developments in this respect. There exists a certain amount of Low German programmes in the public service broadcasting of *NDR* and on the regional Open Channel.

502. The Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled. It urges the authorities to promote the broadcasting of Low German programmes by private broadcasters.

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

503. In the fourth evaluation report the Committee of Experts asked the German authorities to provide specific information on whether general existing measures for financial assistance have been applied to audiovisual productions in Low German.

504. According to the fifth periodical report, no applications for financial assistance for audiovisual productions in Low German have been submitted under the general support scheme.



505. The Committee of Experts reiterates that, in line with the undertaking, existing measures for financial assistance have to be designed in such a way that regional or minority language productions could qualify, and to be made available to them in practice, to a certain extent. The regional or minority language representatives need to be made aware of this possibility.

506. The Committee of Experts considers the undertaking formally fulfilled. It encourages, however, the authorities to apply existing measures for financial assistance also to audiovisual productions in Low German.

## **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:*

- 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;*

507. In the fourth evaluation report, the Committee of Experts considered the undertaking formally fulfilled. It encouraged the authorities to take proactive measures to foster access in Low German to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities.

508. According to the fifth periodical report, no applications for funding the translation, dubbing, post-synchronisation or subtitling in Low German of works produced in other languages have been submitted. However, such funding is in principle possible, under the existing legal framework.

509. The Committee of Experts maintains its previous conclusion that the undertaking is formally fulfilled, but encourages the authorities to take a proactive approach in fostering access in Low German to works produced in other languages.

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

510. The Committee of Experts considered the undertaking fulfilled in the previous monitoring rounds, because the organisations providing facilities and planning cultural activities in Low German (*Landesheimatbund* and *Kulturbund*) were ensuring direct participation of the Low German speakers. As noted above under Article 7.4 (paragraph 63) both umbrella organisations do not receive financial support from the authorities anymore and went into insolvency, and no new organisations have yet been established. As a consequence, direct participation by representatives of Low German in providing facilities and planning cultural activities in Low German no longer takes place. The Committee of Experts does not conclude at this stage, but will return to this issue in the next monitoring round.

### **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.*

511. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled at federal level.

512. According to the fifth periodical report, *Deutsche Welle* provides information about Low German on its website. The Federal Foreign Office and the *Goethe-Institut* do not take any measures to promote the regional and minority languages and cultures in the framework of the cultural and educational policy abroad. The German authorities do not consider such measures necessary for the implementation of this undertaking.

513. The Committee of Experts underlines that this provision requires the German authorities to include Low German and the culture it reflects when presenting Germany's culture and heritage abroad. As a first step, embassies and the *Goethe-Institut* could distribute the brochure *National minorities, regional and minority languages in Germany*, issued by the Ministry of the Interior, at international events where Germany promotes its culture abroad.

514. The Committee of Experts considers this undertaking not fulfilled at federal level. It encourages the authorities to make appropriate provision for Low German and the culture it reflects, when pursuing their cultural policy abroad.

## **Article 13 – Economic and social life**

### **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:*

- 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;*

515. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It strongly urged the authorities to adopt a structured policy with a view to making it more systematically possible for the persons concerned to be received and treated in Low German in social care facilities.

516. The fifth periodical report contains no information in this respect.

517. The Committee of Experts reiterates that the undertaking requires the authorities to ensure that the possibility of receiving and treating persons in Low German is offered, which implies structural measures with a view to guaranteeing a systematic provision. Such measures could include regulations on the relevant qualifications which take account of a person's knowledge of Low German or facilities and incentives for the existing social care personnel to improve their Low German skills. Without such measures, the chances of being treated in Low German will continue to be patchy and there is nothing to prevent the situation from deteriorating in the future. However, at present there seem to be services in Low German available in several social care facilities.

518. The Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled. The Committee of Experts again strongly urges the authorities to adopt a structured policy with a view to making it more systematically possible for the persons concerned to be received and treated in Low German in social care facilities.

### 3.2.6.d. Low German in the Land of Lower Saxony

519. In this section, the Committee of Experts will focus on problematic areas and new developments in the protection and promotion of Low German in Lower Saxony. It will therefore not assess the implementation of provisions which were fulfilled in the previous monitoring cycles, apart from such undertakings where the Committee of Experts has received new relevant information. The following provisions will not be commented upon:

Article 8, paragraph 1.f.iii;  
Article 9, paragraph 1.b.iii; c.iii; paragraph 2.a;  
Article 10, paragraph 2.f; paragraph 4.a, c;  
Article 11, paragraph 1.b.ii, e.ii; f.ii; paragraph 2;  
Article 12, paragraph 1.a; d; e; f ; g; paragraph 2;  
Article 13, paragraph 1.a; c; d;  
Article 14.a; b.

520. For these provisions, the Committee of Experts refers to the conclusions reached in its previous reports but reserves the right to evaluate the situation again at a later stage.

## Article 8 – Education

### Paragraph 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:***

- a*** *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;***

521. In the fourth evaluation report the Committee of Experts considered the undertaking partly fulfilled. It urged the authorities to systematically favour and/or encourage the provision of at least a substantial part of pre-school education in Low German to at least those pupils whose families so request and whose number is considered sufficient.

522. According to the fifth periodical report, the *Land* authorities do not require Low German to be taught at kindergartens. The *Orientation Plan for Language and Speaking* only provides that “in the areas where a regional language is spoken, multilingualism is a good way to enhance language comprehension and speaking skills”. The decision to offer Low German at pre-school belongs to the providers, whether public or private. They must decide at local level and in consultation with the parents if and how Low German is to be part of pre-school education.

523. The Committee of Experts received no information on the extent to which Low German is taught in practice, or to the number of children involved. It therefore maintains its previous conclusion that the undertaking is only partly fulfilled.

524. The Committee of Experts strongly urges the authorities to systematically favour and/or encourage the provision of at least a substantial part of pre-school education in Low German to at least those pupils whose families so request and whose number is considered sufficient.

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

525. In the fourth evaluation report the Committee of Experts considered the undertaking fulfilled.

526. According to the fifth periodical report, the chair in *Germanic linguistics: Linguistic pragmatics and sociolinguistics/Low German* became a permanent position in 2012. The same year funding from the *Land* to the University of Oldenburg, aimed at strengthening Low German, increased by € 100 000; as of 2013, the funding will increase yearly by € 150 000. This increase in funding enabled the University to set up new research and teaching positions.

527. The Committee of Experts welcomes these developments. It considers the undertaking fulfilled.

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

528. In the fourth evaluation report the Committee of Experts requested the German authorities to provide more specific information in the next periodical report on the extent to which the teaching of the history and the culture which is reflected by Low German is ensured in practice.

529. According to the fifth periodical report, in line with the decree on *The Region and its Languages in Education*, which entered into force on 1 August 2011, when teaching about the regional context, information has to be provided about the languages in the region. This is compulsory for all types of classes (teaching compulsory subjects, teaching optional compulsory subject, activity groups, and all-day school offer). The core curriculum for all schools covers teaching about the regional context and this information must be included in subjects such as German, history, geography, political science, music and art, in particular.

530. The Committee of Experts considers the undertaking fulfilled.

- 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.

531. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**ensure that an effective monitoring mechanism in the sense of the Charter exists in the field of education for all regional or minority languages covered under Part III**”. Furthermore, the Committee of Experts asked the authorities to provide information about the outcome of the revision of a decree dealing, *inter alia*, with supervisory bodies.

532. According to the fifth periodical report, a supervisory body composed of representatives of the authorities, of the regional associations and of the *Niedersächsischer Heimatbund*, monitors how the Charter provisions in the field of education are implemented. The monitoring is based on the report of the Lower Saxony school authority, which provides information on the how Low German is promoted, how the allotted teaching hours are used and on the activities of the advisers for Low German.

533. The Committee of Experts asks the authorities to inform it whether the report of this supervisory body is made public and what the results of monitoring are.

## 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:*

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

534. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”. Furthermore, the Committee of Experts strongly urged the authorities of Lower Saxony to ensure that users of Low German may validly submit documents in Low German within its administrative districts to the administrative authorities of Lower Saxony. It also asked the German

authorities to provide information about the draft Low German bill, presented by the *Niedersächsische Heimatbund*, in order to ensure a legal basis for the use of Low German in administration.

535. In the fifth periodical report the authorities reiterate that the Charter is directly applicable law and no further legislative provisions are necessary in order to ensure that Low German-speakers may validly submit a document in Low German. As to the practical aspects, the report states that Low German is mainly used in oral communication. The draft law presented by the *Niedersächsischer Heimatbund*, aimed at ensuring a legal basis for the use of Low German in administration, has been rejected. The Committee of Experts was informed by representatives of the speakers that written documents in Low German are not recognised as valid, for example, by the tax authorities.

536. In light of this information, the Committee of Experts maintains its previous conclusion that the undertaking is not fulfilled.

**c** **to allow the administrative authorities to draft documents in a regional or minority language.**

537. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled.

538. In the fifth periodical report the authorities maintain that the Charter is directly applicable law and no further legislative provisions are necessary to implement this undertaking. According to the report, administrative authorities are allowed to draft documents in Low German.

539. The Committee of Experts reiterates that some degree of practical implementation has to follow the mere “allowing” the documents to be drafted in Low German. The Committee of Experts received no information of any documents drafted in Low German by administrative authorities.

540. Therefore, it maintains its previous conclusion that the undertaking is not fulfilled.

## **Paragraph 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:**

**a** **the use of regional or minority languages within the framework of the regional or local authority;**

541. In the fourth evaluation report the Committee of Experts considered the undertaking partly fulfilled.

542. According to the fifth periodical report, Low German continues to be used in a number of local authorities, although to a limited degree. These have Low German-speaking employees and some have appointed commissioners for Low German. Some authorities conduct marriage and partnership ceremonies in Low German. The *Ostfriesische Landschaft* is involved in promoting Low German in administration. There is no legal provision allowing the written use of Low German in the framework of regional or local authorities.

543. The Committee of Experts notes that there have been no developments concerning the use of Low German in regional or local authorities. Therefore, it maintains its previous conclusion that the undertaking is only partly fulfilled.

**b** **the possibility for users of regional or minority languages to submit oral or written applications in these languages;**

544. In the fourth evaluation report the Committee of Experts considered the undertaking partly fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”.

545. According to the fifth periodical report, due to the competence of the local self-government, the *Land* authorities may not set rules concerning the use of Low German in local administration. However, as the Charter has the status of law, it is also binding for the local authorities and these are aware of the need to enable the use of Low German in dealings with the administration. Local authorities have Low German-speaking employees, who are appointed in particular at the public information services. Some local authorities also have appointed Commissioners for Low German.

546. However, the Committee of Experts was informed by the Low German speakers that written documents may not be submitted in Low German, for example in case of child registration or land consolidation procedure.

547. The Committee of Experts maintains its previous conclusion that the undertaking is only partly fulfilled.

*c the publication by regional authorities of their official documents also in the relevant regional or minority languages;*

*d the publication by local authorities of their official documents also in the relevant regional or minority languages;*

548. In the fourth evaluation report, the Committee of Experts considered the undertakings partly fulfilled.

549. According to the fifth periodical report, due to the competence of the local self-government, the *Land* authorities may not set rules concerning the use of Low German in local administration. However, as the Charter has the status of law, it is also binding for the local authorities. The Committee of Experts was, however, informed by Low German speakers that no official documents are also published in Low German.

550. The Committee of Experts must therefore revise its conclusion and consider the undertaking not fulfilled. The Committee of Experts encourages the authorities to promote the publication by local and regional authorities of their documents also in Low German.

*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;*

551. In the fourth evaluation report the Committee of Experts considered the undertaking partly fulfilled.

552. According to the fifth periodical report, due to the competence of the local self-government, the *Land* authorities may not set rules concerning the use of Low German in local administration. However, as the Charter has the status of law, it is also binding for the local authorities. The Committee of Experts received no information on the practical implementation of this undertaking, or on the measures taken by the authorities to encourage the use of Low German in the debates of regional assemblies.

553. The Committee of Experts maintains its previous conclusion that the undertaking is only partly fulfilled.

## 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:*

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

554. In the fourth evaluation report the Committee of Experts considered the undertaking partly fulfilled. The Committee of Ministers recommended that the German “**take measures so that adequate radio and television broadcasting is available in [...] Low German [...]**”. Furthermore, the Committee of Experts invited the authorities to look into how the existing Low German programmes could be offered on a regular basis, so that the undertaking could be fulfilled.

555. According to the fifth periodical report, in 2010 the authorities amended the Lower Saxony Media Act. The law now requires broadcasters to include in an adequate manner in their programme the regional and minority languages spoken in their coverage area. The public broadcaster *NDR* regularly offers a variety of programmes in Low German.

556. The Committee of Experts considers the undertaking fulfilled.

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

557. In the fourth evaluation report the Committee of Experts considered the undertaking fulfilled with regard to audio works and not fulfilled with regard to audiovisual works.

558. According to the fifth periodical report, in 2010 *nordmedia fonds GmbH* provided funding for the production of the NDR documentary in Low German *Bingo-Toletzt entscheed jümmers das Glück*.

559. The Committee of Experts considers the undertaking fulfilled.

## **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:*

- 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;

560. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled.

561. The fifth periodical report contains no relevant information in this respect.

562. The Committee of Experts considers the undertaking not fulfilled.

- 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;

563. In the fourth evaluation report the Committee of Experts considered the undertaking partly fulfilled.

564. According to the fifth periodical report, theatre plays are often translated into Low German. The authorities provide financial assistance to the *Niederdeutscher Bühnenbund*, in the framework of the agreement with *Niederdeutscher Heimatbund*. They also support the music competition *Platt-Sounds*, where songs are performed in Low German and, therefore all texts are translated with the assistance of the organisers. In addition, the authorities contributed to financing the translation into Low German of an audio guide for the picture gallery of the state museum in Hannover.

565. The Committee of Experts considers the undertaking fulfilled.

### **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.*

566. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled at federal level.

567. According to the fifth periodical report, *Deutsche Welle* provides information about Low German on its website. The Federal Foreign Office and the *Goethe-Institut* do not take any measures to promote the regional and minority languages and cultures in the framework of the cultural and educational policy abroad. The German authorities do not consider such measures necessary for the implementation of this undertaking.

568. The Committee of Experts underlines that this provision requires the German authorities to include Low German and the culture it reflects when presenting Germany's culture and heritage abroad. As a first step, embassies and the *Goethe-Institut* could distribute the brochure *National minorities, regional and minority languages in Germany*, issued by the Ministry of the Interior, at international events where Germany promotes its culture abroad.

569. The Committee of Experts considers this undertaking not fulfilled at federal level. It encourages the authorities to make appropriate provision for Low German and the culture it reflects, when pursuing their cultural policy abroad.



### 3.2.6.e. Low German in the Land of Schleswig-Holstein

570. In this section, the Committee of Experts will focus on problematic areas and new developments in the protection and promotion of Low German in Schleswig-Holstein. It will therefore not assess the implementation of provisions which were fulfilled in the previous monitoring cycles, apart from such undertakings where the Committee of Experts has received new relevant information. The following provisions will not be commented upon:

- Article 8, paragraph 1.a.iv; f.iii; g;
- Article 9, paragraph 1.b.iii; c.iii; paragraph 2.a;
- Article 10, paragraph 2.a; f;
- Article 11, paragraph 1.b.ii; e.ii; paragraph 2;
- Article 12, paragraph 1.a; d; f; g;
- Article 13, paragraph 1.a; c.

571. For these provisions, the Committee of Experts refers to the conclusions reached in its previous reports but reserves the right to evaluate the situation again at a later stage.

## Article 8 – Education

### Paragraph 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:*

- b    iii    to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;*
- c    iii    to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;*

572. In the fourth evaluation report the Committee of Experts considered these undertakings partly fulfilled. The Committee of Ministers recommended that the German authorities **“upgrade the teaching of Low German to the status of a regular school subject being taught as an integral part of the curriculum and increase the number of hours devoted to Low German, in the Länder concerned”**.

573. According to the fifth periodical report, the authorities continue their efforts to strengthen Low German in education. In August 2012 the school in Niebüll became the first model school for Low German in Schleswig-Holstein. In this school, language learning is a priority and the school receives extra funding from the *Land* authorities for developing courses, research and further training. The expertise developed in Niebüll will be shared with other schools. According to the information received during the on-the-spot visit, the *Land* is organising a pilot project where 27 schools in various parts of Schleswig-Holstein teach Low German as a subject within the regular curriculum. This pilot project is intended to lead to a ministerial directive on Low German regularising its teaching as an integral part of the curriculum throughout the *Land*. Furthermore, the authorities, in cooperation with the *Schleswig-Holstein Heimatbund* have established a prize awarded to education institutions which promote Low German.

574. The Committee of Experts welcomes these developments. However, as long as Low German is not systematically taught throughout the Low German speaking territory as an integral part of the curriculum, the Committee of Experts must maintain its previous conclusion that the undertaking is partly fulfilled. The Committee of Experts looks forward to the successful implementation of the measures planned.

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

575. In the fourth evaluation report the Committee of Experts considered the undertaking fulfilled.

576. According to the fifth periodical report, at the University of Flensburg, all students with German as a “major” must take an introduction to Low German or Frisian in the first semester. In the third year, they may choose to specialise in Low German and follow two Low German modules (six classes). A certificate is awarded to those having successfully completed both modules. The modules are also open to students not having chosen to specialise in Low German. At the University of Kiel, students with German as a “major”

may choose classes with an emphasis on Low German. They, as well as students with other subjects as their “major”, may attend modules with Low German as a specialised subject. The masters in German is now also offering the possibility to choose Low German as a specialised subject. In addition, a Low German learning module, with a course for beginners and advanced learners is offered by the university. The Low German sections at the universities in Kiel and Flensburg have concluded a cooperation agreement; they exchange students and instructors, as well as coordinate their Low German semester offers.

577. The Committee of Experts welcomes this information. It maintains its previous conclusion that the undertaking is fulfilled.

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

578. In the fourth evaluation report, the Committee of Experts asked the authorities to provide information about the training of teachers for Low German at the University of Flensburg.

579. According to the fifth periodical report, the University of Flensburg is revising its teacher training courses as of the winter semester 2013/2014 and extending its masters programme to four semesters. In this framework, the university is examining whether to strengthen the Low German specialised subject area. At the University of Kiel students training to be teachers may choose Low German as an additional subject.

580. The *Institute for Advanced Teacher Training at Schleswig-Holstein Schools* offers further training courses for teachers for Low German. For this purpose, the institute has also hired new experts and advisers. In the 2012/2013 school year a certificate course in Low German has been offered. In addition, the Centres for Low German in Ratzenburg and Leck organise basic and further teacher training, in particular for pre-school teachers. Since 2011 the centre in Leck has been offering a six-day qualification course *Platt für de Lütten*, dedicated to pre-school teachers. Further training courses are organised by associations. The *Schleswig-Holstein Heimatbund* contributes as well to the training of teachers and co-operates with the Low German Working Group of the International Learning Centre *Jugendhof Scheersberg*. In addition, adult education centres for pre-school staff (*KiTA-Weiterbildungsprogramm*) offer Low German. The Low German speakers welcomed the positive developments in further training.

581. The Committee of Experts considers the undertaking fulfilled. However, it looks forward to receiving further information about teacher training at the University of Flensburg and hopes that, in the framework of the reform, Low German will be strengthened.

*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.*

582. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**ensure that an effective monitoring mechanism in the sense of the Charter exists in the field of education for all regional or minority languages covered under Part III.**”

583. The Committee of Experts refers to its comments under *General issues arising in the evaluation of the application of the Charter in Germany* (paragraphs 13-14). It reiterates that the current undertaking does not necessarily require the setting up of a new body to carry out the monitoring envisaged under this undertaking. It is for example possible for existing supervisory bodies to carry out these functions and integrate them into existing administrative structures. The reports from the monitoring process should be made public. The current reporting mechanism referred to by the German authorities does not fulfil the requirements of this undertaking

584. The Committee of Experts considers the undertaking not fulfilled.

## **Paragraph 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.*

585. In the fourth evaluation report the Committee of Experts looked forward to receiving more information on the educational concepts and their practical implementation in environments where Low German was no longer a spoken language.

586. According to the fifth periodical report, state funded adult education centres offer Low German courses across the *Land*. On the whole, 30 such centres offer about 60 Low German courses, attended by approximately 620 people.

587. The Committee of Experts asks the authorities to provide information about pre-school, primary and secondary stages of education in environments where Low German is no longer a spoken language.

## **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:*

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

588. In the fourth evaluation report the Committee of Experts considered the undertaking formally fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”.

589. According to the fifth periodical report, no measures have been taken. The authorities reiterate that no administrative regulations are necessary, since the Charter is directly applicable in Germany. The Low German speakers have informed the Committee of Experts of a case where an applicant was told by the employment agency in Stormarn that the Charter did not apply because of the small number of speakers.

590. The Committee of Experts reiterates that the authorities should envisage other measures, for example informing the administrative bodies of their duties, carrying out an awareness campaign and identifying Low German speakers within the administration, in order to ensure that documents in Low German may be validly submitted in practice.

591. The Committee of Experts maintains its previous conclusion that the undertaking is only formally fulfilled.

- c to allow the administrative authorities to draft documents in a regional or minority language.*

592. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled.

593. In the fifth periodical report, the authorities reiterate that the provision only requires allowing documents to be drafted in Low German and that no further measures are necessary.

594. The Committee of Experts reiterates<sup>12</sup> that a certain degree of implementation must follow the mere allowing of the documents to be drafted in Low German. In the light of the objectives of the Charter, states need to take proactive measures that ensure a certain degree of practical use of the regional or minority language in documents drafted by administrative authorities.

595. The Committee of Experts considers the undertaking not fulfilled.

### **Paragraph 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:*

- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

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<sup>12</sup> Paragraph 647, 4<sup>th</sup> Report of the Committee of Experts on the application of the Charter in Germany, ECRML (2011) 2

596. In the fourth evaluation report the Committee of Experts considered the undertaking partly fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”.

597. In the fifth periodical report, the authorities reiterate that the undertaking only requires them to *allow* the submission of oral and written applications in Low German, and not any measures encouraging speakers to make use of this possibility.

598. The Committee of Experts reiterates<sup>13</sup> that the undertaking is not restricted to a mere “allowing”, but requires the state to “encourage” the speakers to make use of the language in communicating with the regional and municipal authorities. Moreover, the spirit of the Charter requires the authorities to take proactive measures encouraging the use of minority languages in various spheres of public life.

599. The Committee of Experts maintains its previous conclusion that the undertaking is only partly fulfilled.

#### **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:*

- 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.*

600. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled.

601. According to the fifth periodical report, the authorities are not aware of any such request being made by public service employees. They further underline that Low German can only be a selection criterion for specific vacancies, where knowledge of Low German is absolutely needed.

602. However, the Committee of Experts is not aware of any measures taken to inform the public service employees of the possibility envisaged by the undertaking.

603. The Committee of Experts considers the undertaking not fulfilled.

### **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:*

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

604. In the fourth evaluation report the Committee of Experts considered the undertaking partly fulfilled. The Committee of Ministers recommended that the German authorities “**take measures so that adequate radio and television broadcasting is available in [...] Low German [...]**”. Furthermore, the Committee of Experts encouraged the authorities to promote the broadcasting of Low German programmes by private television broadcasters.

605. According to the fifth periodical report, the public broadcaster *NDR* regularly offers a variety of programmes in Low German. The Open Channel Schleswig-Holstein offers various programmes in Low German. In addition, the Open Channel TV stations in Kiel and Flensburg regularly offer theatre plays in Low German.

606. The Committee of Experts considers the undertaking fulfilled.

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<sup>13</sup> Paragraph 650, 4th Report of the Committee of Experts on the application of the Charter in Germany, ECRML (2011) 2

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

607. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled. It asked the authorities to provide specific information on how the production and distribution of audio and audiovisual works in Low German has been encouraged and/or facilitated by public funds or comparable measures.

608. According to the fifth periodical report, the *Filmförderung Hamburg Schleswig-Holstein* did not receive any applications concerning audio or audiovisual works in Low German. However, this information is relevant under Article 11.1.f ii, as it refers to the existing general financial assistance for all audiovisual works. This undertaking requires specific assistance measures for audiovisual works in regional or minority languages.

609. The Committee of Experts considers the undertaking not fulfilled. It encourages the authorities to encourage and/or facilitate the production and distribution of audio and audiovisual works in Low German.

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

610. In the fourth evaluation report, the Committee of Experts considered the undertaking formally fulfilled.

611. According to the fifth periodical report, audio and audiovisual works in Low German are eligible for funding under the general support scheme of *Filmförderung Hamburg Schleswig-Holstein*, if they meet the quality and content criteria.

612. The Committee of Experts has not been informed of any audiovisual production in Low German supported under this scheme. It therefore maintains that the undertaking is only formally fulfilled.

## **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:*

- 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;*

613. In the fourth evaluation report the Committee of Experts considered these undertakings partly fulfilled. It asked the authorities to elaborate more in detail on their role in the translation by publishers and authors of theatre plays into Low German.

614. According to the fifth periodical report, the *Land* authorities provide funding to the *Niederdeutschen Bühnenbund Schleswig-Holstein* and to the *Landesverband der Amateurtheater Schleswig-Holstein*. These are two umbrella organisations supporting their member theatres in preparing theatre plays in Low German, including the translation of such works.

615. While commending the authorities for their support to Low German theatre, the Committee of Experts points out that a wider offer of works translated from or into Low German is needed.

616. Nevertheless, the Committee of Experts considers the undertakings fulfilled. It encourages the authorities to support translation, dubbing, post-synchronisation and subtitling of additional works, in addition to theatre plays, into and from Low German.

### **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.*

617. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled at the federal level.

618. According to the fifth periodical report, *Deutsche Welle* provides information about Low German on its website. The Federal Foreign Office and the *Goethe-Institut* do not take any measures to promote the regional and minority languages and cultures in the framework of the cultural and educational policy abroad. The German authorities do not consider such measures necessary for the implementation of this undertaking.

619. The Committee of Experts underlines that this provision requires the German authorities to include Low German and the culture it reflects when presenting Germany's culture and heritage abroad. As a first step, embassies and the *Goethe-Institut* could distribute the brochure *National minorities, regional and minority languages in Germany*, issued by the Ministry of the Interior, at international events where Germany promotes its culture abroad.

620. The Committee of Experts considers this undertaking not fulfilled at federal level. It encourages the authorities to make appropriate provision for Low German and the culture it reflects, when pursuing their cultural policy abroad.

## **Article 13 – Economic and social life**

### **Paragraph 1**

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

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

621. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled.

622. According to the fifth periodical report, the authorities have only limited possibilities to intervene in the social and economic activities.

623. The Committee of Experts is not aware of any measures taken by the authorities to encourage the use of Low German in economic and social life. Therefore, the Committee of Experts maintains its previous conclusion that the undertaking is not fulfilled.

### **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:*

- 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;*

624. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled.

625. In the fifth periodical report, the authorities state that they have only limited possibilities of intervention in this field; however, they are continuing efforts, in cooperation with the relevant associations and institutions, to strengthen the use of Low German in social care facilities.

626. The Committee of Experts reiterates that the undertaking requires the authorities to ensure that the possibility of receiving and treating persons in Low German is offered, which implies structural measures with a view to guaranteeing a systematic provision. Such measures could include regulations on the relevant qualifications which take account of a person's knowledge of Low German or facilities and incentives for the existing social care personnel to improve their Low German skills. Without such measures, the chances of

being treated in Low German will continue to be patchy and there is nothing to prevent the situation from deteriorating in the future.

627. The Committee of Experts considers the undertaking not fulfilled.

### 3.2.7. Romani in the Land of Hesse

628. In this section, the Committee of Experts will focus on problematic areas and new developments in the protection and promotion of Romani in Hesse. It will therefore not assess the implementation of provisions which were fulfilled in the previous monitoring cycles, apart from such undertakings where the Committee of Experts has received new relevant information. The following provisions will not be commented upon:

Article 8, paragraph 1.g;  
Article 9, paragraph 2.a;  
Article 10, paragraph 5;  
Article 11, paragraph 2;  
Article 12, paragraph 1.f,g;  
Article 12, paragraph 3;  
Article 13, paragraph 1.a.c

629. For these provisions, the Committee of Experts refers to the conclusions reached in its previous reports but reserves the right to evaluate the situation again at a later stage.

630. In the previous monitoring cycles the Committee of Experts already observed that certain difficulties persisted in the implementation of the undertakings chosen by *Land Hesse*. These difficulties were partly due to the fact that a part of the speakers did not wish to have any presence of Romani outside their community and also due to the fact that, in accordance with the wishes of a number of speakers, the Romani varieties spoken by German Sinti and Roma have not been codified.

631. These difficulties still prevail and are reported by the German authorities in the fifth periodical report. However, it should be noted, as reported by the *Sinti-Allianz Deutschland* in their comments attached to the fifth periodical report, that Romani consists of different linguistic varieties in Germany and that these varieties are spoken by different groups clearly identifiable by their cultures.

632. The Committee of Experts is of the view that the Charter's provisions must be implemented bearing in mind the wishes of the Romani speakers. It therefore asks the authorities to develop, in cooperation with the speakers, two separate policies on Romani, one for German Sinti and the other one for German Roma. The Committee of Experts invites the German authorities to report separately on those two policies in the next periodical report.

633. Moreover, the Committee of Experts would like to remind the German authorities that the Charter requires that they take some positive measures to promote and protect Romani and *inter alia* to inform the speakers of Romani of the possibility to use their language in the private and public spheres.

## Article 8 – Education

### Paragraph 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:***

- a**
  - 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;
- b**
  - 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;**
- c
  - 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;”**

634. In the fourth evaluation report, the Committee of Experts considered the undertakings not fulfilled. It encouraged the authorities to provide specific information regarding the presence of Romani in education at all levels.

635. According to the fifth periodical report, teaching in Romani so far has not been promoted in schools in Hesse and progress within the meaning of the Charter seems very unlikely as such action is neither practicable nor wished by the minority concerned. During the on-the-spot visit, the Committee of Experts was informed that in the framework of a project combating school absenteeism and reintegrating Sinti and Roma into the school system, 70 pupils are taught Romani. Two and a half teaching posts have been set up to this end. The Committee of Experts welcomes this information. It encourages the authorities to continue measures providing for the teaching of Romani in Hesse schools.

- d
  - 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;**
- e
  - 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; or*
  - 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;**

636. In the fourth evaluation report, the Committee of Experts considered the undertakings not fulfilled. It encouraged the authorities to provide specific information regarding the presence of Romani in education at all levels.

637. There is no relevant information in this respect in the fifth periodical report. The Committee of Experts maintains its conclusion that the undertakings are not fulfilled.

- f
  - 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;**

638. In the fourth evaluation report the Committee of Experts considered the undertaking partly fulfilled. It asked the authorities to strengthen their efforts to encourage the offering of Romani as a subject of adult education.

639. According to the fifth periodical report, the Romani course at the education centre in Marburg did not take place because no agreement was reached among Sinti and Roma on whether non-native speakers and other persons than Sinti should be allowed to attend.

640. In light of this information, the Committee of Experts considers the undertaking not fulfilled. It encourages the authorities to promote the offering of Romani as a subject of adult education.

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

641. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled.

642. In the fifth monitoring cycle, the Committee of Experts received no information in this respect.

643. The Committee of Experts considers the undertaking not fulfilled. The Committee of Experts encourages the authorities to look into the possibilities, as a first step, of training Romani speakers as teaching staff for pre-school education.

- 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.

644. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**ensure that an effective monitoring mechanism in the sense of the Charter exists in the field of education for all regional or minority languages covered under Part III.**”

645. The Committee of Experts considers the undertaking not fulfilled.

## **Paragraph 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.*

646. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled. It asked the authorities to provide information on the protection and promotion of Romani in the Frankfurt area.

647. In the fifth monitoring cycle, the Committee of Experts received no information in this respect.

648. The Committee of Experts considers the undertaking not fulfilled.

## **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:*

- b* 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;

- c* 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;

649. In the fourth evaluation report the Committee of Experts considered the undertakings formally fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages [...] in the courts.**”

650. According to the fifth periodical report, in order to provide official interpreters, the language must be codified to allow verification.

651. The Committee of Experts maintains its previous conclusion that the undertakings are formally fulfilled, but asks the authorities to provide more specific information on practical implementation in the next periodical report.

## **Article 10 – Administrative authorities and public services**

### **Paragraph 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:*

- 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;*

652. In the fourth evaluation report, the Committee of Experts considered the undertakings formally fulfilled, but lacked information on the practical implementation of these undertakings.

653. In the fifth monitoring cycle, the Committee of Experts received no information in this respect.

654. The Committee of Experts considers the undertakings formally fulfilled and asks the authorities to provide information on the practical implementation of these undertakings.

### **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:*

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

655. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled. The Committee of Ministers recommended that the German authorities “**take resolute action to establish a structured policy for making it possible in practice to use regional or minority languages in dealings with the administration [...]**”.

656. According to the fifth periodical report, Sinti do not use Romani for communication outside the group. The authorities are not aware of any request to use Romani in their relations with the administration. The Committee of Experts reminds the authorities of their obligation to inform Romani speakers of the possibility to submit a request in this language.

657. The Committee of Experts considers the undertaking not fulfilled.

### **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:*

- 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.*

658. In the fourth evaluation report, the Committee of Experts considered the undertaking not fulfilled. It encouraged the authorities to strengthen their efforts to have some Romani speakers among their employees, as this undertaking presupposes the presence of Romani speakers within staff.

659. According to the fifth periodical report, all jobs are available also for Romani speakers and the law protects against discrimination. However, the Committee of Experts is not aware whether there are any Romani speakers among the staff.

660. The Committee of Experts considers the undertaking not fulfilled.

## 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:*

- b ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*
- c ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

661. In the fourth evaluation report the Committee of Experts considered the undertakings not fulfilled. The Committee of Ministers recommended that the German authorities “**take measures so that adequate radio and television broadcasting is available in [...] Romani [...].**”

662. According to the fifth periodical report, the authorities have informed the *Hessischer Rundfunk* about Germany’s obligations under the Charter and initiated a dialogue between the state public service broadcasting corporation and the Hessian Association of German Sinti and Roma. However, representatives of the Sinti and Roma have not asked the state public service broadcasting corporation for any programming in Romani. The periodical report further states that *Deutsche Welle* broadcasts a 15-minute weekly programme in Romani.

663. According to a statement by Roma and Sinti associations, using the language in the media would be a serious violation of the cultural norms of the Sinti community. The *Sinti Allianz* however is aware that Sinti communities need to open up and that the Sinti culture needs to be presented to a certain degree to the German society for prejudices to be overcome.

664. The Committee of Experts considers the undertakings partly fulfilled for radio and not fulfilled for television.

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

665. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled.

666. According to the fifth periodical report, the production of audio and audiovisual works is carried out by the regional association of the Sinti and Roma and this has produced works using the funds provided by the state government. The Committee of Experts asks the authorities to provide examples of such works.

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

667. In the fourth evaluation report the Committee of Experts considered the undertakings not fulfilled.

668. According to the fifth periodical report, the approaches to solve the issue linked to the absence of standard written form of Romani and the wish of some of the speakers not to make written materials in Romani have been discussed with the regional association of the German Sinti and Roma. The Committee of Experts received no further information on the results of these discussions.

669. The Committee of Experts considers the undertakings not fulfilled.

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

670. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled. It requested the authorities to provide relevant information with regard to its implementation.

671. According to the fifth periodical report, interesting stories may receive funding from the Hessen Film Fund (*Hessische Filmförderung*) and producing a film in Romani would also be possible. However, during the last ten years, no applications have been submitted, and therefore no films have been produced.

672. The Committee of Experts considers the undertaking formally fulfilled.

**g** *to support the training of journalists and other staff for media using regional or minority languages.*

673. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled. It requested the authorities to provide specific information on the training programmes organised by the Documentation and Cultural Centre in the next periodical report.

674. According to the fifth periodical report, in 2010 the Rhein-Neckar Chamber of Industry and Commerce recognised the Documentation and Cultural Centre of German Sinti and Roma also as a training institution. Since September, the centre has been offering one apprenticeship position for office assistants. Since 2013 the centre has participated in the European Voluntary Service for Young People. In addition, it is planned to establish and promote an academy and a professional training network to ensure sustainability in the field of education and training. At the moment, the centre does not have the necessary funds.

675. However, the Committee of Experts received no relevant information with respect to the training of journalists. The Committee of Experts considers the undertaking not fulfilled.

## **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;*

676. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled. It asked the authorities to provide more information in the next periodical report on the extent to which the Documentation and Cultural Centre supported by the authorities encourages types of expression and initiatives specific to Romani and fosters the access to works produced in Romani.

677. According to the fifth periodical report, the Documentation and Cultural Centre follows a “from Sinti for Sinti” approach. Seminars have been organised. In 2011 the Centre published an article about literary works and storytelling of German Sinti and Roma, which was also distributed in Romani among the members of the minority. A one-hour broadcast of the Hessian regional association was realised in cooperation with a private broadcaster and was very successful. The Centre has also engaged in an exchange with the regional associations of the Central Council of German Sinti and Roma. In addition, the Documentation Centre is planning to create a restricted website, where people could log in and write in Romani

678. The authorities also ask the Committee of Experts to respect the wish of the Sinti and Roma, and in particular of the Holocaust survivors, not to disclose their language to outsiders. The Committee of Experts is aware of the position of some Sinti and Roma representatives on this issue and the difficulties that this may be causing. However it would like to underline that this position might not be shared by all Sinti and Roma in Germany. Furthermore, the Committee of Experts is aware that there is a number of activities in Romani in other European countries. In fact, the German authorities also report that a written form of Romani is developing on the Internet, mainly in chat rooms and forums, as young Sinti and Roma want to use their language beyond everyday conversation.

679. The Committee of Experts considers this undertaking partly fulfilled.

**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;*

680. In the fourth evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

681. According to the fifth periodical report, various cultural activities take place: the international Roma philharmonic orchestra in Frankfurt is supported by Hesse; various conferences and events about Sinti and Roma during the Nazi regime, were organised by the Hessian state agency for civil education; a publication on anti-Gypsyism was prepared in 2013 by the Hessian Ministry of Culture to complement existing education standards; an opera, “Requiem für Auschwitz”, during which young people recited autobiographical accounts of survivors and an exhibition “Frankfurt - Auschwitz” of the *Förderverein Roma* were presented.

682. The Committee of Experts welcomes these developments. However, it is not clear to the Committee of Experts to what extent Romani was used in those events. The Committee of Experts considers the undertaking partly fulfilled.

## **Paragraph 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.*

683. In the fourth monitoring cycle, the Committee of Experts looked forward to receiving more specific information on the promotional strategies and their practical implementation in urban areas where now there are strong concentrations of Romani speakers.

684. According to the fifth periodical report, the *Land Hesse* does not have any promotional strategies specifically for municipalities where there are many Romani speakers.

685. The Committee of Experts considers the undertaking not fulfilled.

## **Article 13 – Economic and social life**

### **Paragraph 1**

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

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

686. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled. However, it commended the authorities for the initiative to ask the federation of Hesse employers' associations to encourage its members to facilitate and support the use of Romani in economic activities and looked forward to receiving information on any further developments in the next periodical report.

687. According to fifth periodical report, the Hessian government provides institutional funding for the Hessian Association of German Sinti and Roma, for the association to offer advisory services in Romani in all social areas. 850-900 Sinti and Roma contacted the association in 2011. The association helps Romani speakers for example in dealing with the administration in the fields of school/education, labour/social affairs, housing and childcare. The Committee of Experts welcomes this information.

688. The Committee of Experts considers the undertaking fulfilled.

## **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;*

689. In the fourth evaluation report the Committee of Experts considered the undertaking not fulfilled. It looked forward for receiving more information on how Germany is applying the bilateral and multilateral agreements in the fields of culture and education, which bind it to states where Romani is used in an identical or similar form, with the objective of fostering contacts among Romani speakers in Germany and in other countries.

690. The fifth periodical report provides no specific information in this respect.

691. The Committee of Experts considers the undertaking not fulfilled.

## Chapter 4 Findings of the Committee of Experts in the fifth monitoring round

A. The Committee of Experts compliments Germany on its continuing constructive dialogue with the Committee of Experts and its transparent approach to the implementation of the Charter. It notes, in particular, that the fourth evaluation report of the Committee of Experts was discussed with representatives of regional or minority languages at an implementation conference and that the written comments of the language groups were appended to the periodical report. The Committee of Experts commends the German authorities for the precise and concise information contained in the fifth periodical report and their response to requests for further information made by the Committee of Experts.

B. There have been several positive new developments concerning some of the languages protected under Part III of the Charter. Despite these achievements, however, the situation of some regional or minority languages has not changed significantly since the first monitoring round and needs further efforts. The Committee of Experts regrets to note that the situation of some of the more endangered languages remains critical, in particular Lower Sorbian and Sater Frisian. The Committee of Experts considers that the German authorities, in particular at *Land* level, should continue taking determined steps to tackle the problems identified by the Charter's monitoring mechanism.

C. Under international law, the federal state is responsible for the implementation of the Charter obligations. However, in the internal distribution of competences, the protection and promotion of regional or minority languages is mainly the responsibility of the *Länder*. There is no federal language policy and the federation mainly fulfils a coordinating role in this area. While some mechanisms of inter-*Land* cooperation are also being put into place, the Committee of Experts considers that there is need for stronger cooperation, in particular, between *Länder* where Low German is spoken with the possible assistance of the federal level, also in financial terms. This also applies to Romani, most notably in the field of education.

D. Measures taken in favour of regional or minority languages continue to vary significantly between the *Länder* concerned. Positive examples include Saxony's plan for measures encouraging the use of Sorbian in public life and Hamburg's efforts in developing a viable educational model for teaching Low German. Also, the new developments in Schleswig-Holstein need mentioning, where the new *Land* government has resolved the problems linked to the financing of the Danish educational system and has taken new initiatives for strengthening the teaching of North Frisian and Low German. Overall, the promotion of regional or minority languages is hampered, to varying degrees depending on the *Land*, by the lack of long-term, structured policies of language promotion and the absence of a pro-active approach to this promotion. Where the authorities show a positive attitude to regional or minority languages, and are prepared to devote energy and resources to them, the Committee of Experts observed good progress. In certain other cases such as Brandenburg, however, the Committee of Experts observed a regrettable lack of political will on the part of the authorities to assume responsibility for implementing the Charter.

E. Part III implementation of the Charter with regard to Romani in Hesse continues to lack a more proactive and structured policy. The Committee of Experts observes that compliance with many of the selected undertakings is rendered difficult by the fact that a significant segment of Romani speakers does not wish their language to have a presence in public life outside the Sinti and Roma communities. This position makes the implementation of most of the Part III undertakings for Hesse very difficult, but there is room for measures to be taken.

F. The situation regarding education in Danish remains exemplary. The difficulties created by the budgetary cuts in Schleswig-Holstein have been solved by creating a stable long-term financial scheme for the Danish education system. In an ongoing procedure of amending the *Land* constitution, the financing of Danish schools may even be entrenched in constitutional terms.

G. Provision for teaching in or of Upper Sorbian in Saxony remains well developed. The "2 plus" model of teaching Sorbian has been introduced successfully. However, there are still fears among the speakers that this model may not be sufficient to develop native speakers' language competence. Replacing full Sorbian medium education with a lesser offering (e.g. the "2plus" model) is perceived by some of the speakers as a retrograde step. On the other hand, the "2plus" model has increased the offer of Upper Sorbian education outside the traditional core area and thus contributes significantly to language maintenance and revitalisation. The Government of Saxony has also taken decisive steps to strengthen the use of Upper Sorbian in public life, by developing a Plan of Measures to Encourage and Revive the Use of the Sorbian Language.



H. There have been no noticeable improvements regarding Lower Sorbian education in Brandenburg. The shortage of qualified Lower Sorbian teachers at all levels of education, in particular, is a problem that has to be dealt with urgently in order to secure the future of Lower Sorbian, which the Committee of Experts already identified as a particularly endangered language in its first evaluation report. The transfer of teacher training for Sorbian teachers to Leipzig has evidently hampered the efforts to improve the situation, since too few students from Brandenburg enrol in Sorbian studies at Leipzig University. There is also a pressing need to invest in the Lower Sorbian pre-school sector to ensure a firm foundation for Lower Sorbian education. A structured and systematic policy across all levels of education is still urgently needed, in particular to ensure continuity of Sorbian education from pre- to primary school, and from primary to secondary school.

I. North Frisian education continues to suffer because it remains outside the regular curriculum and there is no structured policy ensuring a systematic offer of North Frisian education even where there is a clear demand. The government in Schleswig-Holstein, however, has taken the initiative to strengthen the position of North Frisian in the regular educational system and to develop a viable offer of North Frisian education.

J. The situation of Sater Frisian calls for additional and urgent steps to be taken by the Lower Saxony authorities in order to maintain it as a living language. A number of positive steps have already been taken to improve Sater Frisian education, although long-term efforts are necessary to safeguard the survival of the language. The teaching and study of Sater Frisian need further strengthening. The Committee of Experts regards this as a matter of utmost importance.

K. While there have been considerable improvements in Hamburg, and decisive steps have been planned in Schleswig-Holstein as regards the place of Low German in the Framework Curricula, in the overwhelming majority of cases Low German is taught as part of other subjects (mainly German), rather than as a subject in its own right. In the absence of clear guidelines regarding the minimum number of teaching hours devoted to Low German, provision for the teaching of this language remains highly variable, depending on the willingness of the schools, teachers and pupils, and generally is too limited to be considered an integral part of the curriculum. The efforts undertaken by Hamburg to change the educational model for Low German into that of a regular school subject being taught as an integral part of the curriculum constitute an exemplary model of how to fulfil the undertakings for Low German under Article 8. Hopefully other *Länder* will follow the example and adopt similar reforms. The study of and research into Low German in higher education needs to be strengthened as a matter of urgency, given that the availability of adequately trained teaching staff is crucial for all the efforts in this field.

L. The situation of Low German in the three *Länder* in which only Part II applies (Brandenburg, North Rhine-Westphalia and Saxony-Anhalt) gives rise to particular concerns. The authorities do not see the need for any structured measures in implementing the obligations under Article 7. This creates a particular problem with regard to Article 7.1.f, obliging the German authorities to base their policies, legislation and practice on the objectives and principles including, inter alia, the provision of appropriate forms and means for the teaching and study of Low German at all appropriate stages. The almost complete lack of adequate educational offers for Low German does not live up to the requirements of Article 7. Hence, a set of measures to develop such an offer is urgently needed in the three *Länder* mentioned.

M. The absence of supervisory bodies within the meaning of Article 8, paragraph 1.i continues to be a severe problem for any attempt to improve the situation of education. Only Lower Saxony has set up a supervisory body for Sater Frisian that might fulfil the undertaking. Targeted mechanisms of supervision designed to monitor the measures taken and the progress achieved in developing regional or minority language education, along with corresponding reports which are made public, are vital for the implementation of a structured education policy. The lack of such mechanisms makes it difficult to identify and evaluate the success cases and shortcomings of regional or minority language education, and thus to develop and implement long-term strategies for improving it. The publication of reports makes the monitoring system transparent and creates opportunities for a public discussion on the development of minority language education.

N. The use of regional or minority languages before administrative authorities (and before judicial authorities in the case of Upper and Lower Sorbian) remains marginal, with the exception of the use of spoken Low German in some areas. In the opinion of the Committee of Experts this is due to the fact that structured policies and relevant organisational measures to ensure the implementation of Germany's undertakings are often missing. Good practice that prevails elsewhere includes, for example, taking account of civil servants' skills in regional or minority languages, providing facilities and incentives for them to improve these skills, creating an adequate framework for, and allocating resources to, translation and

interpretation. Not enough is done to make the speakers aware of the possibility to use their language before the authorities.

O. With regard to broadcasting, public service broadcasting continues to be good for some regional or minority languages, in particular for Upper Sorbian. However, there is an insufficient offer, in particular of television broadcasting with regard to Danish, North Frisian, Sater Frisian and Romani. Some progress has been made for North Frisian which is now used on private radio (Friiskfunk) and for Low German. In other cases, programmes in regional or minority languages are currently broadcast sporadically, mainly on the Open Channel. Lower Saxony and Bremen have amended the legislation, in order to promote the broadcasting in Low German and Sater Frisian.

P. The conditions for the use of regional or minority languages in the field of culture remain favourable in Germany. A particular problem has arisen in Mecklenburg-Western Pomerania, where the umbrella organisations of the Low German speakers went bankrupt. There is a need for a new umbrella organisation to be established. The *Land* of Mecklenburg-Western Pomerania has announced its intention to support any initiative in that direction. The federal authorities still make very limited provisions for regional or minority languages and the cultures they reflect in pursuing their cultural policy abroad.

Q. In the field of social and economic life, the Committee of Experts is concerned about the lack of a policy ensuring that people are received and treated in their regional or minority languages in social care facilities. Some regional or minority languages are used in practice in such institutions, but as a matter of chance rather than design. More determined measures need to be taken in this respect.

The German government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The German government made no comments.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Germany. At the same time it emphasised the need for the German authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1200<sup>th</sup> meeting on 28 May 2014, the Committee of Ministers adopted its Recommendation addressed to Germany, which is set out in Part B of this document.

## Appendix: Instrument of ratification

### Germany

#### **Declarations contained in a letter from the Permanent Representation of Germany, dated 16 September 1998, handed to the Secretary General at the time of deposit of the instrument of ratification, on 16 September 1998 - Or. Engl./Germ.**

Minority languages within the meaning of the European Charter for Regional or Minority Languages in the Federal Republic of Germany shall be the Danish, Upper Sorbian, Lower Sorbian, North Frisian and Sater Frisian languages and the Romany language of the German Sinti and Roma; a regional language within the meaning of the Charter in the Federal Republic shall be the Low German language.

Pursuant to Article 3, paragraph 1, of the Charter, the Federal Republic of Germany specifies the regional or minority languages to which the provisions selected pursuant to Article 2, paragraph 2, of the Charter shall apply upon the entry into force of the Charter in the Federal Republic of Germany:

Danish in the Danish language area in *Land* Schleswig-Holstein:

Article 8, paragraph 1 a iv; b iv; c iii/iv; d iii; e ii; f ii/iii; g; h; i; paragraph 2;  
Article 9, paragraph 1 b iii; c iii; paragraph 2 a;  
Article 10, paragraph 1 a v; paragraph 4 c; paragraph 5;  
Article 11, paragraph 1 b ii; c ii; d; e ii; f ii; paragraph 2;  
Article 12, paragraph 1 c; d; e; f; g; paragraph 2; paragraph 3;  
Article 13, paragraph 1 a; c; d; paragraph 2 c;  
Article 14 a; b.

Upper Sorbian in the Upper Sorbian language area in the Free State of Saxony:

Article 8, paragraph 1 a iii; b iv; c iv; d iv; e ii; f iii; g; h; i; paragraph 2;  
Article 9 paragraph 1 a ii; a iii; b ii; b iii; c ii; c iii; d; paragraph 2 a;  
Article 10, paragraph 1 a iv/v; paragraph 2 a; b; g; paragraph 3 b/c; paragraph 4 c; paragraph 5;  
Article 11, paragraph 1 b ii; c ii; d; e i; f ii; paragraph 2;  
Article 12, paragraph 1 a; b; c; d; e; f; g; h; paragraph 2, paragraph 3;  
Article 13, paragraph 1 a; c; d; paragraph 2 c.

Lower Sorbian in the Lower Sorbian language area in *Land* Brandenburg:

Article 8, paragraph 1 a iv; b iv; c iv; e iii; f iii; g; h; i;  
Article 9, paragraph 1 a ii; a iii; b iii; c iii; paragraph 2 a;  
Article 10, paragraph 1 a iv/v; paragraph 2 b; g; paragraph 3 b/c; paragraph 4 a; c; paragraph 5;  
Article 11, paragraph 1 b ii; c ii; d; e i; paragraph 2;  
Article 12, paragraph 1 a; b; c; d; e; f; g; h; paragraph 2; paragraph 3;  
Article 13, paragraph 1 a; c; d.

North Frisian in the North Frisian language area in *Land* Schleswig-Holstein:

Article 8, paragraph 1 a iii/iv; b iv; c iv; e ii; f iii; g; h; i; paragraph 2;  
Article 9, paragraph 1 b iii; c iii; paragraph 2 a;  
Article 10, paragraph 1 a v; paragraph 4 c; paragraph 5;  
Article 11, paragraph 1 b ii; c ii; d; e ii; f ii; paragraph 2;  
Article 12, paragraph 1 a; b; c; d; e; f; g; h; paragraph 2; paragraph 3;  
Article 13, paragraph 1 a; c; d;  
Article 14 a.

Sater Frisian in the Sater Frisian language area in *Land* Lower Saxony:

Article 8, paragraph 1 a iv; e ii; f iii; g; i;  
Article 9, paragraph 1 b iii; c iii; paragraph 2 a;  
Article 10, paragraph 1 a v; c; paragraph 2 a; b; c; d; e; f; paragraph 4 a; c; paragraph 5;  
Article 11, paragraph 1 b ii; c ii; d; e ii; f ii; paragraph 2;  
Article 12, paragraph 1 a; b; c; d; e; f; g; paragraph 2; paragraph 3;

Article 13, paragraph 1 a; c; d.

Low German in the *Länder* Free Hanseatic City of Bremen, Free and Hanseatic City of Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein:

Obligations regarding Low German in the territory of the *Länder* Free Hanseatic City of Bremen, Free and Hanseatic City of Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein:

Article 8, paragraph 1 a iv; e ii; g;  
Article 9, paragraph 1 b iii; c iii; paragraph 2 a;  
Article 10, paragraph 1 a v; c; paragraph 2 a; b; f;  
Article 11, paragraph 1 b ii; c ii; d; e ii; f ii; paragraph 2;  
Article 12, paragraph 1 a; d; f; paragraph 3;  
Article 13, paragraph 1 a; c;

and additionally:

- in the Free Hanseatic City of Bremen:

Article 8, paragraph 1 b iii; c iii; f i; h;  
Article 10, paragraph 2 c; d; e;  
Article 11, paragraph 1 g;  
Article 12, paragraph 1 b; c; e; g;  
Article 13, paragraph 2 c;

- in the Free and Hanseatic City of Hamburg:

Article 8, paragraph 1 b iii; c iii; d iii; f ii; h; i;  
Article 10, paragraph 2 e; paragraph 4 c;  
Article 11, paragraph 1 g;  
Article 12, paragraph 1 g;  
Article 13, paragraph 1 d; paragraph 2 c;

- in *Land* Mecklenburg-Western Pomerania:

Article 8, paragraph 1 b iii; c iii; d iii; h; i;  
Article 10, paragraph 4 c;  
Article 12, paragraph 1 b; c; e; h;  
Article 13, paragraph 1 d, paragraph 2 c;

- in *Land* Lower Saxony:

Article 8, paragraph 1 f iii; i;  
Article 10, paragraph 2 c; d; e; paragraph 4 a; c;  
Article 12, paragraph 1 b; c; e; g; paragraph 2;  
Article 13, paragraph 1 d;  
Article 14 a; b;

- in *Land* Schleswig-Holstein:

Article 8, paragraph 1 b iii; c iii; f iii; h; i; paragraph 2;  
Article 10, paragraph 4 c;  
Article 12, paragraph 1 b; c; g;  
Article 13, paragraph 1 d; paragraph 2 c.

The separate specification of these provisions for the territories of each individual *Land* is in keeping with the federal structure of the Federal Republic of Germany and takes into account the situation of each of these languages in the *Land* in question.

The Romany language of the German Sinti and Roma in the territory of the Federal Republic of Germany and Low German language in the territory of the *Länder* Brandenburg, North-Rhine/Westphalia and Saxony-Anhalt shall be protected pursuant to Part II of the Charter.

Part II of the European Charter for Regional or Minority Languages shall be applied to Romany, the minority language of the German Sinti and Roma in the territory of the Federal Republic of Germany, and to the regional language Low German in the territory of the *Länder* Brandenburg, North-Rhine/Westphalia and Saxony-Anhalt upon its entry into force in the Federal Republic of Germany in accordance with the

declaration of the Federal Republic of Germany of 23 January 1998. The objectives and principles laid down in Article 7 of the Charter shall form the bases with regard to these languages. At the same time, German law and Germany's administrative practice thus meet individual requirements laid down in Part III of the Charter:

With regard to Romany

for the territory of the Federal Republic of Germany:

Article 8, paragraph 1 f iii; g; h;  
Article 9, paragraph 1 b iii; c iii; paragraph 2 a;  
Article 10, paragraph 5;  
Article 11, paragraph 1 d; e ii; f ii; g; paragraph 2;  
Article 12, paragraph 1 g; paragraph 3;  
Article 13, paragraph 1 a; c; d;  
Article 14 a;

and additionally:

- in *Land* Baden-Württemberg:

Article 8, paragraphs 1 a iv, 1 e iii;  
Article 10, paragraph 4 c;  
Article 12, paragraphs 1 a, 1 d; f; paragraph 2.

- in *Land* Berlin:

Article 8, paragraph 1 a i/ii; b i/ii/iii/iv; e i/ii/iii; i; paragraph 2;  
Article 11, paragraph 1 b i/ii: c ii; e i/ii;  
Article 12, paragraph 1 a; d; f;

- in the Free and Hanseatic City of Hamburg:

Article 8, paragraph 1 b iv; c iv;  
Article 11, paragraph 1 b ii; c ii;  
Article 12, paragraph 1 a; d; f;

- in *Land* Hesse:

Article 8, paragraph 1 a iii/iv; b iv; c iv; d iv; e iii; i; paragraph 2;  
Article 11, paragraph 1 b ii; c ii; e i;  
Article 12, paragraph 1 a; d; f; paragraph 2;

- in *Land* North-Rhine/Westphalia:

Article 8, paragraph 1 e iii; paragraph 2;  
Article 12, paragraph 1 a; d; f; paragraph 2;

- in *Land* Lower Saxony:

Article 12, paragraph 1 a; d; f;

- in *Land* Rhineland-Palatinate:

Article 8, paragraph 1 a iv; e iii;  
Article 11, paragraph 1 c ii;  
Article 12, paragraph 1 a; d; f;

- in *Land* Schleswig-Holstein:

Article 10, paragraph 1 a v; paragraph 2 b; paragraph 4 c;  
Article 11, paragraph 1 b ii; c ii;  
Article 12, paragraph 1 a; d; f; paragraph 2.

With regard to Low German:

- in *Land* Brandenburg:

Article 8, paragraph 1 a iv; b iv; c iv; f iii; g;  
Article 9, paragraph 2 a;  
Article 10, paragraph 2 b; paragraph 3 c;

Article 11, paragraph 1 b ii; c ii; d; e ii; f ii; paragraph 2;  
Article 12, paragraph 1 a; f; g;

- in *Land* North-Rhine/Westphalia:

Article 8, paragraph 1 e iii; g; h; paragraph 2;  
Article 9, paragraph 1 b iii; c iii; paragraph 2 a;  
Article 11, paragraph 1 d; paragraph 2;  
Article 12, paragraph 1 a; d; e; f; g; h; paragraph 2;  
Article 13, paragraph 1 a; c; d;

- in *Land* Saxony-Anhalt:

Article 8, paragraph 1 a iv; b iv; c iv; g; h;  
Article 9, paragraph 2 a;  
Article 11, paragraph 1 b ii; c ii; e ii; paragraph 2;  
Article 12, paragraph 1 a; f; g; h.

The separate specification of these provisions for the territory of each individual *Land* is in keeping with the federal structure of the Federal Republic of Germany and takes into account the situation of each of these languages in the *Land* in question.

In accordance with the national distribution of competencies, the way in which the above-mentioned provisions of Part III of the Charter are implemented through legal regulations and Germany's administrative practice with due regard to the objectives and principles specified in Article 7 of the Charter shall be the responsibility of either the Federation or the competent *Land*. Details will be provided in the procedure for implementing the federal act with which the legislature consents to the Charter as laid down in the Memorandum to the Charter.

**Period covered: 1/1/1999 -**

**The preceding statement concerns Article(s) : 10, 11, 12, 13, 14, 2, 3, 7, 8, 9**

**Declaration contained in a letter from the Permanent Representative of Germany, dated 17 March 2003 and registered at the Secretariat General on 21 March 2003 - Or. Engl./Germ.**

In accordance with Article 3, paragraph 2, of the Charter, the Federal Republic of Germany will apply to the minority languages named below the following additional provision pursuant to Article 2, paragraph 2:

. North Frisian in the North Frisian language area in Land Schleswig-Holstein:

Article 10, paragraph 2 (g)

. Sater Frisian in the Sater Frisian language area in Land Lower Saxony:

Article 10, paragraph 2 (g)

. Romanes for the area of Land Hesse:

Article 8, paragraph 1 (a) (iii) and (iv); (b) (iv) ; (c) (iv); (d) (iv); (e) (iii) ; (i) ; paragraph 2

Article 10, paragraph 2 (e) ; (f) ; paragraph 3 (c); paragraph 4 (c)

Article 11, paragraph 1 (b) (ii); (c) (ii); (e) (i)

Article 12, paragraph 1 (a) ; (d) ; (f) ; paragraph 2

In connection with the undertakings given for the entire federal territory :

Article 8, paragraph 1 (f) (iii) ; (g) ; (h)

Article 9, paragraph 1 (b) (iii) ; (c) (iii) ; paragraph 2 (a)

Article 10, paragraph 5

Article 11, paragraph 1 (d); (e) (ii); (f) (ii) ; (g) ; paragraph 2

Article 12, paragraph 1 (g) ; paragraph 3

Article 13, paragraph 1 (a) ; (c) ; (d)

Article 14 (a)

**Period covered: 21/3/2003 -**

**The preceding statement concerns Article(s) : 10, 11, 12, 13, 14, 2, 3, 8, 9**

## **B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Germany**

### **Recommendation CM/RecChL(2014)5 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Germany**

*(Adopted by the Committee of Ministers on 28 May 2014*

*at the 1200th meeting of the Ministers' Deputies)*

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 fifth 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 and recommendations of the Committee of Experts and, as a matter of priority:

1. adopt and implement a structured policy for the promotion and preservation of Lower Sorbian, including measures which ensure that pre-school, primary and secondary education is systematically available in this language;
2. continue the measures taken and further strengthen the efforts to develop viable offers for the teaching of North Frisian and Sater Frisian;
3. develop an adequate educational offer for Low German in the *Länder* of Brandenburg, North Rhine-Westphalia and Saxony-Anhalt;
4. upgrade the teaching of Low German to the status of a regular school subject taught as an integral part of the curriculum in the *Länder* where Part III of the Charter applies to this language;
5. take measures to provide adequate radio and television broadcasting in Danish, Low German, Lower Sorbian, North Frisian and Sater Frisian;
6. develop further measures to promote Romani and the culture of which this language is the expression, in co-operation with the speakers.