

Database for the European Charter for Regional or Minority Languages

THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES¹

– Applied to Low German in Germany (Free and Hanseatic City of Hamburg)

[...]

PART II

OBJECTIVES AND PRINCIPLES PURSUED IN ACCORDANCE WITH ARTICLE 2, PARAGRAPH 1

Article 7 – Objectives and principles

- 1 In respect of Low German, within the territories in which Low German is used and according to the situation of Low German, Germany (Free and Hanseatic City of Hamburg) shall base its policies, legislation and practice on the following objectives and principles:
 - a the recognition of Low German as an expression of cultural wealth;
 - b the respect of the geographical area of Low German in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of Low German;
 - c the need for resolute action to promote Low German in order to safeguard it;
 - d the facilitation and/or encouragement of the use of Low German, in speech and writing, in public and private life;
 - e the maintenance and development of links, in the fields covered by this Charter, between groups using Low German and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;
 - f the provision of appropriate forms and means for the teaching and study of Low German at all appropriate stages;
 - g the provision of facilities enabling non-speakers of Low German living in the area where it is used to learn it if they so desire;
 - h the promotion of study and research on Low German at universities or equivalent institutions;
 - i the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for Low German used in identical or similar form in two or more States.
- 2 Germany (Free and Hanseatic City of Hamburg) undertakes to eliminate, if it has not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of Low German and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of Low German aimed at promoting equality between the users of Low German and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.
- 3 Germany (Free and Hanseatic City of Hamburg) undertakes to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to Low German among the objectives of education and training provided within the country and encouragement of the mass media to pursue the same objective.
- 4 In determining its policy with regard to Low German, Germany (Free and Hanseatic City of Hamburg) shall take into consideration the needs and wishes expressed by the groups which use Low German. It is encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to Low German.

[...]

¹ CETS no. 148. The Charter was adopted by the Committee of Ministers of the Council of Europe in Strasbourg on 5 November 1992. Entry into force for Germany (Free and Hanseatic City of Hamburg): 1 January 1999. The provisions of the Charter adopted by Germany (Free and Hanseatic City of Hamburg) for Low German are applicable in Hamburg.

PART III
MEASURES TO PROMOTE THE USE OF
Low German
IN PUBLIC LIFE
IN ACCORDANCE WITH THE UNDERTAKINGS
ENTERED INTO UNDER ARTICLE 2, PARAGRAPH 2

Article 8 – Education

ACCEPTED	NOT ACCEPTED
<p>1 With regard to education, Germany (Free and Hanseatic City of Hamburg) undertakes, within the territory in which Low German is used, according to the situation of Low German, and without prejudice to the teaching of the official language(s) of the State:</p> <p>a 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;</p> <p>b iii to provide, within primary education, for the teaching of Low German as an integral part of the curriculum; or</p> <p>c iii to provide, within secondary education, for the teaching of Low German as an integral part of the curriculum; or</p>	<p>a i to make available pre-school education in Low German; or ii to make available a substantial part of pre-school education in Low German; 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</p> <p>b i to make available primary education in Low German; or ii to make available a substantial part of primary education in Low German; 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;</p> <p>c i to make available secondary education in Low German; or ii to make available a substantial part of secondary education in Low German; or</p>

ACCEPTED

- d iii to provide, within technical and vocational education, for the teaching of Low German as an integral part of the curriculum; or
- e ii to provide facilities for the study of Low German as university and higher education subjects; or
- f ii to offer Low German as subjects of adult and continuing education; or
- g to make arrangements to ensure the teaching of the history and the culture which is reflected by Low German;
- h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by Germany (Free and Hanseatic City of Hamburg);
- 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 Low German and for drawing up periodic reports of their findings, which will be made public.

NOT ACCEPTED

- 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;
- d i to make available technical and vocational education in Low German; or
- ii to make available a substantial part of technical and vocational education in Low German; 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 Low German; 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 Low German or of facilities for the study of Low German as university or higher education subjects;
- f i to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in Low German; or
- iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of Low German as subjects of adult and continuing education;

ACCEPTED

NOT ACCEPTED

- 2 With regard to education and in respect of territories other than those in which Low German is traditionally used, Germany (Free and Hanseatic City of Hamburg) undertakes, if the number of users of Low German justifies it, to allow, encourage or provide teaching in or of Low German at all the appropriate stages of education.

Article 9 – Judicial authorities

ACCEPTED

NOT ACCEPTED

- 1 Germany (Free and Hanseatic City of Hamburg) undertakes, in respect of those judicial districts in which the number of residents using Low German justifies the measures specified below, according to the situation of Low German 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 Low German, if necessary by the use of interpreters and translations;
- c in proceedings before courts concerning administrative matters:

- a in criminal proceedings:
- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in Low German; and/or
- ii to guarantee the accused the right to use Low German; and/or
- iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in Low German; and/or
- iv to produce, on request, documents connected with legal proceedings in Low German, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;
- b i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in Low German; and/or
- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use Low German without thereby incurring additional expense; and/or
- c i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in Low German; and/or
- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use Low German without thereby incurring additional expense; and/or

ACCEPTED

NOT ACCEPTED

- iii to allow documents and evidence to be produced in Low German, if necessary by the use of interpreters and translations;
- 2 Germany (Free and Hanseatic City of Hamburg) undertakes:
 - a not to deny the validity of legal documents drawn up within the State solely because they are drafted in Low German; or

- d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.
- b not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in Low German, and to provide that they can be invoked against interested third parties who are not users of Low German on condition that the contents of the document are made known to them by the person(s) who invoke(s) it; or
- c not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in Low German.
- 3 Germany (Free and Hanseatic City of Hamburg) undertakes to make available in Low German the most important national statutory texts and those relating particularly to users of Low German, unless they are otherwise provided.

Article 10 – Administrative authorities and public services

ACCEPTED

NOT ACCEPTED

- 1 Within the administrative districts of the State in which the number of residents who are users of Low German justifies the measures specified below and according to the situation of Low German, Germany (Free and Hanseatic City of Hamburg) undertakes, as far as this is reasonably possible:
 - a v to ensure that users of Low German may validly submit a document in Low German;

- a
 - i to ensure that the administrative authorities use Low German; or
 - ii to ensure that such of its officers as are in contact with the public use Low German in their relations with persons applying to them in Low German; or
 - iii to ensure that users of Low German may submit oral or written applications and receive a reply in Low German; or
 - iv to ensure that users of Low German may submit oral or written applications in Low German; or

ACCEPTED

NOT ACCEPTED

- c to allow the administrative authorities to draft documents in Low German.
- 2 In respect of the local and regional authorities on whose territory the number of residents who are users of Low German is such as to justify the measures specified below, Germany (Free and Hanseatic City of Hamburg) undertakes to allow and/or encourage:
 - a the use of Low German within the framework of the regional or local authority;
 - b the possibility for users of Low German to submit oral or written applications in Low German;
 - e the use by regional authorities of Low German 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 Low German in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;
- 4 With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, Germany (Free and Hanseatic City of Hamburg) undertakes to take one or more of the following measures:

- b to make available widely used administrative texts and forms for the population in Low German or in bilingual versions;
- c the publication by regional authorities of their official documents also in Low German;
- d the publication by local authorities of their official documents also in Low German;
- g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in Low German.
- 3 With regard to public services provided by the administrative authorities or other persons acting on their behalf, Germany (Free and Hanseatic City of Hamburg) undertakes, within the territory in which Low German is used, in accordance with the situation of Low German and as far as this is reasonably possible:
 - a to ensure that Low German is used in the provision of the service; or
 - b to allow users of Low German to submit a request and receive a reply in Low German; or
 - c to allow users of Low German to submit a request in Low German.
- a translation or interpretation as may be required;
- b recruitment and, where necessary, training of the officials and other public service employees required;

ACCEPTED

- c compliance as far as possible with requests from public service employees having a knowledge of Low German to be appointed in the territory in which Low German is used.

NOT ACCEPTED

- 5 Germany (Free and Hanseatic City of Hamburg) undertakes to allow the use or adoption of family names in Low German, at the request of those concerned.

Article 11 – Media

ACCEPTED

- 1 Germany (Free and Hanseatic City of Hamburg) undertakes, for the users of Low German within the territories in which Low German is spoken, according to the situation of Low German, 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 Low German on a regular basis;
 - c ii to encourage and/or facilitate 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 Low German;
 - e ii to encourage and/or facilitate the publication of newspaper articles in Low German on a regular basis;

NOT ACCEPTED

- a to the extent that radio and television carry out a public service mission:
 - i to ensure the creation of at least one radio station and one television channel in Low German; or
 - ii to encourage and/or facilitate the creation of at least one radio station and one television channel in Low German; or
 - iii to make adequate provision so that broadcasters offer programmes in Low German;
- b i to encourage and/or facilitate the creation of at least one radio station in Low German; or
- c i to encourage and/or facilitate the creation of at least one television channel in Low German; or
- e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in Low German; or

ACCEPTED

NOT ACCEPTED

- f ii to apply existing measures for financial assistance also to audiovisual productions in Low German;
 - g to support the training of journalists and other staff for media using Low German.
- 2 Germany (Free and Hanseatic City of Hamburg) undertakes to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to Low German, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. It further undertakes to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to Low German. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

- f i to cover the additional costs of those media which use Low German, wherever the law provides for financial assistance in general for the media; or

- 3 Germany (Free and Hanseatic City of Hamburg) undertakes to ensure that the interests of the users of Low German are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

Article 12 – Cultural activities and facilities

ACCEPTED

NOT ACCEPTED

- 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 – Germany (Free and Hanseatic City of Hamburg) undertakes, within the territory in which Low German is used and to the extent that the public authorities are competent, have power or play a role in this field:

ACCEPTED

NOT ACCEPTED

- a to encourage types of expression and initiative specific to Low German and foster the different means of access to works produced in Low German;
 - 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 the Low German language and culture in the undertakings which they initiate or for which they provide backing;
 - f to encourage direct participation by representatives of the users of Low German in providing facilities and planning cultural activities;
 - g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in Low German;
- 3 Germany (Free and Hanseatic City of Hamburg) undertakes to make appropriate provision, in pursuing its cultural policy abroad, for Low German and the culture it reflects.

- b to foster the different means of access in other languages to works produced in Low German by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;
 - c to foster access in Low German to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;
 - 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 Low German, as well as of the language(s) of the rest of the population;
 - h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in Low German.
- 2 In respect of territories other than those in which Low German is traditionally used, Germany (Free and Hanseatic City of Hamburg) undertakes, if the number of users of Low German justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

Article 13 – Economic and social life

ACCEPTED

NOT ACCEPTED

- 1 With regard to economic and social activities, Germany (Free and Hanseatic City of Hamburg) undertakes, within the whole country:
 - a to eliminate from its legislation any provision prohibiting or limiting without justifiable reasons the use of Low German in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;
 - c to oppose practices designed to discourage the use of Low German in connection with economic or social activities;
 - d to facilitate and/or encourage the use of Low German by means other than those specified in the above sub-paragraphs.
- 2 With regard to economic and social activities, Germany (Free and Hanseatic City of Hamburg) undertakes, in so far as the public authorities are competent, within the territory in which Low German is 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 Low German persons using Low German who are in need of care on grounds of ill-health, old age or for other reasons;

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of Low German, at least between users of Low German;
- a to include in its financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of Low German in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;
- b in the economic and social sectors directly under its control (public sector), to organise activities to promote the use of Low German;
- d to ensure by appropriate means that safety instructions are also drawn up in Low German;
- e to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in Low German.

Article 14 – Transfrontier exchanges

ACCEPTED

NOT ACCEPTED

Germany (Free and Hanseatic City of Hamburg) undertakes:

- a to apply existing bilateral and multilateral agreements which bind them with the States in which Low German 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 Low German in the States concerned in the fields of culture, education, information, vocational training and permanent education;
- b for the benefit of Low German, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory Low German is used in identical or similar form.

[...]