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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

**INITIAL PERIODICAL REPORT
presented to the Secretary General of the Council of Europe
in accordance with Article 15 of the Charter**

GERMANY

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Part A General Situation and General Framework

Preliminary Remarks

Given the federal structure of the Federal Republic of Germany, the implementation of the obligations assumed under the European Charter for Regional or Minority Languages is primarily the responsibility of the *Länder*. Therefore, the reports on the various activities in Parts B and C below of the State Report are, for the major part, based on the inputs contributed by the respective *Länder*.

1. The Federal Republic of Germany attaches great importance to the protection of regional or minority languages. On 5 November 1992, it signed the *European Charter for Regional or Minority Languages* (in the following: "the Charter") [cf. Annex 1]. By the Act [to implement the Charter] of 9 July 1998 (cf. Annex 2), the German *Bundestag*, with the consent of the Federal Council [Chamber of the *Länder*], approved the Charter. That Act was promulgated in the Federal Law Gazette on 16 July 1998, and the instrument of ratification was deposited with the Council of Europe on 16 September 1998. The Charter entered into force in Germany on 1 January 1999. Under the Federal Act ratifying the Charter, the latter ranks, in Germany, as a federal law which takes precedence over subordinate law, including *Land* laws [supremacy of federal law], and as a matter of principle [primacy of international law], is to be applied as the more specific law overriding other federal laws. National compliance with the Charter is legally ensured on a comprehensive scale with the implementation of its provisions, as described in detail in Section A.5 below and in Parts B and C [pp. 16 *seqq.*].

In ratifying the Charter, the Federal Republic of Germany was guided by the following considerations:

In many countries of Europe, there is a large number of traditionally spoken languages which differ from the respective official language or from the language of the majority population, and - in relation to the entire national territory - are used by a small portion of the population. This diversity of languages as an essential basis of culture has shaped the cultural history of Europe. To this day, the cultural wealth of Europe has found, and still finds, expression in its regional or minority languages. Notwithstanding the great cultural value of the regional or minority languages, however, the insignificance of many of these languages increases to the benefit of the language of the majority population. In public life, especially in the media, and as a legal language and as the official language, regional or minority languages are used only on a limited scale. Many languages lose their scope of use as a result of a re-orientation of their traditional users, voluntary assimilation or the linguistic assimilation policy of the state. Use of these languages in the private sphere is not sufficient to durably ensure their continued existence. Europe-wide, regional or minority languages are, to a varying extent, threatened by extinction or by a drastic loss of their vitality.

For the groups among whom these languages are spoken, their use forges identity. Also, especially for the national minorities and traditionally resident ethnic groups, the preservation of the given language and its further development are the basis required for preserving their culture, tradition and identity. Failure to preserve their independent language entails the risk of loss of the cultural identity of the speakers of regional or minority languages. But the decline of regional or minority languages will also imply for the majority population that an important traditional cultural element of society and of their country's civilization which has developed over centuries will be lost.

However, preservation of this linguistic and cultural diversity does not only mean maintenance of identity and preservation of a cultural heritage but it also serves communication within the country and the integration of all citizens into their country since it requires and exacts tolerance and openness for other languages and cultures. Therefore, ensuring the diversity of languages has a mediatory function, facilitates community life and prevents ethnic exclusion. In particular, the protection and promotion of the regional or minority languages in a given country also improve the starting position for an intensified dialogue with the users of these languages in its neighbouring countries. This is particularly true as regards transborder use of languages. A widening Europe needs tolerance, acceptance and understanding for each other. The protection and the promotion of the regional or minority languages in Europe have a peacemaking function and reinforce democratic developments.

2. The Charter contains the criteria for regional or minority languages. It refers to the languages traditionally spoken in a Contracting State. In Germany, a regional language within the meaning of the Charter is Low German. Protected minority languages are the languages of national minorities and of other ethnic groups traditionally resident in Germany, who in the FRG come under the Council of Europe Framework Convention for the Protection of National Minorities - Danes, the Sorbian people, Frisians in Germany, and the German Sinti and Roma. These languages are Danish, Upper (Lusatia) Sorbian and Lower (Lusatia) Sorbian [Wendish], North Frisian and Saterland (East) Frisian, and the Romany language of the German Sinti and Roma.

The Federal Republic of Germany has laid down the Charter's scope of application in Germany in Declarations made by the Federal Government to the Council of Europe in order to ensure the admissibility of a territorially differentiating implementation of the Charter in keeping with the federal structure of Germany (cf. Annex 2 - Federal Act to implement the Charter, and Annex 3 - Declarations of 23 January 1998 and 26 January 1998). Since dialects and the languages spoken by incoming migrants are excluded from the Charter's scope of application, the aforementioned languages cover all languages in Germany which are eligible for the protection provided under the Charter.

The facilities provided by the Charter within its scope of application in Germany are open to all speakers of the listed regional or minority languages.

3. Detailed information on the various languages:

3.1 The Danish language

Danish is traditionally spoken by the Danish minority in the *Land* of Schleswig-Holstein to the south of the German-Danish border. The Danish minority, like the German majority population, live in the German part of Schleswig in their traditional settlement area, just as the German minority and the Danish majority population do on the Danish side in North Slesvig - *Sønderjylland*. Germans and Danes have been living together in this area for more than thousand years. Today's border between the two countries was laid down in 1920 on the basis of the results of two plebiscites agreed upon in the Treaty of Versailles.

The number of members of this ethnic group is estimated at some 50,000 persons who, for the major part, live in the Schleswig region in the *Kreise* [county-type administrative districts] of Nordfriesland and Schleswig-Flensburg, in the northern part of the *Kreis* of

Rendsburg-Eckernförde, and in the city of Flensburg. The percentage of the members of the Danish minority in relation to the population of the various towns and communities varies greatly, and ranges from local communities where only a number of families of the minority live, to about 20 per cent in the town of Flensburg and some smaller places.

All members of the Danish minority understand Danish, and most of them speak it. In addition, all of them have a good command of German. In rural areas, parts of the Danish minority – and of the majority population - speak the regional Low German language; and in the immediate border area, the Danish minority as well as their German fellow citizens also speak *Sønderjysk*, a South Jutish dialect of Danish.

The majority of the members of the Danish minority use the Danish language in the private sphere. But account must also be taken of the situation in mixed-nationality marriages where German usually prevails. Danish is spoken within the organizations of the Danish minority. Constant use and promotion of the Danish language provide the basis for all minority-related activities. Of particular importance for proficiency in the Danish language are the Danish private schools, especially also for the children from mixed-nationality marriages.

3.2 The Sorbian language (Upper Sorbian and Lower Sorbian)

The Slavic people of the Sorbs, who have a history going back more than a millennium and a culture of their own, has mostly lived within a setting of German statehood. In the Middle Ages, the Sorbian language was spoken in a much more extended area than today. Sorbian is part of the West Slavonic family of languages. From the various dialects of colloquial Sorbian, two standard languages developed: Upper Sorbian [more precisely: the Sorbian of Upper Lusatia], and Lower Sorbian [the Sorbian of Lower Lusatia; also called Wendish]. Today's speech area of Sorbian covers Upper Lusatia in the Northeast of the Free State of Saxony, and Lower Lusatia in the Southeast of the *Land* of Brandenburg. The Sorbs living in Lower Lusatia are, until this day, also known as Wends.

The number of persons considering themselves Sorbs is not known. The estimated number is about 60,000 Sorbs, of whom two thirds live in Saxony, and one third in Brandenburg. In some local communities in the *Kreis* of Kamenz, they account for up to 90 per cent of the population; in some other villages of the settlement area, the majority of inhabitants are Sorbs. They make up about 10 per cent of the population of the overall settlement area, while in the towns they account for less than 2 per cent. Approximately 20,000 Sorbs still have a command of Sorbian in both its spoken and written form; all Sorbs speak German as well.

Use of the Sorbian language in private depends, to a large extent, on the Sorbian people themselves, especially on whether the language is passed on to their children. This applies to a greater extent to the central settlements with a large share, or even the majority, of Sorbs, than to families in larger places and towns where they constitute a dispersed minority. In the case of the Sorbs, too, the existence of many mixed-nationality marriages has an influence on the language spoken within the family and on the extent to which Sorbian is passed on to the children, and thus attendance of Sorbian schools is of particular importance to these children.

Use of the Sorbian language in public is rendered difficult by the fact that the German-Sorbian settlement area is not generally bilingual but that, as a rule, only the Sorbs have a command of both languages. Therefore, apart from a number of exceptions, greater use is being made of German than of the Sorbian language in public and also in church.

3.3 The Frisian language (North Frisian and Saterland Frisian)

Frisian, as an autonomous and ancestral language, descended from the North Sea Germanic division of the West Germanic subfamily, distinctly differs from Netherlandic [Dutch and Flemish] and Low German and, in terms of historical linguistics, is closely related to Old English. It has evolved in three subgroups: West Frisian, East Frisian, and North Frisian. West Frisian is spoken in the province of Friesland in the Netherlands. East Frisian is native to Ostfriesland in Lower Saxony. These two regions form the historical [geographical] centre of the Frisians.

Already around the year 1500, the East Frisians replaced the Frisian language by Low German as the language used for drafting legal documents. By 1800, for the major part, and last on one of the North Sea Islands at the beginning of this century, they relinquished their ancestral Frisian language which, however, has continued to be used as the language of everyday oral communication.

East Frisian has become extinct in the meantime; only in the Saterland in the Oldenburg region, near the border with the Netherlands, about 2,000 persons still use Saterland Frisian which forms part of the Old East Frisian subgroup of languages. About twice as many people understand Saterland Frisian. Despite many Low German loan words, Saterland Frisian has preserved its linguistic independence. The Saterland [East] Frisian language originally had superimposed itself on the Westphalian Low German of the first inhabitants of the Saterland. After East Friesland and the adjacent regions of the Saterland had changed over to Low German, survival of Saterland Frisian was possible only because the Saterland villages were located in a sandy river valley surrounded by extensive fens which have, up to this century, provided a shield from contacts with the outside world and from its influence that penetrates and moulds all spheres of life. The use of Saterland Frisian by the Saterland Frisians is gradually increasing since school-children are taking a greater interest in learning this language and children and the grandparent generation have started to communicate in Saterland Frisian again.

After Frisians, about 1000 years ago, had settled also north of the central area, North Frisian developed, which is related to Old Danish by a number of linguistic characteristics. North Frisian consists of two groups of dialects with nine local varieties: six of these [so-called Continental North Frisian] are spoken along the west coast of Schleswig-Holstein (including the holms, or *Halligen* islands), and three of them [so-called Insular North Frisian] on the offshore islands of Sylt, Föhr, Amrum, and Helgoland. Despite the linguistic diversity brought about by the subdivision into dialects, the linguistic communality of North Frisian prevails. Of the total number of nine North Frisian local idioms, three - which are spoken by less than 150 persons - are acutely threatened by extinction. The other six local idioms are not only used orally but also exist in written form. Their orthography for the major part is based on uniform rules. The first book in the North Frisian language was published in 1809. Since then, a large body of Frisian-language literature has been created, which covers several hundreds of books and, in addition, several thousands of literary items in a variety of

publications. This ensures that the Frisian language also meets the requirements expected of a modern means of communication.

The number of those who, on account of their origin and their sense of personal identity, consider themselves North Frisians are estimated to number as many as 50,000 to 60,000 persons; this is one third of the population of this region. Of these, some 10,000 persons still speak North Frisian; another 20,000 persons understand this language.

The North Frisian language still is, to a major extent, the language spoken within the family and the language for communication in public, especially among the Frisians living on the islands and holms (*Halligen*). This is less so on the continent. In mixed-language marriages, normally German prevails.

3.4 The Romany language of the German Sinti and Roma

The Romany spoken by the German Sinti and Roma is the language of those members of this national minority who traditionally live in Germany. The Romany of the German Sinti is spoken by an estimated number of up to 60,000 persons. This is an autonomous language, deriving from Sanskrit, which is spoken by the Sinti in Western Europe, especially in the German speech area, and which differs from the other Romany languages used in Europe. In addition, the Romany of the German Roma is spoken by an estimated number of up to 10,000 persons.

Historically, the language can be assigned to a larger number of small regions in Germany where Sinti for centuries have been, or still are, traditionally resident. However, its speech area cannot be narrowed down to just a few specific geographical areas. The race policy of the despotic Nazi régime - entailing stigmatization and discrimination, persecution and the genocide inflicted also on the Sinti and Roma - has, moreover, destroyed the historical structures of this ethnic group in Germany and the speech communities. After many survivors of the state-sponsored persecutory actions during the Nazi period had, after the end of the war and after the Liberation, settled in central conurbations, the speech community of their historical areas has changed. Nowadays the German Sinti and Roma are integrated into society. In everyday life, however, they are still subject to occasional private discrimination, due to the prejudices on the part of some fellow citizens. This also is one of the reasons why the Romany language is rarely used in public.

The majority of German Sinti and Roma nowadays live in the capitals of the "old *Länder*" of Germany [the 11 federal States that belonged to the FRG within its territorial boundaries up to German unification], including Berlin and its environs, and in the conurbations of the Greater Hamburg area, the Rhine/Ruhr region with Düsseldorf and Cologne at its centre, and the Rhine/Main and Rhine/Neckar conurbations. In some cases, major numbers of German Sinti and Roma also live in regions of geographically close, smaller towns. Thus, German Sinti and Roma populations are to be found, for instance, in medium-sized and small towns of Ostfriesland, Northern Hesse, the Palatinate, Baden and Bavaria. Thus, there is no single speech area confined to any one *Land* for the Romany language traditionally spoken in Germany. Rather, the language is spoken in most of the *Länder* of the Federal Republic of Germany.

However, the high degree of dispersal and what nowadays often are only small numbers of users of the Romany language in a narrowly delimited region must not result in any

impairment of the objective scope of protection if the causes of such dispersal have been generated, or at least been significantly influenced, by earlier government action. In this regard, there is a particular obligation incumbent on the state to help to achieve that the problems which have arisen in respect of the existence of the language will be reduced and that the scope for the development of the language and culture will be expanded. To the extent possible at this time, this is taken account of in the measures, both applied and envisaged, for protection and promotion.

3.5 The Low German language

Low German (*Niederdeutsch* or *Plattdeutsch*) is the ancestral language of the German North. As far as historical knowledge reaches back, people in Northern Germany have always used this language; its form and function, however, have changed in the meantime. Until this day, Low German has continued to exist as an independent language in its own right, i.e. it is not a dialectal variation of High German. Until the end of the late Middle Ages, the German North used only one other language besides the scholars' Latin: the Low German language, which met all communication requirements. Whatever had to be said or written in everyday dealings or in the fields of trade, law, politics, religion and culture had to, and could, be expressed in the respective variations of Low German. An expansive linguistic development went hand in hand with the historical processes: while Low German, in its oldest period, had only been the language of the Germanic tribal association of the Saxons - confined to a relatively small settlement area - its speech area later on spread in territorial and functional terms.

In the 14th/15th Centuries, Low German was the prevailing linguistic medium for the entire economic and cultural area of the Hanseatic League. The latter constituted - not last in the form of, and through, the Low German language - one cultural area which, while not of a uniform nature, formed a coherent entity. The era of Low German unilingualism ended rather abruptly in the 16th Century. It was followed by a period - continuing until this day - of the competing High German and Low German languages existing side by side. The role of Low German was confined to being the generally lower rated secondary language. From then on, this language was of a socially lesser functional value than High German; it was rated lower and, consequently, its use declined more and more.

The progressive decline of Low German took place in two stages. At the turn of the 16th/17th Centuries, Low German lost its written-language status to High German which until then had been unfamiliar. After the chancelleries of princes and towns, the educated middle classes, too, started to use High German for written communication. While the majority of the North German population continued to use Low German for oral communication until the latter part of the 18th Century, its losses in terms of function and prestige had such lasting effects that, over time, one social class after the other adopted High German. Finally the old language of the region survived, for the major part, only as the everyday idiom of the "common folk", especially among the rural population.

In the course of the evolution of modern society, the scope for the development and survival of Low German was increasingly curtailed. The social processes of the 19th and 20th Centuries threatened its existence even as a fringe vernacular. Industrialization and urbanization not only increasingly limited the scope for the use of Low German which

by now had been reduced to a local idiom; but ultimately they also resulted in the wasting away and dissolution of the local language community where the regional vernacular had its actual sphere of life. The bureaucratization of community life as well as the democratization of education brought about by the general school and education system promoted and definitively consolidated the transition of the majority of the population to High German as the community language.

Despite these developments, a minority of committed citizens has, over the past 200 years, worked for the cultivation and promotion of the Low German language. Already in the 17th and 18th Centuries, a number of citizens spoke up, who saw the decline of the language as a severe loss of North German specificity and countered this decline with literature written in Low German. Ever since, at the end of the Age of Enlightenment and at the beginning of Romanticism, efforts were made to rediscover the 'people' with their vernacular language and poetry and with their customs and ways of life, the sense of an increasing loss of identity has given rise to the notion that Low German, as the ancestral vernacular of the North, was of particular value in, and for, society. Nevertheless, the Low German language and the culture defined and shaped by it have had, until this day, only a fringe status in public life, in cultural life and in education. So far, therefore, preservation of the indigenous regional language has been achieved primarily by private initiatives. The achievements of such initiatives in terms of cultivating and fostering the language and culture have been significant:

- They have recreated an independent Low German literature - with continuity, quantity, quality, and subtlety and precision as its prominent features.
- They have established Low German in other spheres of cultural life as well: on the stage, in church and in all modern media so that an autonomous Low German cultural life has come into existence again.
- They have to this end created an institutional infrastructure of clubs, societies and associations, which in part also engage in supraregional work, of theatres and publishing houses, and of writers' unions, teachers' and clergymen's associations, together with publication organs.

The success of these activities is also due, for a major part, to the increasing assistance, including funding, provided by the *Länder*, local governments and other institutions.

Nowadays Low German is traditionally spoken in eight *Länder* of the Federal Republic of Germany. The Low German language area covers the entire territory of Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein, but only parts of Brandenburg, North Rhine/Westphalia and Saxony-Anhalt. In the various regions of this language area, local or regional variations of Low German, which differ to a greater or lesser degree, are spoken - but generally as a secondary language, with the High German standard language taking precedence, and usually only for private purposes. The extent to which Low German idioms are used varies from one region to another. Thus, Low German has, for a long time, been incomparably more alive in the coastal regions than farther inland.

The number of people in Northern Germany who have a command of, and are still using, any of the variations of Low German is not known. According to the only informative study available, a representative survey of 1984, which only covers the Low German region in the "old" *Länder* ["West Germany"] of the Federal Republic of Germany,

- an average of 56 % of the respondents said that they could speak Low German (very well, well, or a little),
- while 43 % stated that they could not speak it at all;
- 89 % of the respondents said that they were at least able to understand Low German,
- while only 11 % stated that they could not understand it.

For the three "new" *Länder* [i.e. Mecklenburg-Western Pomerania, Brandenburg and Saxony-Anhalt] where Low German is spoken, no directly comparable data are available; but the language situation in those *Länder* is assumed to be quite similar. On this basis, the overall number of those who claim to have a more or less good knowledge of the Low German language is estimated to amount to some eight million individuals.

Notwithstanding the significant private commitment of those working in a large number of clubs and associations, amateur theatre groups, writers' associations and circles of poets, and despite considerable governmental promotional measures, the number of speakers of Low German continues to dwindle, mainly for the reason that this language, on account of the little esteem in which it is held and because of its lack of practical functional value, is no longer passed on by the respective older generation to the younger people.

4. The *Bund* [Federation; Federal Government/Administration] and the *Länder* have established special bodies where regular exchanges take place between the political level, public administration and the various language groups. As a rule, the language groups - with the exception of the representatives of the Low German language - also represent a national minority or ethnic group within the meaning of the Council of Europe Framework Convention for the Protection of National Minorities. In this respect, discussions within these bodies cover, in addition to the languages, all minority-relevant concerns of these groups. Also, public administration has established functions which are constantly in touch with the minorities and have direct responsibility for the protection and promotion of the groups protected under the Framework Convention. The creation of this infrastructure had to take account of the various needs of the groups, and of the existing scope for government action. In addition, there are various organizations dealing with the preservation and promotion of the protected languages.

4.1 Government agencies, other public authorities, and Commissioners

At the Federal level, the *Federal Ministry of the Interior* has the primary responsibility for matters of minority-related law and for giving effect, at the national level, both to the protection of national minorities and to the provisions of the Charter. As regards human rights aspects of the protection of minorities, responsibility also lies with the *Federal Ministry of Justice*. In the *Länder*, general responsibility for matters concerning national minorities is vested in the respective State Chancellery or one of the Ministries (usually the Ministry of Cultural Affairs and/or of Education, or the Ministry of Scientific Affairs).

According to their specific portfolios, also other Ministries, or institutions at the same level, deal with various aspects of the protection of minorities (usually in connection with specific promotion tasks). At the federal level, this is the *Federal Commissioner for Cultural Affairs and the Media*. In the *Länder*, there are, in instances, several

different Ministries with responsibility in this field since, under the federal system of Germany, material support for the work of minority organizations mostly is a responsibility of the *Länder*.

In Brandenburg *Land* the Ministry for Science, Research and Cultural Affairs has a *Section for Sorbian (Wendish) Matters*, while the Free State of Saxony has established a *Section for Sorbian Matters* at its Ministry of Scientific Affairs and Arts. In Schleswig-Holstein, the head of a section of the State Chancellery is responsible for minority matters. In other *Länder* of the Federal Republic of Germany, these tasks are performed by units of various supreme *Land* authorities. The interests of the Sorbian and German/Sorbian schools in the Sorbian settlement area in the Free State of Saxony are dealt with by a Commissioned Inspector of Schools of the Bautzen Regional Schools Office.

In order to provide a direct point of contact to the minorities in Schleswig-Holstein, the post of the *Border Region Commissioner*, who reports to the Minister-President, was established in 1988. As of April 2000, the post is called *the Minister-President's Commissioner for Minorities. Inter alia*, the Commissioner [at present a woman] advises the Minister-President on matters which concern the Danish minority in the Schleswig region of this *Land* and the Frisians and German Sinti and Roma who live in Schleswig-Holstein. The Commissioner for Minorities monitors the cultural, social and economic developments in the border region in terms of their implications for the minorities and reviews the development and implementation of the legislation on minorities and ethnic groups at the international level. At the same time, she performs the function of a Commissioner for Low German.

Kreise [county-type administrative districts] with larger shares of national minorities and ethnic groups, and local authorities in the settlement areas of the latter have, like other public-law corporations (e.g. *Ostfriesische Landschaft*), also established offices for minorities. In Brandenburg, the *kreisfreie Stadt* [non-district municipality] of Cottbus, and Spree-Neisse *Landkreis* [(rural) administrative district] have designated full-time Commissioners for Sorbian Matters. In the *Landkreise* of Oberspreewald-Lausitz [Lusatia] and Dahme-Spreewald, honorary commissioners have been designated. The *Amt* [local authority union] of Jänschwalde has designated an honorary Sorbian Affairs Commissioner, and the *Amt* of Burg has a similar designation in preparation.

For election of the Commissioners, the Sorbian associations had the right of nomination in Cottbus and in the *Ämter* of Jänschwalde and Burg. In Spree-Neisse *Landkreis*, opinions of the Sorbian associations were taken into consideration. In Oberspreewald-Lausitz *Landkreis*, the associations were not involved in the selection process but agreed to the selection and since then have pursued constructive co-operation. In the *Landkreis* of Dahme-Spreewald, the Sorbian associations exercised no right of nomination.

In the Free State of Saxony, Bautzen *Landkreis* and the *kreisfreie Stadt* of Hoyerswerda have Sorbian Affairs Commissioners. In *Niederschlesischer Oberlausitzkreis* [Lower Silesian *Kreis* of Upper Lusatia], this function is performed by the office of the *Landrat* [chief executive official of a *Landkreis*]. Kamenz *Landkreis* has laid down the rule that a senior position in the administration is to be filled with a member of the Sorbian

people. At present, this is the post of the Head of the Department for Youth and Social Affairs.

The tasks of the *Sorbian Rights Commissioners* include, for instance, preparations for decisions of the mayor, departmental heads and town councils; co-ordination and co-operation with the local agencies and departments with regard to all Sorbian matters; monitoring and supporting the public agencies in respect of the enforcement of the rights of the Sorbian people, as guaranteed by the *Land* Constitution; introduction of draft bills affecting the interests of the Sorbian population; and co-operation with Sorbian institutions.

The tasks of these public authorities include the protection of national minorities at the federal and *Land* levels, including responsibility for legislative proposals, for the implementation of minority-related law, including the pertinent international-law instruments, for promoting the work of national minorities and ethnic groups and, at the local government level, for on-the-spot assistance/counselling and direct support.

The activities of public authorities relate to the minorities living in the respective *Land* or region, and at the federal level, to the Danish minority, the Sorbian people, the Frisians in Germany, and the German Sinti and Roma.

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

- Federation/*Länder* Conferences with the minorities on the Framework Convention for the Protection of National Minorities: participants are the Federal Ministries dealing with the protection of national minorities, the respective *Land* authorities with lead responsibility, representatives of the umbrella organizations of the minorities protected by the Convention and of their scholarly institutions. One of the Conference subjects is discussion of the implementation of the Framework Convention.
- Federation/*Länder* Conference with the language groups concerned on the European Charter for Regional or Minority Languages: participants are Federal and *Land* Government authorities dealing with aspects of the Regional/Minority Language Charter, and representatives of the umbrella organizations of these language groups and of their scholarly institutions. One of the Conference subjects is discussion of the implementation of the Regional/Minority Language Charter.
- *Consultative Committee on Issues concerning the Danish Minority*, set up at the Federal Ministry of the Interior (MOI): members are the Federal Minister of the Interior and a State Secretary of the Federal MOI; two members each of the parliamentary groups of the German *Bundestag*, three members of the Danish minority in Germany, and the [Minister-President's] Commissioner for Minorities as the representative of the *Land* of Schleswig-Holstein. The Committee is chaired by the Federal Minister of the Interior. The Committee is to ensure contacts of the Danish ethnic group with the Federal Government and the *Bundestag*. It has the task to discuss all important issues of the Federal Government's domestic policy that concern or affect the Danish minority.
- *Foundation for the Sorbian People (Za³o^zba za serbski lud)*: the members of the board of trustees (Foundation Board) are representatives of the Sorbian people, of the *Bund* [Federal Government], of the Free State of Saxony, and of Brandenburg *Land*, and local government representatives; membership of the Parliamentary Consultative Council includes Members of the German *Bundestag*, of the Saxon

Landtag and of the Brandenburg *Landtag*. The aim of the Foundation is the promotion, both in terms of ideology [moral support] and funding, of activities designed to preserve the Sorbian identity and language, Sorbian institutions and Sorbian culture (the Director of the Foundation is a member of the Sorbian people). Cf. the comments under no. 4.3.2 below [p. 14] for further details.

- So far, no similar bodies have been established at the federal level to attend to matters concerning the Frisians or the German Sinti and Roma. However, leading personalities from the spheres of politics, science and industry in Germany are represented on the Board of Curators of the *Documentation and Cultural Centre of German Sinti and Roma*.

4. With regard to the various languages (*Land* bodies and organizations)

4.3.1 The Danish language

The chief organization of the Danish minority for cultural work and thus, in particular, for the cultivation of the Danish language is *Sydlesvigsk Forening* (SSF, "*Südschleswiger Verein*" - South Schleswig Association), with the *Dansk Generalsekretariat* in Flensburg and a membership of 16,000; another 27 associations pursuing a wide variety of activities are affiliated to the SSV.

Sydlesvigsk Forening is committed to the promotion of "Danish work in South Schleswig", of the Danish language and of Danish folklore. In addition, the Association maintains lively contacts with Denmark and the other Nordic countries, and its aim is the keeping alive of the Danish culture and the Danish way of life. It organizes Danish theatrical performances and concerts, maintains buildings as meeting places and assembly rooms, a museum, a school hostel in the country [outdoor pursuit centre] as well as residences for the elderly and operates senior citizens' clubs with a wide range of recreational facilities and activities in the Danish language.

The programme of cultural events throughout the region also includes lectures, movies, slide lectures, discussions and social gatherings. The yearly meeting of the Danish minority, with large open-air gatherings in various places of the settlement area and with parades with musical accompaniment, has for some time already developed into a large public festival. The minority and the majority have opened up towards each other and share experiences and activities.

The Danish minority also operates the historical museum of Danevirkegården near [the town of] Schleswig, and an adult education centre in Jarplund.

Sydlesvigs danske Ungdomsforeninger, SdU (Danish Youth Association for Southern Schleswig), organizes a wide range of youth work activities. It supports recreational centres and sports facilities. Its affiliated bodies include, *inter alia*, the Danish-language amateur theatre "*Det lille Teater*" in Flensburg. Associations of a very different structure co-operate within the Youth Association. Besides sports clubs, these include freely organized groups and church youth groups as well as the Danish Boy Scouts Corps in South Schleswig. For the various fields of interests, there are numerous recreational activities offered also outside group-based activities.

In addition, the Danish minority has a library system of its own, i.e. the *Dansk Centralbibliotek for Sydlesvig*, or *Dänische Zentralbibliothek für Südschleswig* (Danish

Central Library for South Schleswig), which is the local main library for adults and children and also comprises two mobile libraries, a bibliographic section and a selection of audiovisual media. The Danish Central Library has two main branches and many sub-branches in schools and nursery schools. It also comprises a research section and archives.

Of particular importance to the Danish minority, and for the preservation of their language, is their fully developed system of private schools. The providing body for activities related to schools and nursery schools is *Dansk Skoleforening for Sydslesvig*, or *Dänischer Schulverein für Südschleswig* [Danish Schools Association for South Schleswig], with some 8,000 members. At present, it operates 58 nursery schools and day-nurseries and 49 schools. These are primary schools and secondary modern schools - including remedial classes, four *Realschulen* [secondary technical schools], one *Gymnasium* [grammar school] in Flensburg, and one comprehensive school.

The Danish minority finance their work with their own resources, with donations from private individuals and foundations and, for a significant part, with allocations from the budgets of the Schleswig-Holstein *Land* Government and of German local governments in the settlement area. Also, the minority receive substantial funds for their work from the Kingdom of Denmark and from the *Danish Border Association*. These funds make it possible for the cultural work of the Danish minority to be carried out on an extensive scale.

4.3.2. The Sorbian language

The Saxon *Landtag* elects a *Council for Sorbian Affairs* [Rada za serbske naležnosæ], and the *Landtag* of Brandenburg a *Council for Sorbian (Wendish) Affairs* [Rada za serbske nastupnosæ]. Each of these Councils has five members who, in Brandenburg *Land*, must be members of the Sorbian people. In Brandenburg, Council members are nominated by the Sorbian associations, and in the Free State of Saxony by Sorbian associations and the German/Sorbian communities. The Council deals with all parliamentary matters of importance to the Sorbian people, including legislative proposals, and submits comments/opinions from the Sorbian point of view.

In addition, the Sorbs have founded a large number of associations with widely varying objectives. The umbrella organization of the Sorbian associations is *Domowina – Zwjazk Luziskich Serbow*, or *Bund Lausitzer Sorben* [Federation of Lusatian Sorbs], to which 14 organizations of the Sorbs, with more than 6,000 members, are affiliated. These include the Sorbian Scientific Society/*Macica Serbska* and, for school and cultural matters, *Sorbischer Schulverein* [Sorbian Schools Association], *Bund der sorbischen Studierenden* [Union of Sorbian Students], *Sorbischer Künstlerbund* [Zwjazk serbskich Wum³cow - Sorbian Artists' Union] and *Verband sorbischer Gesangvereine* [Union of Sorbian Choral Societies]. In the field of youth work, particular mention is to be made of the Sorbian youth organization *Pawk*. In addition, there are many other associations and support/promoting associations which, partly also from locations abroad, are committed and devoted to the cultivation and promotion of the Sorbian history, language and culture.

The ancestral settlement area of the Sorbs is in the *Länder* of Saxony and Brandenburg. The two *Länder* have, mutually and with the *Bund*, agreed a common promotion policy. This policy has been embodied in the *Foundation for the Sorbian People* (cf. para. 4.2

above [p. 12]). It was established in 1991 as an unincorporated foundation of the Free State of Saxony, with the *Bund* and the *Länder* of Brandenburg and Saxony as the providing bodies. This unincorporated foundation has always been understood by the interested parties as an interim solution. The aim was the establishment of a legally autonomous foundation which would enable the Sorbian people to organize its interests and concerns in a largely autonomous way. After the structures required to this end had been developed in the meantime, the [incorporated] foundation was established with the conclusion of a State Treaty signed on 28 August 1998 in Schleife/ Saxony. The Treaty was ratified on December 18, 1998, and entered into force on January 1, 1999.

The institutors of the Foundation, and Contracting Parties to the State Treaty, are the *Land* of Brandenburg and the Free State of Saxony. The Federal Government (*Bund*), on the basis of the *Agreement on the Common Funding of the Foundation*, provides funding and appoints representatives to the Foundation's bodies. The principal tasks of the Foundation are, in particular:

- promotion of institutions preserving the culture, arts and homeland of the Sorbs;
- promotion of, and participation in, projects concerning the documentation, publication and presentation of Sorbian art and culture;
- promoting the preservation and further development of the Sorbian language and cultural identity, also in Sorbian educational and scientific/scholarly facilities and in such institutions as serve these objectives;
- promoting the preservation of the Sorbian identity among the general public, in professional life and in the community life of the Sorbian and non-Sorbian populations;
- promotion of projects aimed at furthering international understanding and co-operation with other ethnic groups and national minorities in Europe, and promotion of the historically evolved relations of Sorbs with their Slav neighbours with a view to forging a link between Germany and Eastern Europe; and
- participation in the design of governmental and other programmes affecting Sorbian interests.

The main parameters of the Foundation's activities and its annual budget are decided by the Foundation Board [board of trustees]. The Board is composed of 15 members, of whom six are representatives of the Sorbian people. The Foundation's *Parliamentary Consultative Council* supports and advises the board of trustees. The Consultative Council has an extensive right of access to information. It is composed of two members each of the German *Bundestag* and of the Saxon and the Brandenburg *Landtage*.

The Foundation is domiciled in the city of Bautzen, and has regional offices in Cottbus and Schleife [both in Saxony], and in Hoyerswerda, Crostwitz and Bautzen [in Brandenburg]. The Foundation's affairs are managed by the Director. The Foundation has an administrative staff of currently 26 employees. The Foundation's administration also comprises *Sorbische Kulturinformation* (Sorbian Cultural Information) in Bautzen and the Sorbian Cultural Information Office [*Serbska kulturna informacija*] "Lodka" in Cottbus.

For fulfilment of the Foundation's objectives, the Foundation receives annual grants from the *Bund*, the Free State of Saxony and Brandenburg *Land*. After federal grants had to be cut also in this field of activities on account of a general austerity programme of the Federal Government, the *Bund* will in future provide a little less than half of the

Foundation's funds while the Free State of Saxony and Brandenburg *Land* will provide a good third and a bit over one sixth, respectively.

The following institutions are subsidized with endowment funds:

- *Sorbisches National-Ensemble GmbH* [Sorbian National Ensemble], Bautzen;
- *Domowina - Bund Lausitzer Sorben e.V.* [Zwajsk ƚu Āiskich Serbow z.t. - Federation of Lusatian Sorbs, reg'd], as the umbrella organization of Sorbian organizations;
- *Domowina-Verlag GmbH* [Domowina Publishing House], Bautzen;
- *Sorbisches Museum Bautzen* [Serbski Muzej Budyšin - Sorbian Museum in Bautzen];
- *Wendisches Museum Cottbus* [Dolnoserbski muzej Choćebuz - Sorbian/Wendish Museum in Cottbus];
- *Sorbischer Schulverein* [Sorbian Schools Association, reg'd];
- *Sorbisches Institut e.V.* [Sorbian Institute, registered association], Bautzen, as a scholarly institution;
- *Schule für niedersorbische Sprache und Kultur* [School for the Low Sorbian/Wendish Language and Culture] in Cottbus.

4.3.3 The Frisian language

The largest association of the Frisian ethnic group is *Nordfriesischer Verein* [North Frisian Association] which was founded in 1902. It has about 4,700 members and more than 25 local associations. A smaller group of North Frisians regard the Frisians as a separate ethnic entity. They are organized in the *Foriining for nationale Friiske*, or *Verein nationaler Friesen* [Association of National Frisians], which has some 625 members and politically works together with the Danish minority. Both associations are dedicated to the preservation of the language, culture and landscape of Nordfriesland. The providing body of *Nordfriisk Instituut* [North Frisian Institute] in Bredstedt is the *Verein "Nordfriesisches Institut"* [Association for the North Frisian Institute].

The umbrella organization of the Frisians is *Interfrasche Rädj* [*Interfriesischer Rat* - Inter-Frisian Council] which comprises three *Frisian Councils*: Section North (in the *Land* of Schleswig-Holstein), Section East (in the *Land* of Lower Saxony), and Section West (in the Netherlands). Membership of the *Section North* of the Frisian Council includes representatives of the North Frisian Association and of the National Frisians, and one representative of the North Frisian Institute. The *Section East* brings together the associations of East Frisians and Saterland Frisians. The main associations in the East Frisian area are: *Ostfriesische Landschaft* (a public-law corporation) and *Friesischer Klootschiesserverband* [Frisian Curling Association]. The interests of the Saterland Frisians within this Section are represented by *Seelter Buund*, an association which, in particular, is dedicated to the cultivation of the Saterland Frisian culture and language.

In addition, there are, throughout the entire East Frisian area, many local clubs dedicated to the cultivation and preservation of Frisian customs and folklore.

The *Landtag* of Schleswig-Holstein has a "body dealing with matters concerning the Frisians in Schleswig-Holstein *Land*" which is chaired by the President of the *Landtag*. Usually twice per year, this body discusses matters concerning the Frisian segment of the population in the *Land*, with the aim of cultivating and fostering the Frisian

language and culture. Its members are representatives of the political parties of the *Landtag*, the *Bundestag* MPs for Nordfriesland, representatives of the *Land* Government and of the Frisian Council - Nordfriesland Section. North Frisians are also represented on local councils. The meetings of some of these bodies are held also in the Frisian language.

Since 1950, Kiel University has the *Nordfriesische Wörterbuchstelle* [North Frisian Dictionary Institute], and since 1978, the professorial chair for Frisian philology.

Of great importance to the cultivation of the Frisian language, culture and history is the *Nordfriisk Instituut* (*Nordfriesisches Institut* - North Frisian Institute) in Bredstedt, as a central scholarly institution in Nordfriesland. In particular, its scholarly and journalistic activities cover the areas of the languages, history, and study of the geography and civilization of Nordfriesland. It has a specialized library and archives, and offers seminars, courses, workshops and lectures. The Institute's providing body is the *Verein Nordfriesisches Institut*, with a membership of about 850; the work of the Institute is funded, in particular, by *Land* and local authorities.

Research work on the Frisian culture of Ostfriesland is undertaken sporadically by various institutions, also including corporations under public law.

Research on the Saterland Frisian history, culture and language is of more recent date. Saterland Frisian has not been handed down as a written language. A known work is a collection of Saterland Frisian proverbs, dating from the year 1901. It was only after World War II that the first spelling rules were laid down for this language. In 1980, a "Saterland Frisian Dictionary" was published; a revised and significantly enlarged edition is in preparation. Further publications are compilations of texts, such as "*Saterfriesisches Volksleben*" and "*Saterfriesische Stimmen*". The *Zentralstelle für die sprachliche Landesforschung* [Central Office for Linguistic Regional Research] of Göttingen University, with the support of Saterland *Gemeinde*, carried out a poll among 10 per cent of the inhabitants of the Saterland region. The project is to provide findings regarding the awareness of the members of this ethnic group in respect of their own history and culture. The study of the Saterland Frisian language lies, in particular, in the hands of a Germanist [scholar studying German/Germanic languages and literatures] of Oldenburg University.

In Lower Saxony, a Commissioner for Saterland Frisian/Low German was appointed in 1997 to serve with the Government of Weser-Ems *Bezirk* [District].

4.3.4 The Romany language

To safeguard representation of their interests, members of the German Sinti and Roma have formed associations and - in line with the federal structure of Germany - *Land* Associations. The *Central Council of German Sinti and Roma* is the umbrella organization of nine *Land* Associations of German Sinti and Roma and of a number of regional or local associations and institutions.

With the *Bundestag* Resolution of 26 June 1986, all parliamentary groups of the German *Bundestag* have confirmed the need for the enhancement of the living conditions of the German Sinti and Roma and for promotion of their integration into society. Since 1991, the *Central Council of German Sinti and Roma* and the

Documentation and Cultural Centre of German Sinti and Roma have been supported by publicly funded institutional promotion.

Priority tasks of the *Central Council* are: representation of the interests of this national minority with regard to according them political equal status - this also includes, for instance, legislative proposals and political initiatives for the protection against radicalright violent offences and outrages, and the Holocaust Memorial; enforcement of minority rights and of indemnification claims of Holocaust victims; commemoration of the genocide victims; and supporting public prosecution of Nazi crimes at the national and international levels. Other chief activities are co-operation with the *Land* Associations of German Sinti and Roma and with international minority and human rights organizations, and support for Sinti and Roma in other countries.

Priority activities of the *Documentation and Cultural Centre* are: documentation and scholarly work regarding the history, culture and present situation of this national minority; cultural work, education and further education; social work and counselling; and public information/education with the aim of integrating the German Sinti and Roma into society while preserving their cultural identity. The *Centre* publishes a series of papers in several volumes, e.g. on subjects like "Sinti/Roma Story-Telling in the Context of European Folk-Tale Traditions", "Portrayal of Gypsies in German-Language Literature", or "Children and Adolescents as Victims of the Holocaust". In addition, several comprehensive works have been published, such as the documentation entitled "Sinti and Roma under the Third *Reich* - The Programme of Extermination Through Labour". Also, the *Documentation and Cultural Centre* organizes cultural projects and, in a large permanent exhibition, shows the history and the extent of the National-Socialist genocide of 500,000 Roma and Sinti in Europe. A travelling exhibition on the same subject will in future tour several German cities.

In 1989, substantial public funding provided for the purchase, interior and exterior alteration of premises in Heidelberg for use by the aforementioned institutions. These premises house the *Central Council of German Sinti and Roma*, the *Documentation and Cultural Centre of German Sinti and Roma*, and the Permanent Exhibition on the Genocide of Sinti and Roma during the Nazi Era.

Public funds are provided to the *Central Council* for five staff posts (mainly academic positions), and to the *Documentation and Cultural Centre* for 19 posts. The budget of the *Central Council* is fully funded by the *Bund* while for the budget of the *Documentation and Cultural Centre*, 90 per cent of the funds are provided by the *Bund* and the remainder by Baden-Wurttemberg *Land*.

The Lower Saxony *Land* Association of German Sinti, one Sinti and Roma association in Hamburg and a number of smaller organizations of German Sinti, or of German Sinti and Roma, or of German and foreign Roma are independent.

A number of organizations not affiliated to the *Central Council*, and elders of family clans of German Sinti have recently formed the *Sinti Allianz Deutschland e.V.* [Sinti Alliance Germany, reg'd]. As stated in its Rules, the aims of this Alliance are representation of the interests of the clans, tribes and associations of German Gypsies (Sinti), the preservation and promotion of Sinti culture, and the fostering of - interethnic - understanding between German Gypsies (Sinti) and the German majority population.

Another aim is to preserve and cultivate the millennia-old Indo-European culture and language of the Sinti.

There are no specific governmental bodies and institutions dealing with the protection and promotion of the Romany language. This is in line with the wishes of the majority of this language group. Related to this is the objection raised by the *Central Council of German Sinti and Roma* and other associations of German Sinti to the introduction of the Romany language in publicly maintained schools or to making it the subject of scholarly research. This is based on the experience made with Nazi language researchers. Therefore, the *Central Council* and other associations take the view that, also out of regard for the experience undergone by the survivors of the genocide, Romany should neither be taught by non-Gypsies nor be learnt within the public educational system. A different position is taken by Roma associations which come out in favour of the inclusion of Romany in school education and wish to support measures, like those taken in European neighbouring countries, for the development of a written form of this language. Thus, going by those German Sinti and Roma as are represented by their relevant organizations, the vast majority of German Sinti and Roma are against inclusion of their Romany language in the State-run education system, and emphasize their right to the option that it should be exclusively within the family and family clans that their language is cultivated and passed on to future generations.

4.3.5 The Low German language

The focused promotion of Low German has, for a number of years, been regularly discussed or co-ordinated within political bodies.

In Mecklenburg-Western Pomerania, a *Low German Consultative Council*, chaired by the Minister for Education, Scientific and Cultural Affairs, co-ordinates all pertinent activities.

The Schleswig-Holstein *Landtag* in 1992 set up the *Consultative Council for Low German*. This Council deals with all matters concerning the cultivation of the Low German language. Also in 1992, the office of the Minister-President's Commissioner for Low German was established. The Commissioner is the contact person for Low German clubs, associations and organizations.

In early 1999, a Working Group on the Implementation of the European Charter for Regional or Minority Languages was set up in Lower Saxony. Representatives of various Ministries, of *Niedersächsischer Heimatbund* [Lower Saxony Union for Local and Regional Traditions] and of the various parliamentary groups of the *Landtag* work together within this Group.

At present, the Universities of Bielefeld, Flensburg, Greifswald, Göttingen, Hamburg, Kiel, Münster, Magdeburg and Rostock have firmly established research and teaching capabilities (professorial chairs, departments, lectureships) for various college/university degrees. In addition, courses of study are offered, for instance, by the Universities of Bremen, Paderborn, Potsdam, Oldenburg and Osnabrück; also, a number of workshops for regional Low German dictionaries have been established. The scholars working in this field have, for more than 100 years, been organized in the *Verein für niederdeutsche Sprachforschung* [Association for Low German Linguistic Research].

Also, the existing clubs dedicated to the preservation of local/regional traditions and the unions of such clubs traditionally perform an important share of the tasks. The following were founded in more recent times for specific tasks; their establishment has been the wish of community action groups and government agencies alike, and they are financed fully or to a large extent with government funds:

- the *Institut für niederdeutsche Sprache* [Institute for the Low German Language] in Bremen (cf. the detailed description in the preliminary remarks to Article 12, para. 1 (a) [p. 194 below: Low German]);
- the *Regionalsprachliche Fachstelle* [Regional Language Specialist Centre] of [the public-law corporation] *Ostfriesische Landschaft* in Aurich, Lower Saxony; and the *Ostfälisches Institut* [Eastphalian Institute] in Ummendorf, funded by the regional local authority *Deuregio Ostfalen* [Deuregio Eastphalia] working across *Land* borders - a co-operation project of formerly five, now three *Kreise* in Lower Saxony and Saxony-Anhalt;
- the *Niederdeutsch-Zentren* [Low German Centres] for the *Land* regions Schleswig (in Leck) and Holstein (in Ratzeburg), both established by Schleswig-Holstein *Land*; and in Bremen, re-assignment of two half positions of teachers attending to Low German courses offered at schools;
- the *Volkskulturinstitut Mecklenburg-Vorpommern* [Institute for Folk Culture of Mecklenburg-Western Pomerania] in Rostock, which formerly was government-sponsored, but now its providing body is the *Kulturbund*.

5. Within the Federal Government, the Federal Ministry of the Interior has the overall responsibility for ensuring the implementation of the [European] Charter [for Regional or Minority Languages]. To support that implementation, measures have been, and continue to be, taken to elucidate the contents of this international-law instrument, and its implications in practice, by means of lectures and other inputs at conferences and seminars, in which both government officials responsible for the protection of languages and representatives of the language groups concerned participated, or participate. One of the permanent tasks is implementation counselling for the various *Länder* and government departments, especially also through the sharing of practical experience gained in other *Länder* and foreign countries, study of the requirements of the minorities concerned, and advice provided to *Länder* and to language groups.

In June 1999, the first Implementation Conference regarding the Charter took place, which brought together representatives of the Federal Ministries responsible for the protection of languages, similar representatives of the *Länder* of the Federal Republic of Germany, representatives of the language groups protected under the Charter, and scholars. The subject was the implementation status of the Charter in Germany, the deficits still encountered in this respect, and development of the German State Report. Such conferences are to be held at regular intervals. Also, the Council of Europe instruments on the protection of minorities (Framework Convention and Charter) and their implementation status regularly are the subject of discussions of bodies in which Parliamentarians, government representatives and representatives of the minorities/language groups co-operate.

Before its final endorsement at the national level, the State Report was sent to the central organizations of the groups concerned for their comments. Their 'feedback' comments are, to a large extent, reflected in the present State Report. After its submission to the Secretariat of the Council of Europe, this State Report will be published in Germany.

6. Following its entry into force, the Charter has continued to be the subject of intensive media reporting both at the supraregional level and in the central settlement areas of the language groups concerned. On the occasion of the ratification of the Charter, during a ceremony with representatives of the groups concerned, the Federal Ministry of the Interior provided information on the Charter. With reference to the *Act ratifying the Charter*, a detailed *Memorandum to the Charter*, providing information on the background and content of the Charter, was developed and has been widely disseminated. The text of the Charter has been published, *inter alia*, in the collection of texts compiled by the *Federal Centre for Political Education* (BpB) and entitled "Human Rights - Documentation and Declaration". The *Länder*, too, have drawn attention to this international-law instrument in various publications (brochures, press releases, Minority Report, etc.). The language groups, in particular, have informed their members in many and various ways.

Of the measures taken by the various *Länder* for the dissemination of information on the Charter, the following are to be mentioned with regard to Mecklenburg-Western Pomerania and Schleswig-Holstein:

- The members of the *Niederdeutsch-Beirat Mecklenburg-Vorpommern* [Low German Consultative Council, Mecklenburg-Western Pomerania] have, in a number of meetings, dealt with the implementation of the European Charter for Regional or Minority Languages. This subject will continue to be part of the activities of the *Niederdeutsch-Beirat*.
- The *Landesheimatverband Mecklenburg-Vorpommern e.V.* [Mecklenburg-Western Pomerania *Land* Union for Local and Regional Traditions, reg'd] has published an information leaflet on the implementation on the European Charter for Regional or Minority Languages and on September 03 - 12, 1999, with the support of the Mecklenburg-Western Pomerania Ministry for Education, Scientific and Cultural Affairs, organized *Land-wide Plattdeutsch-Tage* [Low German Workshops].
- At a joint meeting in Schwerin on 26 August 1999, the Low German Consultative Councils of Mecklenburg-Western Pomerania and of Schleswig-Holstein dealt with the European Charter for Regional or Minority Languages.
- In the autumn of 1999, the Conference of the Ministers of Education and Cultural Affairs of the North German *Länder* was held in Schwerin. One of the agenda items was the implementation of the European Charter for Regional or Minority Languages with regard to the Low German language.
- After the entry into force of the Charter, a specialist conference was held, at the invitation of the President of the Schleswig-Holstein *Landtag*, with representatives of the language groups at the *Niederdeutsch Zentrum* [Low German Centre] in [the Schleswig town of] Leck.
- At about the time of the entry into force of the Charter, the so-called *Charter Day* was held. On this occasion, the Charter was handed over by representatives from the Low German language region to local/municipal councils.
- In November 1999, the Schleswig-Holstein *Land* Government presented its Minority Report (1996 - 2000). This also contains information on the development and the importance of the Charter. The Report was published in brochure form and has been widely disseminated.
- Funds provided by the *Land* of Schleswig-Holstein were used to subsidize an information leaflet published by the *Institut für niederdeutsche Sprache* [INS - Institute for the Low German Language] in Bremen.

Part B Protection of Regional or Minority Languages under Part II (Article 7) of the Charter

In two Declarations of 23 January and 26 January 1998 and in an Additional Declaration (cf. Annex 3), the Federal Republic of Germany has, in the context of ratification, defined the scope of application of the Charter as regards the regional or minority languages spoken in Germany.

The languages covered by the Charter are primarily "territorial languages", i.e. languages which traditionally are used in a specific geographic area. The reason for this is that most of the measures provided under the Charter call for the determination of a geographic scope of application differing from the territory of the country as a whole. Therefore, in addition to the obligations under Part II of the Charter, the Federal Republic of Germany has notified the Council of Europe of the specific provisions of Part III of the Charter, which are complied with by Germany in respect of the regional or minority languages Danish, Upper Sorbian and Lower Sorbian, North Frisian and Saterland Frisian, and Low German (in the following *Länder*: Free Hanseatic City of Bremen, Free and Hanseatic City of Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, and Schleswig-Holstein). 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 account of the situation of each of these languages in the respective *Land/Länder* where they have their geographic basis.

As regards the protection and promotion of the minority language Romany (on the entire federal territory) and of the regional language Low German (in the *Länder* of Brandenburg, North Rhine/Westphalia and Saxony-Anhalt), the legislation in force in Germany and Germany's administrative practice meet the general objectives and principles laid down in Article 7 of the Charter and, at the same time, individual requirements under Part III of the Charter. The pertinent details are discussed in the comments to Part III of the Charter [cf. Part C below, p. 43]. Therefore, this description of implementation measures taken under Part II is confined to the essential features and aspects.

Article 7

Objectives and Principles

(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:

re: para. 1, sub-para. A

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

Compliance by the German system of law with this provision is documented by the notification of the two Declarations on the scope of application of the Charter [cf. Annex 3 below] and by the extensive measures taken for its implementation.

re: para. 1, sub-para. b

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

1. In Germany, there are, on principle, no governmental or other measures which would alter the proportions of the population in the settlement areas of the language groups concerned. However, changes in the population figures of the various communities and regions are entailed by the general mobility which, in particular, is also due to the economic structure in some regions, by out-migration to conurbations or by the arrival of new residents, or by the incoming migration of "late repatriates" (i.e. persons who formerly belonged to German minorities, especially in States of the former Soviet Union, and who resettled in Germany). These movements to a certain extent also affect the proportions of the various language groups as a percentage of the respective local population. This, however, neither is directed against the exercise of the rights of these groups nor does it have an influence on the participation of their members in decision-making on matters affecting them.

The changes regarding the borders and areas of local-government administrative districts entailed by the general territorial reorganization of local government in the Free State of Saxony and in Brandenburg *Land*, have, however, also reduced the Sorbian inhabitants' portion of the population in some *Kreise* and *Gemeinden*. In the context of the territorial reorganization, it was not possible to take account of all of the concerns and interests of the affected communities, [local-authority] associations and Sorbian minority organizations. In some cases, the local self-administration units have designated Commissioners.

2. In connection with alterations of the population structure, one of the subjects of public discussion was the legally regulated dissolution of Horno *Gemeinde* and, as a corollary, the resettlement of the German-Sorbian population of this community in Lower Lusatia in Brandenburg, which had to yield its place to brown coal mining.

Lignite mining and the energy industry relying on it are important key industries of Brandenburg, which substantially contribute to the economic development of this *Land*. In Brandenburg *Land* there are no economically exploitable lignite beds or deposits outside built-up areas and thus outside settlements. Consequently, decisions regarding brown coal open-cast mining require prior discussion of the problem of any resettlement entailed by mining.

The main lignite coal mines in Brandenburg are in Lower Lusatia. This is the traditional settlement area of the Sorbian (Wendish) people. Due to the one-sided focus of the power-supply industry of the former GDR [German Democratic Republic] on the use of brown coal, many people, during that period, had to leave their home villages since these were claimed for purposes of open-cast lignite mining. This also affected many Sorbs. The inhabitants of these places were, without any regard for their ethnic origin and identity, resettled - often even dispersed - in other places, mainly in the city of

Cottbus and its suburbs. In these places, it was rather difficult to preserve the traditional identity. Society's pressure for assimilation set in, or was substantially increased.

As a deliberate departure from this policy, Brandenburg *Land* pursues the aim of avoiding further losses of Sorbian (Wendish) identity. The legal bases for resettlement in connection with brown coal open-cast mining are the Brandenburg *Town and Country Planning Act* of 20 July 1995 and the Brandenburg *Act on Lignite Mining Policy* of 7 July 1997.

The principle enshrined in Section 3, para. 2, no. 8, of the Brandenburg *Town and Country Planning Act* - requiring that the concerns of the Sorbian (Wendish) population in Lusatia and their history, language and culture be considered in all plans and measures - is implemented in town and country planning without any restrictions. This principle also was adopted in the Regional Policy Plan. This ensures, also in conformity with the *Act to regulate the substance of the Sorbs' (Wends') rights in the Land of Brandenburg* [SWG - Sorbs (Wends) Act], that the concerns of the Sorbian (Wendish) population in Lusatia will have to be taken account of in all plans and measures.

In addition, the Brandenburg *Act on Lignite Mining Policy* contains a number of general provisions on brown coal mining and, in particular, on the social sustainability of resettlements that cannot be avoided. In this respect, however, resettlement is not a measure that exclusively affects the affairs and interests of the Sorbian (Wendish) minority but has the same impact on the majority population as well, for instance the inhabitants of Kausche, a community outside the Sorbs' settlement area. But if such use of a Sorbian or German-Sorbian settlement cannot be avoided, special account must be taken of the requirements of minority protection, as defined in legal provisions. Therefore, if a Sorbian or German-Sorbian settlement must be used for mining purposes, the aim is to resettle the affected inhabitants, as a body, in the traditional settlement area and thus to maintain the life environment in which the persons concerned can preserve their folklore and ethnic traditions and can, to the greatest extent possible, avoid the assimilation pressure exerted by an unfamiliar environment. In each individual case, an attempt is made to find solutions in mutual agreement.

In order to ensure consideration of the Sorbs' (Wends') interests also in practice within the framework of lignite-mining and rehabilitation/renewal planning, Section 1, para. 3, no. 6, of the *Ordinance on the Establishment of the Brown Coal Committee of Brandenburg Land* of 5 April 1992 provides that one representative of *Domowina* [Federation of Lusatian Sorbs, reg'd association], the umbrella organization of Sorbian associations, is to be delegated, as a voting member, to the Brown Coal Committee of Brandenburg *Land* and is to participate actively in the decisions of this Committee. Moreover, the Sorbian (Wendish) associations/unions are involved in the development of lignite-mining and rehabilitation/renewal plans. Also, the Sorbs (Wends) take part in all decision-making by the institution responsible for regional planning. Representatives of *Domowina* are advisory members of the Regional Assembly of the Lusatia-Spreewald Regional Planning Association.

The resettlement issue became a matter of topical interest especially in connection with open-cast mining in Jänschwalde. Continuation of these open pit mines requires use of the area of Horno *Gemeinde*. Under the *Act on Lignite Mining Policy* and the relevant Lignite-Mining Plan, German and Sorbian inhabitants - who object(ed) to relocation - were offered possibilities of being jointly resettled within the traditional Sorbian

settlement area. Under the relevant law, Horno *Gemeinde* was dissolved and, under local-government law, was incorporated in Jänschwalde *Gemeinde* on 27 September 1998; the inhabitants are expected to resettle in the period 2000 - 2002. The legally prescribed hearing of the inhabitants on the prospective site of resettlement took place in the meantime. The hearing showed that the majority of the Horno citizens preferred the town of Forst (Lusatia) over Jänschwalde as a resettlement site. Forst is located within the traditional settlement area of the Sorbs (Wends). The preparations for resettlement in this town are underway.

The *Act on Lignite Mining Policy*, Article 2 of which regulates the dissolution of Horno *Gemeinde*, was the subject of five legal proceedings before the Brandenburg *Land* Constitutional Court. These were an avoidance petition [for judicial review of statutes or administrative acts] submitted by a parliamentary group of the Brandenburg *Landtag*, and constitutional complaints [complaints of unconstitutionality] filed by *Domowina*, as the umbrella organization of Sorbian (Wendish) associations, by the *Council for Sorbian (Wendish) Affairs* established at the Brandenburg *Landtag*, by Horno *Gemeinde*, and by an inhabitant of Horno. In its decision of 18 June 1998, the *Land* Constitutional Court, however, found that - in view of the special importance of lignite mining for structural improvements, job security and energy supply - the legislator's decision to dissolve Horno *Gemeinde* and to use its area for open-cast lignite mining is constitutional - notwithstanding the importance attached by the Court to the State's aim as stipulated in Article 25, para. 1, 1st sentence, of the *Land* Constitution, namely the protection, preservation and cultivation of the Sorbs' (Wends') settlement area. The Court's decision took special account of the supplementary provisions of this Act, calling for a maximum of considerate treatment of the inhabitants of the community, in particular the offer to provide for joint resettlement within the Sorbian settlement area.

re: para. 1 , sub-para. c

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

For all persons speaking a country's official language as their native language it is a matter of course to learn their language, be taught in that language and to use it. For a much smaller group within the nation's population, the requisites for the preservation of an autonomous language can be ensured only by means of an appropriate infrastructure. Therefore, government measures serving the cultivation of regional or minority languages are aimed at placing the speakers of the given language on an equal footing with the majority population. Thus, such measures do not constitute a violation of the principle of equality; rather, they comply with it by ruling out discrimination and unequal treatment. The state may take adequate measures to promote the equality of speakers of regional or minority languages with the speakers of the generally spoken official language in those cases where such measures are necessary and appropriate.

3. In keeping with the federal structure of the Federal Republic of Germany, responsibility for the implementation of measures to promote and preserve the languages protected by the Charter primarily lies with the *Länder*. The Constitutions of five *Länder* of the Federal Republic of Germany contain provisions relating to national minorities and ethnic groups, or to national and ethnic minorities. In part, these provisions directly relate also to the language/languages spoken by the latter. There is one constitutional

provision protecting the Low German language. Such constitutional provisions form the basis for legislative measures or for administrative action taken for the benefit of these languages.

3.1 Article 25 of the Constitution of the *Land* of Brandenburg paraphrases the rights of the Sorbs (Wends) as follows:

"(1) The right of the Sorbian people to the protection, preservation and fostering of their national identity and of their ancestral settlement area is guaranteed. The *Land*, local governments and local authority associations will promote the fulfilment of this right, especially the existence of the Sorbian culture in its own right and effective political participation by the Sorbian people.

(2) The *Land* will work towards ensuring the cultural autonomy of the Sorbs across the *Land* borders.

(3) The Sorbs have the right to the preservation and promotion of the Sorbian language and culture in public life and to having these imparted in schools and child day-care centres.

(4) In the settlement area of the Sorbs, the Sorbian language shall be included in the marking of public identification signs for buildings and places. The Sorbian flag has the colours 'blue, red, white'.

(5) A law will lay down the details of the rights of the Sorbs. That law shall ensure that Sorbian representatives will participate in matters of the Sorbs, especially as regards legislation."

3.2 The Constitution of the *Land* of Mecklenburg-Western Pomerania, in its Article 16, para. 2, refers to the Low German language:

"The *Land* shall protect and promote the cultivation of the Low German language."

In the Constitution of the *Land* of Mecklenburg-Western Pomerania, it says in Article 18:

"The existence, in its own right, of the culture of ethnic and national minorities and of ethnic groups of citizens of German nationality is afforded specific protection by the *Land*."

3.3 Article 5, para. 2, of the Constitution of the Free State of Saxony reads as follows:

"The *Land* guarantees and protects the right of national and ethnic minorities of German nationality to the preservation of their identity and to the cultivation of their languages, religion, culture and tradition."

Several Articles of the Constitution of the Free State of Saxony refer to the Sorbs:

Article 2, para. 4, says that:

"In addition to the colours and the coat of arms of the *Land*, the colours and coat of arms of the Sorbs may be deployed, on an equal footing, in the

settlement area of the Sorbs, and the colours and coat of arms of Lower Silesia in the Silesian region of the *Land*."

Article 5, para. 1, reads as follows:

"Citizens of German, Sorbian or other ethnic origin belong to the people of the Free State of Saxony. The *Land* recognizes the *lex patriae* [right to live in one's native country]."

Article 6 reads as follows:

"(1) The citizens of Sorbian ethnic origin living in the *Land* are a segment of the state's population who enjoy equal rights. The *Land* guarantees and protects the right to the preservation of their identity and to the cultivation and development of their traditional language, culture and tradition, especially by schools, preschool facilities and cultural institutions.

(2) Within the framework of *Land* and local-government planning, account shall be taken of the necessities of life of the Sorbian people. The German-Sorbian character of the settlement area of the Sorbian ethnic group shall be preserved.

(3) The co-operation, across *Land* borders, among Sorbs, especially in Upper and Lower Lusatia, is in the interest of the *Land* ."

3.4 The Constitution of the *Land* of Saxony-Anhalt lays down that:

"The existence, in its own right, of the culture of ethnic minorities and their political participation are afforded protection by the *Land* and local governments." (Article 37, para. 1)

3.5 Article 5 of the Constitution of the *Land* of Schleswig-Holstein reads as follows:

"(1) Everybody is free to declare that he or she belongs to a national minority; such declaration does not release the given individual from his or her general civic duties.

(2) The existence, in its own right, of the culture of national minorities and ethnic groups and their political participation are afforded protection by the *Land*, local governments and local authority associations. The national Danish minority and the Frisian ethnic group are entitled to protection and promotion."

Article 9, para. 2, of the Constitution of the *Land* of Schleswig-Holstein reads as follows:

"The *Land* shall protect and promote the cultivation of the Low German language."

3.6 A further basis for the rights of the Danish minority is provided by the *Bonn Declaration* of 29 March 1955, which was preceded by the Declaration of 26

September 1949 by the *Land* Government of Schleswig-Holstein (*Kiel Declaration*).

With regard to the Sorbian people, a protocol note to Article 35 of the *Treaty on the Establishment of German Unity* states the following:

"Regarding Article 35 of the Unification Treaty, the Federal Republic of Germany and the German Democratic Republic declare the following:

1. Everybody is free to declare his or her affiliation with the Sorbian ethnic community and with the Sorbian culture.
2. The preservation and further development of the Sorbian culture and of Sorbian traditions are guaranteed.
3. Members of the Sorbian people and their organizations enjoy the freedom to cultivate and preserve the Sorbian language in public life."

3.7 Section 8 of the *Act to regulate the substance of the Sorbs' (Wends') rights in the Land of Brandenburg* [SWG] explicitly states that the Sorbian language, especially Lower Sorbian, shall be protected and promoted. Provisions similar to these of Brandenburg are to be found in Article 6, para. 1, of the Constitution of the Free State of Saxony and in Section 2, para. 3, of the *Saxon Sorbs Act* [SächsSorbG].

3.8 On 10 September 1997, the Federal Republic of Germany ratified the Framework Convention for the Protection of National Minorities which for Germany entered into force on 1 February 1998. The Framework Convention also comprises a number of language-related provisions under international law. The constitutional stipulations regarding the protection of the national minorities and of the other ethnic groups traditionally resident in Germany, and the provisions under international instruments and treaties are put into concrete terms by laws, ordinances, statutes, and administrative action. Thus, federal legislation such as the *Federal Electoral Act*, and a number of *Land* Acts contain provisions designed to ensure scope for the participation of national minorities and for the promotion of their identity and thus, in particular, of their language/s. The *Land* Acts which are aimed also at the protection and promotion of languages refer to national minorities who live, as a group, in their traditional settlement areas. There are no laws referring directly to the Low German language.

In Section I of the *Declaration* by the Government of the Federal Republic of Germany *on the Rights of the Danish Majority (Bonn Declaration)* of 29 March 1955, it was made clear that the members of the Danish minority, like all German nationals, enjoy the rights guaranteed by the *Basic Law* of the Federal Republic of Germany of 23 May 1949. These constitutional rights are listed under paras. 1 to 12 [of the Declaration]. The *Bonn Declaration* of 29 March 1955 had been preceded by the *Kiel Declaration* by the Schleswig-Holstein *Land* Government *on the Status of the Danish Minority* of 26 September 1949.

4. In addition to the legal protection existing already prior to the entry into force of the Charter in Germany, mention is to be made of a large variety of governmental promotion measures relating directly to, or benefiting, the regional or minority languages. For details, cf. the comments below in Part C of the Report regarding Part III of the Charter.

re: para. 1, sub-para. d

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

The right of the members of national minorities to use their language in daily life is protected by Article 2, para. 1, of the *Basic Law*, which guarantees the right to free development of personality. This right is valid also in the context of the freedoms of opinion, of the press and of reporting through audiovisual media, as guaranteed by Article 5, para. 1, of the *Basic Law*. Accordingly, there are no restrictions in the Federal Republic of Germany as regards the use of the minority language in private or public life.

However, as regards the citizens' dealings with the public administrative machinery, German is the official language under Section 23 of the [Federal] *Administrative Procedure Act*. The *Administrative Procedure Acts* of the *Länder* also lay down German as the official language. German also is the official language in court. In accordance with the obligations notified for the various languages, a number of individual regulations have been laid down for the regional and minority languages, under which a minority language may be used in specified cases in one's relations with local and regional administrative authorities.

In addition to the freedoms guaranteed by the *Basic Law* for the entire German territory, the *Land* of Brandenburg, in Section 8 of its *Act to regulate the substance of the Sorbs' (Wends') rights in the Land of Brandenburg* (SWG), has explicitly restated that use of the Sorbian language shall be free. Under the Saxony *Land Constitution* and Section 8 of the *Act on the Sorbs' Rights in the Free State of Saxony* (Saxon Sorbs Act), and a number of other laws and ordinances, the Sorbs in the Free State of Saxony have the right to use their language for spoken and written communication in public and in private life.

The use of the protected languages in public is generally accepted by the German population. No reservations exist in this respect. Languages other than German are used to a far greater extent by the large numbers of foreigners living in Germany; such use does not meet with any problems within society, leaving some far-rightists out of consideration. For details, cf. the comments below in Part C of the Report regarding the obligations specifically entered into.

re: para. 1, sub-para. e

- (e) *the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language or other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;*

1. The right to maintain and develop contacts is one of the fundamental freedoms guaranteed by the *Basic Law* and is protected under Article 2, para. 1, of the *Basic Law* (general freedom of action; freedom to leave the country) and Article 11, para. 1, of the *Basic Law* (freedom of movement within the federal territory; freedom to enter the country).

2. The State does not interfere with these rights, but instead welcomes contacts among the members of the language groups within the nation and in other countries. Often such activities are included in governmental promotion schemes. An example are the contacts of organizations of the Sorbian people with groups of Sorbs living abroad who are also members of *Domowina*, the umbrella organization of the Sorbian organizations. Another example is the State-funded, close co-operation of the *Central Council of the German Sinti and Roma* with the *Kulturverein Österreichischer Roma* [Cultural Association of Austrian Roma] in Vienna. Also, public funds are provided for the cooperation of Frisians in Germany with Frisians in the Netherlands, who have a common umbrella organization with headquarters in Germany. There is particularly close co-operation of the Danish minority with many and various organizations in Denmark, and intensive private and cultural contacts exist between members of the Danish minority and the Kingdom of Denmark.

3. The members of the language groups are united in various organizations and actively participate in the work of many non-governmental organizations. The organizations of minorities and ethnic groups in Germany co-operate on a non-committal basis, and all of them are members of the *Federal Union of European Nationalities* (FUEN), which is an umbrella organization of national minorities and traditional (autochthonous) ethnic groups in Europe, with headquarters in Flensburg, the home of the Danish minority. FUEN is supported by Schleswig-Holstein *Land* and also by a number of regional governments in other countries where national minorities have their settlement areas. Like other Governments of Central and North European countries, the Federal Government (of Germany) subsidizes individual FUEN projects. The youth associations of minorities in Germany are members of the *Youth of European Nationalities* (YEN), an umbrella organization, which receives Federal Government subsidies for individual projects.

The language groups in Germany are also members of the *European Bureau for Lesser Used Languages* (EBLUL) which is funded by the European Union. Its member organizations are united in a Committee for the Federal Republic of Germany, the activities of which are supported by the Federal Government.

The Federal Republic of Germany welcomes the fact that the language groups in Germany co-operate and also jointly with other national minorities and groups represent their interests at the international level. This helps with the development and practical implementation of the policies regarding minorities in Europe, which take account of the needs of those concerned. In Germany, FUEN and the German EBLUL Committee also participate in the implementation of the European instruments relating to the protection of minorities.

re: para. 1, sub-para. f

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

The freedom of the individual to learn a language of his/her choice, free of any outside influence, especially without interference by public authorities, is generally protected by Article 2, para. 1, of the *Basic Law*.

In Germany, implementation of the obligations [under the Charter] is incumbent on the *Länder*. The legal situation and legal practice as well as the governmental promotion measures for the teaching of, and instruction in, the minority language meet the requirements stipulated by the Charter.

According to the language proficiency of school-children and youngsters, and in accordance with the parents' wishes, different school structures have been developed for the teaching of, and in, the minority language. While the Danish private-school system and the Sorbian publicly maintained schools have a long tradition of such language teaching, the teaching of the Frisian languages is still in an initial stage and its integration into instruction is based on different concepts. In this respect, the present Report can only provide information on the current state of affairs. Inclusion of the Romany language in the instruction offered at schools is, at present, confined to pilot measures, depending on the wishes expressed by parents to this effect. However, use of the Low German language within school education is, for the major part, still in the initial stages of development, the essential conditions for which include an appropriate interest shown by parents and pupils, in addition to the basic requirements such as curricula, etc., and teachers proficient in that language.

For details, cf. the comments below in Part C of the Report regarding the obligations specifically entered into.

re: para. 1, para. g

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

This obligation refers to the wishes of non-speakers of a regional or minority language who live in an area where such a language is used. As a general policy matter it is to be pointed out that the offers for learning the respective language - cf. the detailed comments on Article 8 of the Charter (Education) in Part C below - are available to all persons, irrespective of whether or not they are members of the given language group. In addition, depending on the respective circumstances, special offers for learning such languages are available on a limited scale (e.g. at many adult education centres in the settlement areas, or in the form of activities and offers by clubs and associations of the language groups).

Since measures taken in the interest of regional or minority languages under Article 7, para. 4, [cf. p. 39 below] shall take account also of the wishes expressed by the speakers of such languages, the provision of sub-paragraph (g) cannot be applied to the Romany language since, according to the wishes frequently expressed by the members of this language group, outsiders must not be taught this language.

re: para. 1, para. h

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

Under the federal structure of the Federal Republic of Germany, implementation of this provision is incumbent on the *Länder*, in particular. In the field of research, several *Länder*

of the Federal Republic of Germany already established State-run research institutions with the pertinent terms of reference, or on a continuous basis support private research institutions of the minorities.

For details, cf. the comments below in Part C of the Report regarding the obligations specifically entered into.

re: para. 1, para. I

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

In this respect, reference is made to the observations regarding para. 1, sub-para. (e) [p. 30 above].

Article 7, para. 2

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

1. Equality before the law and the prohibition of factually unwarranted unequal treatment (discrimination) are the keystones of a democratic body politic and, at the same time, of the protection of national minorities and language groups, which aims at the peaceful living together of various ethnic groups in a state community in which tolerance prevails. The principle of equality before the law and the ban on discrimination are enshrined in the *Basic Law* of the Federal Republic of Germany and in the Constitutions of the *Länder*, as well as in various subject-specific laws, and comply with the obligations under paragraph 2.
2. For the speakers of regional or minority languages, special importance attaches to the right to free development of one's personality under Article 2, para. 1, of the *Basic Law*, which *inter alia* leaves the use of the respective minority language, maintenance of the relevant autonomous culture, and preservation of the minority identity to each individual. Article 3, para. 3, 1st sentence, of the *Basic Law* stipulates that no person shall be favoured or disfavoured because of sex, parentage, race, language, homeland and origin, faith, or religious or political opinions.
3. In some of the *Land* Constitutions, additional safeguards have been included to enforce the ban on discrimination - thus, for instance, in Articles 1 and 134 of the Hessian Constitution, Article 6 of the Constitution of the Free State of Saxony, Article 12 of the Constitution for the *Land* of Brandenburg, Article 1 of the Constitution of the *Land* of Schleswig-Holstein, and Article 2, para. 1, of the Constitution of the *Land* of Baden-Württemberg. In the Constitution of Berlin, in Article 10, para. 2, an overarching non-discrimination clause has been included, under which "nobody shall be prejudiced or favoured because of their sex, birth, race, language, national or social origin, faith,

religion or political opinions". In the *Land* Constitution of North Rhine/Westphalia, in its Article 4, para. 1, the prohibition of discrimination on the grounds of belonging to a national minority in that *Land* has also been expressly laid down. In Bremen, the ban on discrimination is enshrined in Article 2 of the *Land* Constitution.

4. Germany does not have a "state culture" regulated by legal provisions. Rather, Article 2, para. 1, of the *Basic Law* guarantees everybody the right to free development of his/her personality. This, *inter alia*, protects the individual's self-realization according to his/her own ideas. Legal protection not only covers the right to free development within a spiritual and cultural core sphere of the individual as a mental/spiritual and ethical being, but - entirely without reference to any specific values - the object of legal protection is a general form of freedom of action in a broad sense - and thus covering language as well. This right, however, is only guaranteed to the extent that the rights of others or the constitutional order or the moral law are not violated.

Apart from the fundamental objective of achieving, in sociopolitical terms, the integration of all groups of society, the Federal Republic of Germany regards the cultural diversity of its regions and of the groups of its population as an enriching asset. Consequently, the policies concerning the national minorities are not oriented towards assimilation, but are aimed at preserving and further developing their respective identity. The measures taken by the *Bund*, the *Länder* and local authorities, which are mentioned in the present Report or are covered by examples given in this Report, serve to vigorously promote the initiatives of the organizations of national minorities and ethnic groups for the preservation of the given language and culture. The general public in the Federal Republic of Germany supports this policy.

Complaints by members of minorities concerning assimilation efforts or any measures aimed in this direction have not become known.

Article 7, para. 3

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

1. Tolerance, intercultural dialogue, and mutual acceptance are indispensable elements of the peaceful co-existence of people from different cultural backgrounds, on the basis of mutual respect and understanding. This objective is one of the most important tasks of domestic politics in Germany. It is only in this way that a positive social climate can be created, which will also benefit the situation of national minorities and ethnic groups. The Federal Republic of Germany has a *Federal Government Commissioner for Matters Relating to Aliens*, whose office is provided for in the *Aliens Act* of the Federal Republic of Germany. She has, *inter alia*, the task to further the conditions for foreigners and Germans, as well as various groups of non-nationals, to live together in a setting which is as free of tensions as possible, to promote their mutual understanding, and to prevent and counteract xenophobia.

The tasks of the *Land* Commissioners for Matters Relating to Aliens include the analysis of conflicts between Germans and foreigners, and the development of measures to encourage tolerance and acceptance. This is achieved by wide-ranging and diversified public information/education activities, by supporting the self-organization of migrants' and refugees' associations, and by local *Aliens Advisory Councils* (to the extent that provision has been made for such bodies in the legislation of the various *Länder*).

In Germany, education in tolerance and solidarity is also part of the educational mandate of schools providing general education, and of political education, and ranks high in these fields. In addition, many non-governmental organizations (NGOs) and private initiatives are dedicated to this goal, which is also supported by the political parties, and to the practical implementation of the intercultural dialogue.

2. In the areas of education, culture and the media, the aforementioned principles are embodied in laws and implementing statutes. The *Bund* and the *Länder* implement these regulations by means of many and various measures. For one part, such measures are aimed at education in tolerance and at promoting understanding for other cultures and languages as well as acceptance of people with a different language and culture who live in the neighbourhood, the local community and the overall community of society. Other measures are aimed at increasing, among the general public, the knowledge concerning the existence of national minorities and ethnic groups and at familiarizing the majority population with the culture of those groups and the related traditions. In this field, the efforts concerning information in schools and political education will have to be increased outside the central settlement areas of the groups protected under the Framework Convention, so as to ensure a broader information basis in society.

2.1 Political education and schools

2.1.1 The *Federal Centre for Political Education* (BpP) has the task, through political education activities, to promote, among the German people, the understanding of political facts and processes, to strengthen democratic consciousness, and to encourage greater readiness for political involvement. It also has the particular task of providing scientifically sound and substantiated information on political key issues, strengthening the democratic basic consensus and, on these foundations, promoting the development of a culture of (democratic) political dispute on the basis of a rational dialogue. This also includes information on the living together of the various cultures represented in Germany, and on the reduction of prejudice and xenophobia (e.g. the monographs on "Arguments against hatred - About prejudice, xenophobia and rightwing extremism", 3rd reprint 1997, and the "Encyclopædia of ethnic minorities in Germany"). A broad-based study, which was presented at the end of 1997, confirmed that the materials prepared by the *Federal Centre for Political Education* are used, with extraordinary frequency, in class and in the preparation of lessons. The high degree of acceptance of these publications and materials was attributed primarily to their politically well-balanced presentation.

During the *European Year against Racism and Xenophobia* (1997), the *Federal Centre for Political Education*, under the motto of "Dialogue of Cultures", organized a Congress which was attended by more than 3,000 participants. At the suggestion of the Federal President, a concept was developed for related events/meetings, centred around the work of many nongovernmental organizations (NGOs) which come out against racism and stand up for tolerance, international understanding and humanitarianism. At

some 80 meetings/events held centrally and decentrally, the participants analysed and discussed various subjects and the actual implementation of the intercultural dialogue.

All *Länder* of the Federal Republic of Germany have established *Land* Centres for Political Education which carry out similar tasks in their respective *Land*. The Hamburg *Land* Centre for Political Education is here given as an example: *inter alia*, it regularly sponsors associations dealing with the co-existence of, and mutual understanding between, different religions and nationalities. As part of the "*Rechtsextremismus und Gewalt*" [Right-Wing Extremism and Violence] Programme, activities to further mutual understanding between young people of different nationalities are promoted and guidance is given with regard to personal courage in standing up for one's convictions when faced with conflicts and violence.

The Hamburg *Land* Centre actively pursues the following activities, among others:

- promotion of events organized by the registered association "*Interreligiös begegnen und voneinander lernen e.V.*" [Cross-religion encounters, and learning from each other];
- assistance for the "*Jews and Muslims in Germany*" activity organized by *Katholische Akademie*, with the support of the Federal Centre for Political Education and *Orient-Institut Hamburg*;
- promotion of round-table talks, discussions and reports sponsored by *Brücke Mittelmeer* [Mediterranean Bridge], which brings together scientists/scholars and representatives of very diverse associations wishing to foster and advance the intercultural dialogue between Europe and the various Mediterranean riparian states, especially about Islamism and education in tolerance.

2.1.2 On account of the federal structure of the Federal Republic of Germany, the *Länder* have jurisdiction over school education and are responsible for pre-school education. Many *Land* laws contain provisions on education in tolerance. Thus, for instance, Section 4 of the *School Act* of Brandenburg *Land* lays down, as an objective of school education, that the ability and readiness of pupils should be enhanced "to understand their own culture as well as other cultures, also within their own country and in their own personal environment, and to help to achieve the peaceful co-existence of cultures and peoples, and to stand up for the dignity and equal status of all humankind". Section 5 of the *Children's Day-Care Centres Act* of Schleswig-Holstein *Land* lays down, e.g. in its paragraph 6, that the work of children's day-care centres shall promote "the living together of children of different national or cultural origin". Similar provisions are contained in the respective laws of the other *Länder* as well.

For the implementation of these provisions, many measures have been taken in schools, including the field of pre-school education. On 25 October 1996, the Standing Conference of Ministers of Education and Cultural Affairs of the *Länder* endorsed the Recommendation on "Intercultural Education in Schools". It contains the following observation: "The *Europe in School Education* Decision taken in 1978, and reconfirmed in 1990, is aimed at promoting the European dimension in education by means, *inter alia*, of fostering readiness and openness for understanding, for reducing prejudices, and for cross-cultural open-mindedness". In this context, the following are regarded as particularly significant aspects: familiarization with human rights as universally valid values; the issue of the cultural environment that conditions human rights; and the possibilities for the living together of minorities and majorities in

multicultural/multiethnic societies. Accordingly, the existing directives and school curricula provide for the introduction of intercultural aspects in school education.

2.2 Culture

The *Länder* - which, on account of the federal structure of Germany, have responsibility for cultural and educational affairs - and local authorities include the culture of groups other than the German majority population in supraregional, regional and local cultural events and activities. Cases in point are, for instance, large-scale *Land* festivals ["days" dedicated to the special character of the respective *Land*] such as *Schleswig-Holstein-Tag*, *Hessen-Tag*, *Tag der Sachsen* and *Brandenburg-Tag*.

2.3 Media

Jurisdiction over broadcasting also lies with the *Länder*. Under constitutional law, the State may not exert an influence on the contents of broadcasting programmes.

The broadcasting programming principles embodied in the various *Land* Broadcasting Acts and State Treaties explicitly lay down, *inter alia*, that international understanding shall be promoted, and programmes shall help to reduce xenophobia and to achieve protection and promotion of minorities (cf. for example: Section 7 of the State Treaty on the Broadcasting Corporation *NDR* (Norddeutscher Rundfunk), Section 20 of the Lower Saxony *Land* Broadcasting Act, or Section 24 of the Schleswig-Holstein *Land* Broadcasting Act).

Compliance with the programming principles is monitored, for public service broadcasting, by the supervisory bodies (Sound Broadcasting Board, Television Board) which have a pluralistic membership.

3. For a number of years, xenophobia [anti-foreigner hostility] on the part of a small segment of the German population, including younger members of fringe groups, has become a problem in society. It increasingly emerges in the "new *Länder*" [i.e. those of the former East German GDR], and has ranged from verbal attacks to outrages, also violent acts involving loss of life, primarily against foreigners of non-European origin who live in Germany. So far, the members of the language groups considered in this Report have, as a rule, not been targeted by xenophobic acts of violence. In a number of cases, however, there have been attacks against German Sinti and Roma. The fight against racism and xenophobia is an important concern of German politics, with particular importance attaching to the aspect of prevention through intellectual/political analysis and discussion.

In addition to the protection provided by criminal law, political education and intellectual/political discussion of extremism, xenophobia and violence are of major significance in view of eliminating the breeding ground of extremist ideology and thus helping to prevent politically motivated acts of violence. Through political education, school education and prevention-directed public information, the values of our free democratic order are made clear, and people are made aware that violence never can, and never must, be a means of settling political differences of opinion.

The Secretariat for the *Forum gegen Rassismus* ("Forum against Racism") has been established at the Federal Ministry of the Interior. On account of the federal structure of

the Federal Republic of Germany, primary responsibility for these aspects lies with the *Länder* in the fields of culture and education.

A central instrument of intellectual/political discussion are the extensive public information/education activities of the *Bund* and the *Länder*, the form and contents of which are geared to specific target groups. This includes brochures on the subjects of extremism and xenophobia; seminars for teachers, for contributors to school magazines, journalists and multipliers in adult education; specialist conferences on issues of socio-politics; awareness-raising campaigns against extremism, xenophobia and violence; and also the initiation, monitoring and support of sociologic research activities in the field of internal security; and evaluation and application of analyses and research findings by means of publications.

Various effectual public-oriented measures which proved successful already in the past are being continued. Pertinent examples are the campaign entitled *FAIRSTÄNDNIS** - *Menschenwürde achten - Gegen Fremdenhass* (Fairness and Understanding - Respect for Human Dignity - Against Xenophobia and Racism) which was initiated in 1993 by the *Bund* [Federation] and the *Länder*; the organization of 6 to 8 seminars per year for social multipliers on the subject of extremism and violence; the publication of 4 to 6 brochures per year in the series "*Texte zur Inneren Sicherheit*" [Texts on Internal Security]; and the annual edition of the *Constitutional Protection Report* which provides an information basis for assessing the threats posed to the democratic constitutional state by racism, xenophobia and other trends and factors.

Scientific research on the causes of, and motives for, racism and xenophobia helps to further develop and optimize concepts for sustained preventive measures. Therefore, the Federal Ministry of the Interior analyses current studies of these phenomena or, in instances, initiates its own research projects. At present, *Deutsches Jugendinstitut* [German Youth (Research) Institute] in Munich and the University of Jena, under a commission by the Ministry and with the support of *Volkswagenwerk Foundation*, carry out an extensive research project on right-extremist suspects and offenders, as a follow-up to the study completed in 1994 on the "Analysis of Xenophobic Offenders" and to the study on "Anti-Alien Acts of Violence Committed by Young Offenders" which was commissioned by the Federal Ministry of Justice and published in 1995. Given the broader empirical basis, the combination of quantitative and qualitative survey methods and the broadened scope of the subject-matter covered, the current research project promises to yield further substantial findings regarding the causes of, and motives for, racism and xenophobia. In the spring of 2000, Erlangen University completed another research project commissioned by the Federal Ministry of the Interior on the violence phenomenon of hooliganism. This study also probes the extent to which anti-alien or right-extremist motives play a role in connection with the specific "hooligan" category of offenders.

Public debate on, and analysis of, racism and xenophobia is a task for society as a whole to tackle. Therefore, the Federal Government continues the dialogue taken up in the context of the "European Year against Racism and Xenophobia" (1997) between the Government and non-governmental organizations (NGOs). A mutual exchange of information and experience on this subject-matter is carried out, in particular, in the "*Forum against Racism*" which was constituted in March 1998.

* word play on, and artificial word formed by, "fair" and the 1st syllable (pronounced like "fair") of the word "*Verständnis*" (German for "understanding") [T.'s Note]

However, if the fight against extremism, xenophobia and violence is to be successful on a sustained basis, the socially relevant forces (families, schools, churches, sports associations, trade unions, employers, etc.) will have to be involved on a substantially larger scale. This is the aim of the *Alliance for Democracy and Tolerance - Against Extremism and Xenophobia* which was initiated by the Federal Government. The aim is to provide, on the broadest scale possible, for the information and mobilization of the general public and for awareness-raising regarding these issues, with a focus on public information/education and, above all, on providing a set of values. If the *Alliance* is to succeed in its efforts, the multifarious measures and action concepts developed at various levels to fight racism and xenophobia must be efficiently co-ordinated and brought into focus. The governmental measures are widely supported by the media in the Federal Republic of Germany (press and broadcasting media) and social actors as well as by the majority of the population.

3. The specific anti-xenophobia concepts developed and implemented by the *Bund* are matched by similar measures taken by the *Länder*. An example is furnished by Brandenburg *Land*, one of the traditional settlement areas of the Sorbs (Wends). In 1998, the Brandenburg *Land* Government presented an action concept against violence, right-wing extremism and xenophobia, the key elements of which are the following:
 - an alliance for action against violence, right-wing extremism and xenophobia (this project, which is supported with substantial *Land* funds, is to mobilize society for tolerance, solidarity and internationality; the projects of this Alliance are very heterogeneous);
 - condemnation of violence, by intensified public discussion in the media and schools;
 - establishment of counselling bureaus for the victims of offences committed by right-wing extremists and offences of suspected anti-alien motivation;
 - support for counselling services sponsored by local authorities;
 - support for the development of local structures for the integration of new inhabitants;
 - qualification of professional educators for handling and managing violence and right-wing extremism;
 - preventive work with youngsters already having a record of offences in this regard and with youth groups;
 - creation of suitable police mechanisms to respond to anti-alien violence (example: establishment of "*Mobile Einsatztruppe gegen Gewalt und Ausländerfeindlichkeit*" [Mobile Task Forces against Violence and Anti-Foreigner Hostility]).

The above measures are to prevent or punish all forms of discrimination against persons belonging to other ethnic groups. This also applies to the Sorbian/Wendish minority. It is to be noted, however, that acts of violence against persons belonging to the Sorbian (Wendish) ethnic group have so far not become known. Isolated cases of verbal attacks on representatives of the Sorbs, or posters containing insulting or severely discriminatory/racist statements were acts committed by individual offenders.

5. In 1999, the total number of registered criminal offences with proven or suspected right-extremist, xenophobic and anti-Semitic background was 10,037. Thus, as compared to the previous year, the total number of criminal offences dropped by 9.2 %. As in the

previous years, 66.9 % of all criminal offences were 'propaganda offences'^{#)}. In 1999, there were 47 cases of desecration of Jewish cemeteries. While this number, too, declined, it must be pointed out, however, that already during the first months of the year 2000 other incidents involving desecration occurred in Göttingen, Guben and Hanover.

Notwithstanding the general decline of criminal offences, the number of right-wing extremist acts of violence rose by 5.4 % to 746. Of these, 60 % were of xenophobic motivation.

Propensity to violence is noted primarily among the right-wing extremist skinheads in East Germany where, in 1999, almost half of such offences were committed - although only 21 % of the population of the Federal Republic live in East Germany, including all of Berlin.

Right-wing extremism is a phenomenon that must be fought on a nation-wide scale in a sustained effort. In view of the regional distribution outlined above as regards acts of violence and violence-inclined skinheads, the problem at present is particularly much in evidence in East Germany. The Federal Government will, within its means, continue to support the measures taken by the *Länder* to fight right-wing extremism, especially by providing the necessary public-policy framework.

Article 7, para. 4

(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.

1. Paragraph 4 contains two different obligations. On the one hand, the Contracting Parties, in determining their policy with regard to regional or minority languages, undertake to take account of the needs or wishes expressed by groups using such languages. Since the Charter grants the Contracting Parties the right to make their own decisions regarding the various measures to be taken for the implementation of the objectives and principles of the Charter, the provision in paragraph 4 does not imply that the Contracting Parties would, without being able to make their own decisions, have to accept the wishes of the users of such languages with regard to the nature and scope of the pertinent measures; rather, it means in particular that measures to implement the obligations under the Charter should not be taken against the explicit wish of the users of regional or minority languages. Thus, this provision does not affect measures taken in keeping with the general legal order, provided that these will not jeopardize, or impair, the preservation and development of the given regional or minority language.

In instances, it is difficult for the competent public authorities to establish what actually *are* the wishes of the users of regional or minority languages since, in instances, the

^{#)} referring to "use of insignia of anti-constitutional organizations" and "dissemination of propaganda material of anti-constitutional organizations" (Sections 86 and 86a of the Penal Code) [Translator's Note]

needs and wishes expressed by umbrella organizations, regional organizations or independent associations of a language group or by the language users concerned, e.g. by parents, differ widely. A single association, union or initiative group cannot generally claim to reflect the view of *all* members of a language group. If the needs and wishes differ, the only choice left to the authorities is to meet them in a reasonable way and within the limits of what is possible.

The divergence of views on the protection duties is a topical issue as regards the Romany language of the German Sinti and Roma. During the ratification procedure, the *Central Council of German Sinti and Roma*, with its nine *Land* Associations, and other associations and institutions affiliated with the *Council* pleaded for inclusion of the Romany language in the scope of application of the Charter and for its protection under Part III. It has not been possible to notify Romany for protection under Part III since the *Bund* and the *Länder* could not, in this respect, assume the required minimum number of 35 obligations. This is due to the dispersed settlement of the German Sinti and Roma and to the fact that knowledge of the Romany language is confined to the members of the traditional minority (refusal to have the language studied by outsiders). Since, however, the prevailing law and the existing administrative practice in Germany meet individual provisions of Part III of the Charter, Germany has opted for a compromise rejected by the *Central Council*, by notifying the Council of Europe, in a Declaration [of 26 January 1998, cf. Annex 3], of the attained number of obligations (18 for the entire Federal territory, a total of up to 31 for the territories of various *Länder*), **as a voluntary commitment of the Federal Republic of Germany**, and by including these obligations in the procedure relating to the federal act ratifying the Charter.

By a decision taken in mid-1998, the *Land* of Hesse declared the acceptance of an additional number of obligations so that now a total number of 35 undertakings have been entered into, which make it possible for the Romany language to be registered for protection under Part III for Hesse. The *Central Council of German Sinti and Roma* continues to encourage other *Länder* as well to enter into similar obligations.

Associations of German Sinti, which co-operate within the *Sinti Allianz Deutschland e.V.* ("Sinti Alliance Germany, reg'd"), see themselves as an ethnic Sinti group within the German people, which - without discrimination and, at the same time, without reliance on the protective provisions of the Charter - wishes to be integrated and to cultivate the traditional language at the private level, without any governmental action in this sector. These Sinti reject inclusion of the Romany language in the scope of application of the Charter and, in this context, point out that this is in keeping with the centuries-old legal order exacting that this language, which is governed by the taboo system, must not be made accessible to anybody outside the Sinti community. The government side has responded to this with the explanatory comment that the protection and promotion of the Romany language, as pursued by Germany, solely is an offer to the language group and that it is up to every individual concerned to avail him/herself of this offer or not to make any use of it.

2. The second obligation under paragraph 4 encourages the Contracting Parties to establish bodies, if necessary, for advising the authorities on all matters pertaining to regional or minority languages. Within the meaning of the Explanatory Report, this provision is to be taken to mean that such bodies should *not* be established *only if* they do not already exist. However, the Contracting Parties are only encouraged, and not placed under the obligation, to establish bodies for this purpose.

In the Federal Republic of Germany, bodies looking after the interests of regional or minority languages already exist in the form of advisory committees or consultative councils (cf. the detailed comments in Part A, para. 4, above [pp. 12 *seqq.*]). Given the considerable differences regarding the situation of the various languages in the regions or *Länder* of the Federal Republic of Germany, a uniform structure for related advisory tasks would not seem a promising approach. Therefore, the *Bund* and the *Länder* share the view that, as a first step, use should be made of the existing bodies and that experience should be gained as to the ways in which these bodies might help with the practical implementation of the Charter. In this regard, particular mention is to be made of the regular conference on the implementation of the Charter (cf. the comments in Part A, para. 4.2, above [p. 12]). It is only on the basis of the above activities that the question should be studied as to whether, and in which areas, additional bodies might be required.

Article 7, para. 5

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

The Contracting Parties are obliged to apply, *mutatis mutandis*, the principles listed in paras. 1 to 4 to non-territorial languages. The nature and scope of these measures designed to give effect to the Charter must be determined in a flexible manner, while bearing in mind the needs and wishes of the users of such languages and respecting their traditions and characteristics.

As evidenced by the foregoing sections and by the explanatory comments in Part C below regarding Part III of the Charter, this provision is only of little practical importance to the Federal Republic of Germany.

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

For ease of reference, all of the protected languages are covered in the comments below; i.e. in accordance with the [German] Declaration regarding Part II of the Charter [cf. Annex 3], the various obligations being met are listed also for the Romany language in the entire Federal territory, and for Low German in the three *Länder* listed in the Declaration. In the following, general policy remarks to the various Articles describe the overall conditions applying to all of the protected languages in all of the *Länder*.

Article 8

Education

On account of the federal structure of the Federal Republic of Germany, the *Länder* have jurisdiction over educational matters. Therefore, implementation of the provisions of this Article is, in particular, a responsibility of the *Länder*.

In the field of education in the *Länder*, promoting the knowledge of the culture, history, languages and religion of the respective minorities/language groups as well as of the majority population is part of the curricula of publicly maintained and private schools.

An important role in imparting knowledge of the culture of the language groups, in and outside schools, is also played by the state institutions for political education - i.e. the Federal Centre and the *Land* Centres for Political Education (cf. the comments in Part B regarding Article 7, para. 3, under no. 2.1.1 [p. 34 above]). The language groups regard the education/information activities carried out so far outside the central settlement areas as insufficient and, in particular, miss a nation-wide survey concerning the five language groups. The Federal Government and the *Länder* endeavour to further improve the available educational and informational offers regarding the language groups concerned.

Article 9

Judicial Authorities

Section 184 of the *Organisation of the Courts Act* lays down that the official language in court is German. An exemption applies in the case of the Sorbian language (cf. the comments regarding Article 9, para. 1, sub-para. (a), with reference to Sorbian [p. 79 below]).

As regards the legal consequences of legal documents, German procedural law does not distinguish between documents drafted in German and those drawn up in any other language. Under Section 142, para. 3, of the *Code of Civil Procedure*, the court may order a translation to be produced of documents drafted in a foreign language.

The constitutional stipulations regarding fair trial and due process of law (Article 20, para. 3, of the *Basic Law*, confirmed as a constitutional right by Article 2, para. 1, of the *Basic Law*), however, entail the obligation for courts also to take note of declarations made by parties to a lawsuit in a foreign language. If the court hearing is attended by persons who do not know the German language, an interpreter must be called in (Section 185 of the *Organisation of the Courts Act*).

Similarly, during preliminary investigation by the public prosecutor, the accused must be informed, in a language he/she understands, of the offence with which he/she is charged and must be given an opportunity to present his/her view [in that language] on the alleged offence. As soon as it becomes obvious that communication is not possible for language reasons, involvement of an interpreter is mandatory also in this case. Articles 5, para. 2, and 6, para. 3, *litt. a*, of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) also stipulate this right. Article 9 of the Charter does not contain any obligations going beyond the provisions of the ECHR, and thus in Germany is already part of the (established) law in force. Apart from a few exceptions, however, the members of the language groups understand German so that these problems do not arise in practice.

Article 10

Administrative Authorities and Public Services

Under German law, the official language is German. The obligation under Article 10 is confined to areas which are inhabited, traditionally or in substantial numbers, by members of the language groups, and in Germany applies, in particular, to the settlement areas of the Danish minority, of the Sorbian people and of the North Frisians and the Saterland Frisians. The German Sinti and Roma are dispersed more or less throughout Germany, while - by contrast to the aforementioned groups - no major number of them is known to live in one particular place or region.

On account of the mostly small number of members of minorities as a percentage of the given local population, it is not possible, in general, to use the minority language in relations with the administrative authorities; rather, such use is confined to special regulations. This does not, however, mean that the relations between members of such language groups and administrative authorities are rendered difficult, since all members of those groups - apart from a few exceptions - are bilingual and have no problems with using the German language. Where the legal and practical scope for using the minority and regional languages in relations with administrative authorities does exist, the major part of the members of the language groups scarcely avail themselves of this possibility.

However, in the view of the Danish minority, of the Sorbs and the Frisians, further development of the existing practical scope for such use would be desirable because this would increase public awareness as regards the existence of minority languages and would provide additional incentives to the subsequent generation to retain the minority language. This will be one of the subjects of the planned Conference of the Federal Ministry of the Interior with the *Länder* and local governments of the minority settlement areas and with representatives of the minorities, which is to be held in the year 2000 as part of the activities to implement the European Charter for Regional or Minority Languages.

The language groups suggest that for better minority language communication on the part of the staff of local and regional administrations, local authorities might encourage participation in language courses and that, in the recruitment and the professional activity of staff members, their proficiency in the minority language might be particularly taken into account as an additional qualification.

For all protected languages, the obligation under Article 10, para. 5, i.e. to allow the use or adoption of family names in the regional or minority languages, is regulated by a federal act as follows:

The Act of 22 July 1997 Ratifying the Council of Europe Framework Convention of 1 February 1995 for the Protection of National Minorities contains, as its Article 2, the Act to implement Article 11, paragraph 1 of the Framework Convention (*Act on Name Changes by Minorities* (*MindNamÄndG*)). With the entry into force of the *Act Ratifying the Framework Convention for the Protection of National Minorities* on 23 July 1997, this obligations has thus become applicable law in the Federal Republic of Germany with regard to the members of the Danish minority, the Sorbian people, the Frisian ethnic group and the German Sinti and Roma.

The members of national minorities and of other ethnic groups traditionally resident in Germany to whom the Framework Convention and the German law governing names apply, may assume the minority-language version of their names by making a pertinent declaration before the Registrar [of the Civil Registry Office]. With the 13th General Regulatory Order to Amend the General Regulatory Order to Implement the Act on Civil Status ("Standing Instructions for Registrars and Their Supervisory Authorities with regard to the *Act on Civil Status*") of 2 June 1998 (Supplement to the *Bundesanzeiger* [Official Gazette of the Federal Republic], no. 107), which entered into force on 1 July 1998, account was taken of the provisions of the Framework Convention by including the provisions of the Act [on Civil Status] in Section 381a of the Standing Instructions and having them applied in registry office practice. Adaptation of a name may be effected by translation of the name into the minority language if the name also denotes a specific term and thus is translatable from one language into another. If the name cannot be translated, it may be adapted to the phonetic particularities of the given minority language. Members of national minorities whose former names in the minority language had been given a German form or had been changed to another name, may again assume those original names. A pertinent declaration before the Registrar suffices for adapting a name to the special features of the given minority language.

The *Standing Instructions for Registrars and Their Supervisory Authorities* take account of the orthographic particularities of the names of members of national minorities by providing that the diacritics (graphic accents, hooks, etc.) in names or other words shall be retained as such. The change of a person's surname at birth will affect the married name of the person making such declaration only if the spouse also makes such a name-change declaration before the Registrar. Extension of such name changes to the children of the person making the declaration or of his/her spouse is governed by the provisions of the *Civil Code* of the Federal Republic of Germany.

Section 3 of the *MindNamÄndG* provides that no fees shall be charged for acceptance of a declaration to this effect and for its certification or authentication [recording].

The number of persons making use of the right to have their names changed is not covered by the statistics of the Civil Registry Offices. There are no provisions laying down any general obligation of Civil Registry Offices to report to any registry supervisory bodies.

Article 11

Media

In Germany, general freedom of expression is extensively guaranteed under Article 5, para. 1, 1st sentence, of the *Basic Law* and under Article 10 of the European Convention on Human Rights (ECHR).

The *Basic Law* safeguards the right freely to express and disseminate one's opinions in speech, writing, and pictures, as well as the right to withhold one's personal opinion ("negative freedom of expression"). Opinions thus protected are all types and forms of [personal] judgments or of behaviour; the notion of "opinion" must generally be understood in its broadest sense and, in addition to value judgments, also covers allegations of fact where these are a prerequisite for forming opinions. Thus - as an input to, and basis for, analysis and discussion - also false, reprehensible and rating expressions of opinion are protected - within, of course, the limits prescribed by Article 5, para. 2, of the *Basic Law* (i.e. violation of the provisions of general laws, legal provisions on the protection of young persons, and the right to inviolability of personal honour). Freedom of expression is accorded to all German nationals and thus, of course, to the members of the language groups protected under the Charter, and to foreigners.

The basic right to free speech primarily provides protection against government interference. But in addition, it places the State under the obligation to safeguard this freedom. Article 5, para. 1, 1st sentence, of the *Basic Law* also guarantees freedom of information - the right to inform oneself [without hindrance, from generally accessible sources] - as a particular right. Such protection extends both to the active procurement of information and to merely receiving information. Especially the Danish minority in Schleswig-Holstein make - transfrontier - use of the broadcasting programmes and press products from the Kingdom of Denmark in their traditional settlement area.

The right to freedom of expression is also particularly manifested in the freedom to create and use media (press, broadcasting, and other communications media). Article 5, para. 1, 2nd and 3rd sentences, of the *Basic Law* guarantees freedom of the press and freedom of reporting by means of broadcasts and films, without censorship. Freedom of the press and of broadcasting particularly implies the principle of governmental non-intervention, which prohibits any state interference which is not compatible with the freedom of the press and of broadcasting or which is not warranted by the limitations of such rights as provided under Article 5, para. 2, of the *Basic Law*.

For the press, these constitutional guarantees have been developed in detail and confirmed by the judicial decisions (rulings) of the *Federal Constitutional Court* and by the various *Land Press Acts*. This provides the basis for the free and economically autonomous development of the press in the Federal Republic of Germany.

Freedom of broadcasting, like freedom of the press, is an essential factor in the public opinion-forming process and in the articulation of the political will. Like the press, broadcasting has institutional autonomy. For compliance with the constitutional mandate of broadcasting, it will not suffice for the State to refrain from any interference whatsoever and, in all other respects, to leave broadcasting for the social actors to deal with. Rather, the requirement is for some regulatory structure. The Federal Republic of Germany has the so-called dual broadcasting system - i.e. the existence of public-service and private

broadcasters side by side - by which the State guarantees that, through the overall offer by all broadcasters, reporting meets the requirements stipulated in the *Constitution* for balanced diversity, i.e. promoting the individual's freedom to form his/her own opinion and depiction of cultural diversity.

The federal structure of Germany assigns responsibility for broadcasting, and thus for ensurance of diversity of opinions, to the *Länder*. The legal basis for broadcasting is provided by the *Broadcasting State Treaties* concluded between the *Länder*, which lay down the minimum requirements according to which the *Länder*, within their respective jurisdiction, have issued detailed regulations in their *Land Media Acts*. Article 5, para. 1, 2nd sentence, of the *Basic Law* (freedom of broadcasting) does not require a *Land* to adopt a specific organizational form of broadcasting. However, the *Land* is obliged to make certain provisions to ensure freedom of broadcasting. As a matter of public interest, broadcasting must be operated above party lines and in full independence and must be protected against any biased intervention. The public-service broadcasters, in particular, must furnish comprehensive information within their overall programme and allow full pluralism of opinions. As regards private broadcasting, the legislator also must ensure that such private operators meet the constitutional requirements and, in particular, that a maximum of balanced diversity is achieved. The existing regulations regarding licensing of broadcasters are based exclusively on objective criteria. The licensing conditions are laid down in the various *Land Media Acts*.

In all cases, the applicant must have his residence or the domicile of his company in the area to which the *Basic Law* applies (in some of the *Länder*, this may also be a location in the EU Member States). Granting of a licence also depends on whether the applicant has the qualification for lawful provision of broadcasting programmes, i.e. meets the financial and legal requirements with regard to programming. Moreover, programmes must be in accordance with the general programming principles as laid down in the *Broadcasting State Treaty concluded between the Länder*; these include, *inter alia*, compliance with the constitutional order and respect for human dignity. In addition, the *Land Media Acts* lay down various requirements to be met by private broadcasters which, however, are also based exclusively on objective criteria.

If an application for licensing is refused, an objection may be filed, or an action be brought, in accordance with the general legal provisions.

Article 3, paras. 1 and 3, of the *Basic Law* prohibits any discrimination with regard to access to the media so that also the language groups may have access on the same conditions as the majority population. In this regard, particular mention is to be made of the supervisory and control bodies which have to safeguard diversity of opinions and ensure compliance with the programming principles of broadcasting. The relevant major political, philosophical/ideological and social groups are granted adequate participation in the supervisory bodies of the public-service broadcasters and of the *Land Supervisory Authorities for Private Broadcasters* [*Land Broadcasting Institutions*], i.e. the Broadcasting Board and the Broadcasting Commission/Media Council. Membership of these bodies is so diversified that all socially relevant groups are provided sufficient opportunity to have their say. In addition to representing the interests of their associations or groups, the members of these bodies also contribute comprehensive and multi-faceted views on socially important issues to the deliberations of these bodies.

The issue of the representation of national minorities on these media boards was the subject of an action brought by the *Central Council of German Sinti and Roma*. Controlling the public-service broadcasters primarily is the broadcasters' internal responsibility and is incumbent on the supervisory bodies, i.e. the Broadcasting Board and the Board of Administration. Responsibility for controlling private broadcasters lies with the *Land Supervisory Authorities* [*Land Broadcasting Institutions*]. According to the judicial decisions of the *Federal Constitutional Court*, the task of the supervisory bodies is not, however, to represent the interests of the groups/organizations delegating the respective members, but rather is to act as a trustee for the public interest and thus to prevent any biased interference and biased programming and to ensure that appropriate and fair account is taken, within the overall programme, of all major political actors and groups. Accordingly, the *Federal Constitutional Court* did not accord any socially relevant group - including, for instance, a national minority - the right to be included in the composition of supervisory bodies, and consequently did not regard non-inclusion as an act of discrimination.

Some representatives or members of national minorities/language groups have been elected to broadcasting bodies. A representative of *Sydslesvigsk Forening* (South Schleswig Association), the chief cultural organization of the Danish minority, is a member of the Assembly of *Unabhängige Landesanstalt für den Rundfunk* (ULR), the Schleswig-Holstein supervisory authority for private broadcasters. Also, a female member of the Television Board of *Zweites Deutsches Fernsehen* (ZDF - Second German Television, or Channel II) belongs to the Danish minority. In accordance with the *Act on Private Broadcasting in Saxony* of 18 January 1996, a Sorbian representative nominated by the associations of the Sorbs is a member of the Assembly of *Sächsische Landesanstalt für privaten Rundfunk und neue Medien* [Saxon *Land* Institution for Private Broadcasting and New Media]. The Saxon *Landtag* delegated a representative of the Sorbian umbrella organization *Domowina* to the Broadcasting Board of *Mitteldeutscher Rundfunk* (mdr). In Brandenburg, too, a representative of *Domowina* is a member of the Broadcasting Board of *Ostdeutscher Rundfunk Brandenburg* (ORB) and of the Media Council of *Landesmedienanstalt Berlin-Brandenburg* [*Land Supervisory Authority for Private Broadcasters, Berlin-Brandenburg*].

On account of the actual overall conditions regarding freedom of the press as guaranteed by the *Constitution*, which provide for a large number of independent press products which, in terms of political orientation or worldview/ideology, compete with each other, no comparable legally regulated supervisory bodies exist in the print media sector.

The aforementioned freedoms may, as a matter of principle, also be exercised by the language groups in their respective language.

Like in the case of press products, creation of one's own media in the field of broadcasting (sound radio and television broadcasting) depends on the size of the protected group and its economic capacity. Where creation of own broadcasting media is not expedient or not feasible, "Open Channels" are usually available. These are used for local and regional dissemination of non-commercial broadcasting items. In this way, individuals, social groups, organizations, associations, unions and institutions can, independently and on their own responsibility, produce broadcasting contributions and have them aired. These contributions must conform to the general programming principles, must not contain any commercial advertisements, must be on a non-profit basis and must not be provided for remuneration. So far, no definitive findings are available as regards the extent to which these "Open Channels" are used by the language groups.

Article 12

Cultural Activities and Facilities

1. Promotion of measures required to cultivate and further develop the culture of members of the language groups concerned and to preserve their protected languages and identity is accomplished in Germany through the law in force and the promotional activities of public authorities.

According to the distribution of responsibilities within the federal system of Germany, cultural promotion is, on principle, subject to the *Länder's* autonomy in cultural matters. Within the framework of local self-government under the *Statutes enacted by the Länder concerning the organization and powers of local governments* [Local Authority Statutes], e.g. Section 10, para. 2, of the *Local Authority Code* of Baden-Württemberg *Land*, local authorities are called upon to promote the common weal of their inhabitants through the citizenry's self-management. This also covers the requirement for attending to the social and cultural needs of the inhabitants. Included in this are the needs of those inhabitants who are members of the language groups protected under the Charter because the definition of "inhabitant" leaves the person's nationality, language, cultural heritage, and religion out of consideration.

2. Of particular significance to the members of these language groups are the right to free development of personality, as guaranteed by Article 2, para. 1, of the *Basic Law*, which *inter alia* leaves the use of the relevant language, maintenance of the relevant autonomous culture, and preservation of the ethnic identity to each individual; and Article 4, paras. 1 and 2, of the *Basic Law*, which guarantee freedom of faith, conscience, and to profess a religious or philosophical creed, as well as the undisturbed practice of religion.

To create the conditions for focused governmental promotion of the culture and thus of the languages concerned, the State has established bodies in which regular exchanges can take place between the political community, public administration and minorities so that the needs of the language groups will be taken account of in governmental promotion. Also, functional areas have been established in public administration, which are in constant touch with the minorities and have direct responsibility for protection and promotion. When establishing this infrastructure, account had to be taken of the different needs of the groups concerned, and of the capabilities available on the government side.

The language groups in Germany vary in terms of their regional distribution, their language proficiency, the infrastructure of cultural institutions and associations established and maintained by the groups themselves, and their respective concepts for the maintenance of their cultural and linguistic identity. In instances, this even applies within a given particular language group which is represented by various organizations with different objectives. Also, the respective situation, together with the historic development, has - in conjunction with the varying financial resources of the *Länder*, and taking account of the respective number of the members of national minorities and ethnic groups in a *Land* - had an influence on governmental promotion policies. Accordingly, the reports on the obligations entered into with regard to the various languages are of varying length and detail.

Article 13

Economic and Social Life

In Germany, freedom to use one's own language - in private and in public - is ensured by Article 2, para. 1, of the *Basic Law*, which guarantees the right to the free development of one's personality. This freedom is also ensured in the context of the freedoms of expression, of the press and of broadcasting [reporting by means of broadcasts] as guaranteed under Article 5, para. 1, of the *Basic Law*.

In addition to the freedoms guaranteed by the *Basic Law* for the entire territory of Germany, Section 8 of the *Act on the Specification of Rights of the Sorbs (Wends) in the Land of Brandenburg* (SWG) reaffirmed the right freely to use the Sorbian (Wendish) language. Pursuant to the *Saxon Constitution* and Section 8 of the *Act on the Sorbs' Rights in the Free State of Saxony* and a number of other laws and ordinances, the Sorbs in the Free State of Saxony have the right to communicate, orally and in writing, in their language in private and in public.

Use of the minority languages in public, also in the business sphere and social life, is largely accepted by the German population. No reservations exist in this respect. Much wider use is made of languages other than German by the large numbers of foreigners living in Germany, and this fact does not raise any problems in society - leaving a few far-rightist individuals out of consideration.

Article 14

Transfrontier Exchanges

The right to to establish and maintain contacts as part of transfrontier exchanges is one of the fundamental freedoms guaranteed by the *Basic Law* and is protected by Article 2, para. 1, of the *Basic Law* (general freedom of action; freedom to leave the country) and Article 11, para. 1, of the *Basic Law* (freedom of movement within the federal territory; freedom to enter the country).

Reference is made to the detailed comments in Part B on Article 7, para. 1, sub-para. (e) [p. 30 above].

As of: 13 September 2000

Danish

Obligations regarding Danish¹ have been accepted only by the *Land* of Schleswig-Holstein since the Danish minority in the Federal Republic have their traditional settlement area only in this *Land*.

Article 8

Education

As regards the school system in general it is to be noted that the Danish minority have the right, in all of Schleswig-Holstein *Land*, to instruction in the Danish language (Declaration by the Government of the Federal Republic of Germany of 29.3.1955 [Bonn Declaration]). Article 8 of the Constitution of the *Land* of Schleswig-Holstein leaves it to the parents/guardians to decide whether their children should attend a school of a national minority. The pupils coming from the Danish minority are thus given the opportunity to learn and use the Danish language. The details are regulated by the *Schools Act*.

(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:

re: para. 1, sub-para. (a) - Pre-School Education –

- (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;*

Schleswig-Holstein has accepted the obligation under sub-paragraph (a) (iv).

As part of pre-school education, Danish language offers exist in day-care centres in the Schleswig region of Schleswig-Holstein *Land*.

Dansk Skoleforening for Sydslesvig [Dänischer Schulverein für Südschleswig - Danish Schools Association for South Schleswig] is the providing body for activities of the Danish minority with regard to nursery schools. At present it operates 58 nursery schools and day-

¹ a minority language; territorial scope: *Land* of Schleswig-Holstein

nurseries which are attended by some 1,800 children. It is already in nursery school that the children are prepared for attendance of a Danish school. The majority of these children will actually go on to a Danish school. These institutions have their own admission regulations. The Danish Schools Association is supported with funds of the *Land* of Schleswig-Holstein.

Subsidies for the educators employed in day-care centres are granted under Section 25, para. 4, of the *Children's Day-Care Centres Act*.

There are also a number of German nursery schools offering the Danish language. Since 1998, Danish has been offered, as part of a Language Encounter Concept, in seven nursery schools by *Arbeitsgemeinschaft Deutsches Schleswig* [Working Group "German Schleswig Region"], one of the four German Border Associations.

re: para. 1, sub-para. (b) - Primary Education –

- (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;*

Schleswig-Holstein has accepted the obligation under sub-paragraph (b) (iv).

Under Article 8, para. 4, of the *Land* Constitution, the parents/guardians decide whether their children should attend a school of a national minority.

In the 1999/2000 school year, there are 47 primary schools or comprehensive schools, *Realschulen* [secondary schools, with lower secondary grades (i.e. secondary education stage I)] or secondary modern schools with a primary education section. The Danish schools are subsidized with *Land* funds. As regards the payroll costs and material expenses of these schools, the Danish Schools Association is paid by the *Land*, without verification of the requirements, a contribution per pupil which corresponds to 100 per cent of the costs incurred for a pupil at a comparable publicly maintained [general-education] school in the preceding year.

At a number of publicly maintained schools, foreign language teaching has, within the framework of a model project, been introduced already at the primary school level. At a number of publicly maintained schools in the Schleswig region of the *Land*, Danish as a foreign language is offered as an optional subject for the 3rd and 4th grades.

re: para. 1, sub-para. (c) - Secondary 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;*

Schleswig-Holstein has accepted the obligations under sub-paragraph (c) (iii) and (iv).

In Schleswig-Holstein, publicly maintained schools of all types offer Danish as a foreign language (10 primary schools, 11 secondary modern schools, 36 *Realschulen*, 8 *Gymnasien* [grammar schools], 4 specialized *Gymnasien* [leading only to a single field of university study], 2 comprehensive schools). This offer extends to both the language area of the Danish minority and the *Kreise* of Ostholstein, Plön, Dithmarschen and the Hanseatic City of Lübeck, which are outside this language area. In the 1997/98 school year, a total of some 3,900 pupils took part in Danish language instruction offered at publicly maintained schools.

In addition, the school system of the Danish minority comprises secondary modern schools, *Realschulen*, one comprehensive school and one *Gymnasium* (in Flensburg). These schools admit pupils after the 4th grade or after the "orientation stage" (5th and 6th grades); the course of education is completed after the 9th or 10th grade for secondary modern schools, after the 10th grade for *Realschulen* and the comprehensive school, and after the 13th grade for the *Gymnasium*. Apart from the compulsory major subject "German", taught at the native language level, the teaching language generally is Danish. In the final-year classes and courses, however, it is ensured that also technical terms, especially in the fields of mathematics/natural sciences and economics, are taught in German so as to prepare pupils sufficiently for their future vocational training, in the German language, in enterprises and at university. Final examinations are recognized in both Germany and Denmark.

re: para. 1, sub-para. (d) - Technical and Vocational Education –

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

At (part-time) vocational schools, Danish is offered as one of the foreign languages, as part of general-education courses. At the specialized *Gymnasium*, Danish is taught as an optional foreign language.

re: para. 1, sub-para. (e) - University and Other Higher Education –

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

Danish is offered as a course of studies in Nordic philology at Kiel University (CAU - *Christian-Albrechts-Universität*), and as a course of studies for the teaching profession, at Flensburg University (UF - *Universität Flensburg*).

In addition, the *Dansk Centralbibliotek for Sydslesvig* (*Dänische Zentralbibliothek für Südschleswig* - Central Library for South Schleswig) in Flensburg has a research unit which prepares scholarly articles/essays on the Danish minority. The general public in the German-Danish border region, and the Danish minority in particular, also make use of the research findings of Danish institutions, e.g. of the Danish universities and especially of the *Institut für Grenzregionforschung* [Institute for Border Region Research] in Åbenrå/Aabenraa/Apenrade in Denmark.

At present, 79 teachers at publicly maintained schools are qualified to teach Danish.

re: para. 1, sub-para. (f) - Adult Education –

(ii) to offer such languages as subjects of adult and continuing education; or

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

Schleswig-Holstein has accepted the obligations under sub-paragraph (f) **(ii)** and **(iii)**.

Danish language courses are offered by the adult education centres of Schleswig-Holstein *Land* and by *Jarplund Højskole*, the Danish residential adult education college in South Schleswig.

In 1997, 486 Danish language courses, covering 11,720 class hours and attended by 5,558 participants, were held at 99 adult education centres in Schleswig-Holstein *Land*. For adult education among the Danish minority, 287 courses, covering 5,915 hours and attended by 2,952 participants, were held in 1998 in 39 places of the Schleswig region of the *Land*.

re: para. 1, sub-para. (g) - Teaching of the History and Culture Education –

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

In Schleswig-Holstein, the curricula for primary education and the lower secondary grades [secondary education stage I] - in addition to the curricula for Danish instruction, where matters regarding the regional history, geography and civilization play an important role - provide for a wide scope for dealing also with the problems of minorities. Thus, for instance, the curriculum for the 8th grade covers the subjects "The German-Danish Conflict over the Schleswig-Holstein Question, 1864" and "The Danes of North Slesvig in Imperial Germany".

The materials mentioned below in the comments on Article 8, para. 1, sub-para. (h), have been patterned closely on the subjects listed in the curricula, and consequently substantially help to deal with the Danish language as well as with specific cultural aspects.

The undertakings entered into by Schleswig-Holstein ensure that also persons who do not speak Danish have access to this language.

re: para. 1, sub-para. (h) - Basic and Further Training of Teachers –

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

In Schleswig-Holstein, further and continuous training measures are offered for teachers. These latter have a say in the selection of subjects. An adviser for Danish is available to schools in matters of further and continuous training. Teachers of the Danish Schools Association for South Schleswig can take part in follow-up and advanced training offered by the *Institut für Praxis und Theorie der Schule* (IPTS - Institute for Practical and Theoretical School Matters).

The following are examples of follow-up training courses:

- 1997 - Aspects of Danish Instruction with Particular Reference to Types of Schools (4 half-days);
- 1998 - The Schleswig/Sønderjylland [South Jutland = North Slesvig] Region in Our Days and in the Past (2 days).

The teachers of the private schools of the Danish minority have been trained either in Denmark or in Germany. Their in-service (follow-up) training is either in the hands of institutions of the Danish minority or is provided by Danish institutions. In Schleswig-Holstein, a course of studies in Danish is offered (for details, cf. the comments under para. 1, sub-para. (e) (ii) [p. 53 above]). The Danish private schools primarily use textbooks published by Danish educational publishing companies, but also educational materials developed by these schools themselves to take specific account of the situation and the history of the Danish minority, as well as German textbooks. The development, entailed by the *Bonn/ Copenhagen Declarations* of 1955, of transfrontier promotion of minorities on the basis of the reciprocity principle has ensured that for the minorities on both sides of the border - Danes in Germany, and Germans in Denmark - adequate opportunities exist for teacher training and for access to textbooks.

With the specific aim of ensuring recruitment of teachers belonging to the Danish minority who are able to teach all subjects included in the curriculum, Section 5, para. 3, of the *Federal Educational Grants Act (BAFöG)* grants members of the Danish minority unrestricted subsidized educational advancement for attending a training institution located in Denmark if such training cannot be undergone in Germany. This applies, for instance, to teacher training since, in the Federal Republic of Germany, the subjects included in the curriculum are, as a rule, taught in the German - but not in the Danish - language.

re: para. 1, sub-para. (i) - Supervisory Bodies –

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

At primary schools, secondary modern schools and *Realschulen*, the Education Offices [supervisory school authorities] of the *Kreise/kreisfreie Städte* [county-type administrative districts/non-district municipalities] are responsible for supervising the measures taken there. For the *Gymnasien*, comprehensive schools and vocational schools, responsibility for supervision lies with the Ministry for Education, Science, Research and Cultural Affairs. Also as regards the schools of the Danish minority, legal supervision [i.e. supervision limited to the question of legality of administrative activities] lies with the Ministry for Education, Science, Research and Cultural Affairs.

re: Art. 8, para. 2

- (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.*

Danish, a minority language in Germany, is the national language of the Kingdom of Denmark, the northerly neighbour of Schleswig-Holstein. Therefore, the need to learn this language is felt not only among the Danish minority, but by the majority population as well. To meet this need, Schleswig-Holstein *Land* offers courses in Danish as a foreign language at publicly maintained schools of all types. Several of these schools are in the Holstein region of the *Land* - i.e. outside the language area [Schleswig region] of the Danish minority - in the *Kreise* of Ostholstein, Plön and Dithmarschen, and in the Hanseatic City of Lübeck. As regards colleges and universities, the obligation - in the sense of "undertake ... to allow" - is met for the entire territory of the Federal Republic by virtue of Article 5, para. 3, of the *Basic Law* (autonomy of institutions of higher education^{*}).

Article 9

Judicial Authorities

- (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:*

re: para. 1, sub-para. (b) - Civil Proceedings –

* "(3) Art and scholarship, research, and teaching shall be free. The freedom of teaching ..."

- (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;*

With the proviso that documents and evidence drafted in a minority language must be presented in a form obviating misunderstandings or errors with regard to their translation, this obligation is met by the legal situation prevailing in Germany. Therefore, no special measures have been taken.

re: para. 1, sub-para. (c) - Proceedings before Courts concerning Administrative Matters –

- (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;*

With regard to this undertaking which has been entered into by Schleswig-Holstein, cf. the comments on Article 9, para. 1, sub-para. (b) (iii), above.

As regards this branch of the judiciary, it must be pointed out that administrative courts are obliged to conduct *ex officio* investigations and, where necessary and appropriate, will on their own initiative rely on the services of interpreters. Thus, the members of the language group suffer no prejudice by using their language.

re: Art. 9, para. 2, sub-para. (a) - Validity of Legal Documents –

- (2) *The Parties undertake:*
(a) *not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or*

Regarding this obligation entered into by Schleswig-Holstein, reference is made to the comments on Article 9, para. 1, sub-para. (c) (iii), above.

Article 10

Administrative Authorities and Public Services

- (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:*

re: para. 1, sub-para. (a) v - Submission of Documents –

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

The legal basis for acceptance of this obligation is Section 82a, para. 2, of the *Land Administration Act*. This discretionary regulation provides for the general possibility to submit applications, petitions, records, deeds or other documents in a foreign language, i.e. a language other than the official language.

According to a non-representative survey carried out among subordinate agencies of the Ministry of the Interior of Schleswig-Holstein *Land*, use is made of this possibility, *inter alia*, by land survey offices [cadastral offices] and by the *Land* Statistical Office.

re: para. 4

- (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:*

re: para. 4, sub-para. (c) - Appointment of Public Service Employees having a Knowledge of a Regional or Minority Language -

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

With a view to implementing this obligation, an announcement to this effect was made at the *Personalreferentenkonferenz* (PRK - Conference of Personnel Officers) on 24 June 1999. The PRK brings together the personnel officers of the supreme *Land* authorities at regular meetings with the aim of co-ordinating and harmonizing the essential cross-departmental decisions in the field of personnel management.

If a staff member within the *Land* Administration expresses a wish regarding such an appointment, the scope for complying with the request will be examined. So far, however, there have been no requests to this effect at the *Land* Government level.

re: para. 5

- (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.*

Cf. the detailed comments on Article 10 in Part C above [p. 44].

Article 11

Media

- (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:

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

As regards use of broadcasting media, a particular situation prevails in the settlement area of the Danish minority in the northern part of Schleswig-Holstein *Land*. Since the settlement area borders directly on Denmark, the members of this minority can receive the entire broadcasting programme of the Kingdom of Denmark. Consequently, no special need for developing their own broadcasting media has arisen so far. Nevertheless, the wish has been expressed that Danish versions of news and information about the Schleswig region of the *Land* be included in the [German] programmes.

In a letter of 29 September 1999, the Minister-President of Schleswig-Holstein *Land* has encouraged the station programme directors of *Norddeutscher Rundfunk (NDR)*, *Zweites Deutsches Fernsehen (ZDF - Second German Television, or Channel II)*, *DeutschlandRadio*, *Radio Schleswig-Holstein*, *NORA (NordOstseeRadio)*, *delta radio* and *POWER RADIO Nord* to integrate "linguistic particularities which are among the features determining the specificity of our *Land*" in their programmes; intensification of first action already taken in this respect would be welcomed. In the spirit of the Regional/Minority Language Charter, the Minister-President urged that "further avenues should be explored for integrating contributions in the minority languages and in the regional language Low German into their programmes, as a service for the citizens and in support of this element of the culture of Schleswig-Holstein".

In addition, the following provisions have been laid down:

- The broadcasting corporation under public law (*Norddeutscher Rundfunk - NDR*) has the legal mandate to report on the cultural diversity and the special features of the respective *Land* and to give its support to the protection of minorities.
- Adequate room must be given in the programme to the North German region, its culture and language.
- Programming principles for private broadcasting: "programmes shall help to ... achieve protection and promotion of minorities".
- Protected minorities have access to the media, and scope for participation, on the same conditions as other groups of society. The provisions of the *Land* Broadcasting Act promote programming diversity and the variety of broadcasters.
- The *Land* Broadcasting Act was amended in 1999. In future, the previous Assembly of the supervisory authority *Unabhängige Landesanstalt für das Rundfunkwesen (ULR - the Schleswig-Holstein Land broadcasting institution for private broadcasters)* will be replaced by a Media Council. Any socially relevant group, organization or association of supraregional standing is entitled to make nominations for the election of the Media Council.
- In addition, the ULR operates two radio broadcasting "Open Channels" in Schleswig-Holstein. Through these Open Channels, anybody who is not a broadcaster himself, can disseminate his or her own contributions via radio broadcasting.

Legal Bases:

Inter-State Treaty on *Norddeutscher Rundfunk* [NDR State Treaty] (of 1 March 1992):
Article 3, para. 3, Article 5, para. 2, 1st sentence, Article 7, para. 2, 3rd sentence;

Inter-State Agreement on the Public Corporation "Zweites Deutsches Fernsehen" (of 26 January 1998): Article 5, para. 2;

Land Broadcasting Act (of 13 October 1999): Section 17, para. 2, nos. 1 and 2, Section 24, para. 3, Section 34, para. 1, 1st - 3rd sentences, Section 54, para. 3.

Facts and Examples:

Both in its *Aktuell* current affairs reporting and in the programmes of the *Heimat, Kultur und Wissenschaft* Desk [Our Region, Culture, and Science] as part of newsfeature and magazine programmes, the radio broadcasting programme of *NDR 1 Welle Nord* reports on events in the German-Danish border region, on books, stage productions and exhibitions, on regional co-operation, and on economic and political developments.

Radio Schleswig-Holstein (R.SH) disseminates a daily Danish-language news programme on weekdays (17.55 o'clock) for the Schleswig region of the *Land*.

In addition, there are a TV model test project of *Norddeutscher Rundfunk* (NDR) in Danish and programmes of the Danish regional TV stations for Sønderjylland (South Jutland, or North Slesvig) on subjects concerning the Danish minority.

re: para. 1, sub-para. (c) ii - Broadcasting of Television Programmes –

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

Cf. the comments above on Article 11, para. 1, sub-para. (b) (ii).

On the first Wednesday of every month, a German-Danish programme of the regional TV station *Nord3-Regionalfernsehen* of *Landesfunkhaus Schleswig-Holstein* is dedicated to the Danish language. The German-Danish border region magazine *Hier Her* is produced in co-operation with Danish colleagues and covers bilingual reporting on current affairs. Since January 1997, this programme has been on the air between 18.35 and 18.45 o'clock in the area of *TV Syd* and *Nord3*, i.e. on the Danish side in the *Ämter* [local authority unions] of Sønderjylland, Ribe and Vejle, and on the German side throughout Schleswig-Holstein. As of January 2000, co-operation has been extended to the Danish TV station East, thus enlarging the transmission area. The programme serves as a model within the framework of the European integration process. Taking a look across the border is to rouse interest in the events in the neighbouring country and, at the same time, as a bilingual programme with subtitling, to enhance language skills.

Zweites Deutsches Fernsehen (ZDF - Second German Television/Channel II), via its regional programmes, also airs broadcasts on the Danish minority on special occasions or when events of particular importance occur.

re: para. 1, sub-para. (d) - Audio and Audiovisual Works –

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

The programming principles embodied in the *Land* Broadcasting Act provide an indirect incentive to public service broadcasting and to private broadcasting: the Act lays down that the broadcasting programmes shall contribute, *inter alia*, to the protection and promotion of minorities.

In addition, subsidies may be granted. The relevant provision reads as follows:

"The *Unabhängige Landesanstalt für das Rundfunkwesen* (ULR) is entitled to provide financial support to non-profit organizations with cultural (...) aims, especially in the audiovisual sector (...)."

"Additional support is provided by the *Gesellschaft zur Förderung audiovisueller Werke in Schleswig-Holstein mbH* (MSH - Limited Liability Company for the Promotion of Audiovisual Works in Schleswig-Holstein). MSH obtains funds from the NDR broadcasting corporation and from ULR [the Schleswig-Holstein supervisory authority for private broadcasters]. These funds are used (...) for the promotion of commissioned productions and coproductions in the cinema sector, television and sound broadcasting, which are made by producers who are native to, or resident in, Schleswig-Holstein."

Legal Bases:

Land Broadcasting Act (of 13 October 1999): Section 24, para. 3, Section 53, para. 2, Section 73, para. 2.

Otherwise, it is left to the Danish minority, on the basis of the cultural promotion by the *Land* and of the principle of self-government, to decide on pertinent measures and to implement these within the limits of the overall funds available.

re: para. 1, sub-para. (e) ii - Newspaper Articles –

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

There is little scope for [state] action/influence on account of the freedom of the press guaranteed by the Constitution (in this respect, cf. the comments in Part C on Article 11 [pp. 46 *seqq.* above]).

The Danish minority in the Schleswig region of the *Land* publishes the bilingual (German/Danish) newspaper *Flensburg Avis* (with a circulation of some 6,600 copies). According to a scientific analysis, this newspaper is read every day by 15,000 people in the Schleswig region of the *Land*.

A Press Service which is affiliated to *Syslesvigsk Forening* (SSV - South Schleswig Association) supplies information, in German and Danish, about the Danish minority to the media in Germany and Denmark. The SSV is also subsidized with funds of Schleswig-Holstein *Land*.

In a letter of 29 September 1999 addressed, *inter alia*, to the *Zeitungsverlegerverband Schleswig-Holstein e.V.* [Schleswig-Holstein Association of Newspaper Publishers, reg'd], the Minister-President of Schleswig-Holstein *Land* has encouraged the addressees to integrate "linguistic particularities which are among the features determining the specificity of our *Land*" in their publications; intensification of first action already taken in this respect would be welcomed.

re: para. 1, sub-para. (f) ii - Financial Assistance for Audiovisual Productions –

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

Direct financial assistance by the State is problematic, due to the freedom of broadcasting guaranteed by the Constitution (in this respect, cf. the comments in Part C on Article 11 [pp. 46 *seqq.* above]).

Promotion may be provided in the following ways:

The *Unabhängige Landesanstalt für das Rundfunkwesen* (ULR) is entitled to provide financial support to non-profit organizations with cultural aims, especially in the audiovisual sector.

Additional support is provided by the *Gesellschaft zur Förderung audiovisueller Werke in Schleswig-Holstein mbH* (MSH - Limited Liability Company for the Promotion of Audiovisual Works in Schleswig-Holstein). MSH obtains funds from the NDR broadcasting corporation and from ULR [the Schleswig-Holstein supervisory authority for private broadcasters]. These funds are used for the promotion of commissioned productions and coproductions in the cinema sector, television and sound broadcasting, which are made by producers who are native to, or resident in, Schleswig-Holstein.

Legal Bases:

Land Broadcasting Act (of 13 October 1999): Section 53, para. 2, Section 73, para. 2.

re: Art. 11, para. 2 - Freedom of Direct Reception of Broadcasts, and Freedom of Expression –

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

preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

The retransmission of existing broadcast programmes over cable systems is regulated in the *Land* Broadcasting Act. For instance, priority is given, in cable systems, to the "Open Channels" and to the feed-in of locally available programmes, depending on the existing technical capacity. In addition, the *Unabhängige Landesanstalt für das Rundfunkwesen* (ULR) decides on window programmes on the basis of diversity aspects. Thus, equality of minority programmes is ensured.

The aforementioned obligation is included in Sections 48 *seqq.* of the *Land* Broadcasting Act, thus implementing the provisions of the EU Television Directive.* Equal treatment is covered, in particular, by Section 50, para. 1, 2nd sentence.

In the area of the Danish minority in the Schleswig region of the *Land*, it is possible to receive radio and television broadcasts from the neighbouring country Denmark.

Article 12

Cultural Activities and Facilities

(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:

re: para. 1, sub-para. (c) - Access to Works Produced in Other Languages –

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

The institutions of the Danish minority - such as *Sydslesvigsk Forening* (SSF - South Schleswig Association) and the *Dansk Centralbibliotek* (Danish Central Library) can rely on promotional funds provided by Schleswig-Holstein *Land* for translation, dubbing, post-synchronisation and subtitling into, or in, the Danish language.

* full title: "Council Directive on the coordination of certain provisions laid down by law, regulations or administrative action in Member States concerning the pursuit of television broadcasting activities", of 03.10.1989

re: para. 1, sub-para. (d) - Taking Account of the Regional or Minority Language in Cultural Activities –

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

With the help of promotional funds provided by Schleswig-Holstein, the institutions of the Danish minority and/or bodies appointed by them and responsible for the cultural autonomy of the Danish minority ensure that the knowledge and use of the Danish language and Danish culture are appropriately incorporated in their cultural activities.

The exhibits of many museums in the Schleswig region of the *Land* are inscribed in Danish. The City of Flensburg, for instance, provided the information that it has received promotional funds from the EU *Interreg II* Programme for the improvement of German-Danish public sign-boards and information in the museum. Also, a Danish version of a museum guidebook published in the German language is planned to appear in 2000. The Flensburg Shipping Museum already has German and Danish inscriptions and signposts. Other pertinent examples are to be found also in Nordfriesland *Kreis* (the Foundation-owned museum *Roter Haubarg*; the Eiderstedt Region Museum of Local History and Culture in St. Peter-Ording).

re: para. 1, sub-para. (e) - Employment of Staff Proficient in the Language(s) Concerned –

- (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;*

Activities regarding the Danish culture and language are, for the major part, offered by Danish minority organizations within the framework of the cultural autonomy of the national minorities in Germany, and in part are supported with public funds of Schleswig-Holstein. These subsidies also include funds used for meeting payroll costs. The full-time staff employed in the field of Danish cultural work speak Danish and German, some of them also Low German. Subsidizing of this staff provides for implementation of this provision of the Charter.

As regards employment of polyglot staff in general, cf. the comments in Part C on Article 10 [p. 44 above].

re: para. 1, sub-para. (f) - Participation of Representatives of the Group Speaking the Given Language in Cultural Activities –

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

Every two years, Schleswig-Holstein *Land* organizes *Schleswig-Holstein-Tag* [a day dedicated to the special character of the *Land*] as a central cultural event. The organizations of the Danish minority are also invited to participate in this event and to take part in arranging and organizing it. As part of the World Exhibition EXPO 2000 [in Hanover], *Sydslesvigsk Forening* [South Schleswig Association] is a partner in the project *Kulturen, Sprachen, Minderheiten: Die dänische Grenzregion - Beispiel einer Konfliktlösung* [Cultures, Languages, Minorities: The Danish Border Region - An Example of Conflict Management]. Also within the framework of EXPO 2000, a total of more than twenty Danish, German and Frisian libraries have jointly developed a one-week programme as part of the regional EXPO events in order to give a picture of the library and cultural scene of the region, which in this form is unique in Germany and Denmark, by organizing multifarious activities varying locally and in terms of their contents. The Danish minority is also invited and encouraged to take part in local cultural events, such as town festivals and town anniversaries, in which different organizers co-operate. Thus, there are various activities in which direct participation by representatives of the Danish language groups in the cultural life of the *Land* is encouraged.

re: para. 1, sub-para. (g) - Creation of Archive Bodies –

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

The *Dansk Centralbibliotek* [Danish Central Library] and its affiliated institutions are available for collecting, keeping copies of, or publishing works produced in the Danish language, and for these purposes can rely also on promotional funds provided by Schleswig-Holstein. Stage productions of works produced in Danish are organized and financed, also with the use of promotional funds provided by Schleswig-Holstein, by *Sydslesvigsk Forening* [South Schleswig Association] and its affiliated institutions and by action groups of other associations. On these occasions, Danish state theatres and touring theatre companies are invited to give guest performances. Also the Danish-language amateur theatrical society *Det lille Teater* in Flensburg gives Danish performances.

re: Art. 12, para. 2

- (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.*

In Germany, cultural activities keeping within the framework of the law in force are not subject to any permit procedure or restrictions. Thus, the above obligation is already fulfilled by the system of law in the Federal Republic of Germany. More extensive implementation of this obligation by encouraging or providing such activities will have to be decided by the *Länder* on a case-by-case basis.

Also outside the Danish language area (in the Schleswig region of Schleswig-Holstein *Land*), the offers of Danish cultural activities and facilities are left solely to the decision-making of the autonomous cultural providing bodies, especially of the organizations of the Danish minority. Thanks to the broad definition of the specified purposes for which the public promotional funds of Schleswig-Holstein may be used in the context of the cultural work of the Danish minority, it is also possible to stage events outside the immediate language area.

re: Art. 12, para. 3

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

This obligation is to be implemented by making it possible, by means of state support, for cultural groups of the Danish minority - e.g. choirs, orchestras, ensembles, the amateur dramatic group - to give performances abroad where they present and represent the culture and language of the Danish minority of German nationality - and thus part of cultural life in Germany. A beginning has already been made, e.g. with the performance by a vocalist ensemble of the Danish minority during *Deutscher Tag* ["German Day"] in Tinglev/Denmark (with financial support provided from German public promotional funds to the organizer of the event).

Article 13

Economic and Social Life

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

The obligations under sub-paras. (a) and (c) have been accepted by the *Land* of Schleswig-Holstein. They are in compliance with the established law of the Federal Republic of Germany and thus are fulfilled nation-wide for all regional or minority languages. Pertinent

violations of the legal order have not become known. Therefore, no special measures had to be taken by the *Land*.

re: para. 1, sub-para. (d) - Facilitating the Use of the Regional or Minority Language –

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

The majority of the members of the Danish minority use the Danish language in the private sphere. But account must also be taken of the situation in mixed-nationality marriages where German may prevail. Danish is predominantly spoken within the organizations of the Danish minority. Constant use and promotion of the Danish language provide the basis for all minority-related activities. Of particular importance for proficiency in the Danish language are the Danish private schools, especially also for the children from mixed-nationality marriages.

There are many and various ways in which the State promotes the learning and use of minority languages (cf. the comments on the various obligations). In particular, efforts are encouraged among the general public to keep these languages alive by using them within the family and in extra-familiar everyday-life situations. In this regard, the cultural value of the minority languages for Germany's cultural life is particularly emphasized so that, on the basis of the resultant self-esteem and self-assurance, the younger generation will be more willing to adopt these languages and pass them on. On account of the structures established for the administration of matters of their own concern, the users of Danish are provided with the practical means for using their language also in an extra-familiar context.

re: Art. 13, para. 2

- (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:*

re: para. 2, sub-para. (c) - Social Care Facilities –

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

Staff members speaking the Danish language are available in the specialized clinics of the *Land*.

Also, it should be pointed out that direct nursing and other care of persons in need of nursing and care is *not* a public-sector responsibility, but rather is mostly carried out by private-sector and free non-profit institutions. Thus, for instance, only 8 % of the more than

1,000 approved nursing facilities in Schleswig-Holstein are provided by incorporated public-law institutions. None of these facilities is provided directly by the *Land*. Therefore, it is not possible to lay down any requirements to be met by the various providing bodies as regards the use of the minority language Danish. However, the Ministries with responsibility in this field have until now not been notified of any cases which might give reason to require certain institutions to provide permanently for staff with knowledge of this language. Anyhow, there are no language barriers regarding oral communication in the various regions of the *Land* since the members of the Danish minority are bilingual.

Article 14

Transfrontier Exchanges

The Parties undertake:

re: sub-para. (a) - Agreements with Other States –

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

With regard to Danish, this provision is complied with by the practical implementation of the Bonn/Copenhagen Declarations of 1955 and the Framework Convention for the Protection of National Minorities which has entered into force for the Federal Republic of Germany and for the Kingdom of Denmark. Both countries and Schleswig-Holstein *Land* fund activities for the benefit of the Danish minority, which promote the fields of culture, education, information, vocational training and permanent education and increase the scope for transborder contacts.

re: sub-para. (b) - Co-operation across Borders –

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

The *Verband landwirtschaftlicher Vereine in Südschleswig e.V. (Fælleslandboforeningen for Sydslesvig* - Union of Agricultural Associations in South Schleswig, reg'd) in Harrislee is an institution of the Danish minority in the Schleswig region of the *Land*. The Union receives a subsidy for personnel costs from the Ministry for Rural Areas, Town and Country Planning, Agriculture and Tourism. The Union is formed by local associations in various parts of the Schleswig region, which are supported by advisers of the Union. Thus, the Danish consultants serve as a link between farmers of the Danish minority in Schleswig-Holstein and those in Denmark.

Also, Flensburg City and the *Kreise* of Schleswig-Flensburg and Nordfriesland, on the German side, and Sønderjylland *Amt* [North Slesvig local authority union], on the Danish side, are partners of the German-Danish Border Region Schleswig/Sønderjylland which was established on 16 September 1997 by an agreement concluded between these territorial authorities. The aim of that Agreement is to provide the basis for long-term and intensive co-operation for enhancing the development of this overall region in a European context. The priority activities also include education (training and permanent education, as well as language instruction). In this field, the objective is to disseminate knowledge of the culture of the respective neighbours, so as to overcome cultural barriers. On the German side, transborder cultural projects and events are promoted jointly by the *Kreise* of Nordfriesland and Schleswig-Flensburg and Flensburg City. Co-operation across borders involves the national minorities, especially the Danish minority in Germany and the German minority in Denmark. Membership of the Regional Council, i.e. the organization's body with both consultative and co-ordinating functions, includes - on the German side - three representatives of *Sydslesvigsk Vælgerforening* (SSV - South Schleswig Association of Voters).

In 2000, the Police Directorate of *Schleswig-Holstein Nord*, in conjunction with Denmark, carries out a Further Training Project stretched out over three years. The Project is subsidized with funds of the *INTERREG II* Programme. Promotion extends, *inter alia*, to language courses and joint seminars on the culture and history of the two *Länder*.

As of: 13 September 2000

Sorbian

Obligations regarding the Sorbian language² have been accepted by the *Land* of Brandenburg and the Free State of Saxony where the Sorbs have their traditional settlement area.

Article 8

Education

As regards the school system in general, it should be noted that, in the settlement area of the Sorbian people, the respective Constitution and the relevant laws of the two *Länder* guarantee that children's day-care centres and schools may, on principle, be established by voluntary providing bodies; this guarantee, of course, also applies to Sorbian (Wendish) associations. In the Free State of Saxony, part of the 25 Sorbian and bilingual children's day-care centres existing in the settlement area are provided by local authorities, and part are provided by *Christlich-Soziales Bildungswerk Ostsachsen e.V.* [Christian-Social Educational Association for Eastern Saxony, reg'd], by *Sorbischer Schulverein e.V.* [Sorbian Schools Association], the Catholic Church, *Arbeiterwohlfahrt* [Workers' Welfare Association] and the German Red Cross (DRK). All other educational institutions of the Sorbian-German settlement area in Saxony which offer instruction in the Sorbian language, especially the schools, are State-provided. A similar structure exists in Brandenburg.

It may be assumed that only some 20,000 of the 60,000 Sorbs in the central settlement areas have such a command of Sorbian that they can actively communicate in that language orally and in writing. In terms of geography, the two groups are distributed unevenly. Nearly all of those Sorbs having a very good knowledge of Sorbian live in the area of the schooling district of the Sorbian schools, which have been in existence since the late 1940s, in the Bautzen-Kamenz-Hoyerswerda region. In the other parts of Lusatia, only a small share of the Sorbians - mostly of older age - have a good knowledge of Sorbian.

The Saxon *Act on Children's Day-Care Institutions* of 10 September 1993 and the *Children's Day-Care Centres Act* of Brandenburg *Land* of 10 June 1992 form the legal basis for the teaching and cultivation of the Sorbian language and culture at Sorbian and bilingual day-care centres in the German-Sorbian area. The *Schools Act* for the Free State of Saxony of 3 July 1991 guarantees the right of pupils to learn the Sorbian language and, at a number of schools, the right to instruction in selected subjects, for all grades, in the Sorbian language. Under the *Schools Act* of Brandenburg *Land* of 12 April 1996 (Section 4, para. 5, 2nd sentence), advancement of the knowledge and understanding of the Sorbian (Wendish) culture is a special task of schools. In the settlement area of the Sorbs (Wends) pupils have the right to learn Sorbian (Wendish) and, in specified subjects and for grades [age-groups] to be determined, the right to be instructed in the Sorbian language.

² a **minority language**; territorial scope: **Saxony** (Upper Lusatia) and **Brandenburg** (Lower Lusatia)

para. 1

(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:

re: para. 1, sub-para. (a) - Pre-School Education –

- (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

The Free State of Saxony has accepted the obligation under sub-paragraph (a) **(iii)**. In the Free State of Saxony, Sorbian-speaking and bilingual groups are set up in childrens' day-care centres if the parents/guardians so wish. The providing body of the given institution is responsible for implementing the requirements laid down with regard to Sorbian and bilingual groups. In practice, this means that the existing good overall conditions for Sorbian-language education in children's day-care centres are actually used to the extent requested by the parents and supported by the providing body. The free decision of the parents/guardians is in agreement with the constitutional rights of the Sorbian people.

In the Free State of Saxony there are at present (as of November 1999) 12 day-care centres run under the *WITAJ* * Project and Sorbian day-care centres, 13 German-Sorbian day-care centres, and 54 children's day-care centres which keep up the Sorbian culture and the Sorbs' customs/folklore. *Sorbischer Schulverein e.V.* [Sorbian Schools Association] became the voluntary providing body of the children's day-care centre of Sielow in Brandenburg *Land* on 1 March 1998, and of the children's day-care centres in Dörghenhausen and in Rohne (both in the Free State of Saxony) on 1 April 1999 and on 1 July 1999, respectively. In these three children's day-care centres, 95 children from German-speaking or mixed-language homes are at present being initiated into the Sorbian language within the framework of the *WITAJ* model project. These three day-care centres employ 14 Sorbian-speaking educators/teachers.

Christliches Soziales Bildungswerk Sachsen e.V. [Christian Social Educational Association for Saxony, reg'd] is the providing body for 10 Sorbian and German-Sorbian children's day-care centres. These are attended by a total number of 654 children, of whom 266 are grouped in 23 Sorbian units.

- (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;**

* "witaj": Sorbian for "Welcome"

This obligation has been accepted by the *Land* of Brandenburg.

Pre-school education in Brandenburg *Land* comes within the responsibility of local government authorities. Under the *Local Authorities Financing Act*, local governments are allocated funds to support, *inter alia*, institutions and measures designed for pre-school education, e.g. children's homes or day nurseries. Under the pertinent laws, parents are granted extensive participatory rights. Such rights are exercised, in particular, within the Committee of Children's Day-Care Centres (Section 7 of the *Children's Day-Care Centres Act*) which "decides on educational and organizational matters of the day-care centre, especially on the pædagogical concept". This Committee provides a forum which grants substantial rights regarding the conceptual design and pædagogical orientation of the children's day-care centres also to Sorbian (Wendish) parents, with a view to focusing educational work also on the cultivation and imparting of the Sorbian (Wendish) language and culture.

In Cottbus-Sielow, the first pre-school institution has been established, with *Sorbischer Schulverein e.V.* [Sorbian Schools Association, reg'd] as its providing body. This is an establishment which previously was provided by the respective local authority. It has been transferred to *Sorbischer Schulverein*; the latter also receives regular subsidies for the maintenance of the establishment and for its staffing. In addition, *Sorbischer Schulverein* has been offered additional support for separate activities for the further and advanced training of the educators concerned.

In twelve children's day-care centres of Brandenburg *Land*, a priority activity is the imparting of the Sorbian (Wendish) language and culture. In many other children's day-care centres operated in the *Spreewald* area (Lübbenau *Amt*, Vetschau), the Sorbian (Wendish) language is used as part of activities to maintain customs/folklore following the yearly cycle of seasons and festivals. The tutoresses introduce the children to dances, songs and stories and to picture books covering the same subjects in German and Sorbian (Wendish). Also, these children get a first-hand experience of customs/folklore being kept up by their parents, grandparents and relatives in the clubs and associations dedicated to these activities.

The Youth Welfare and Youth Service Office of Oberspreewald-Lausitz *Landkreis* plans to take up the cultivation of the Sorbian (Wendish) language and culture as an introductory approach to the subject of "Inter-Cultural Education in Children's Day-Care Centres".

re: para. 1, sub-para. (b) - Primary Education –

- (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*
- (iii) *to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;*

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

1. Brandenburg

At the primary schools in the traditional settlement area of the Sorbs (Wends), Low Sorbian (Wendish) is offered as a regular subject. At present, some 1,000 pupils at 23 primary schools avail themselves of this offer. The primary schools make efforts to achieve a particular Sorbian profile.

Participation in Sorbian (Wendish) classes has much increased over the past few years. Also, the number of participants in Sorbian (Wendish) classes, as a percentage of the total number of pupils, has increased substantially because, in the course of the past three years, the number of participants in Sorbian (Wendish) classes has increased while the number of pupils attending a primary school has dropped. The same goes for secondary education within the meaning of para. 1, sub-para. (c), below.

The Education Offices of the *kreisfreie Stadt* [county borough type authority; non-district municipality] of Cottbus and the *Landkreise* of Dahme-Spreewald, Oberspreewald-Lausitz and Spree-Neisse have been repeatedly informed in recent years, last by the Circular of the Ministry for Education, Youth and Sports of 14 June 1996, that - for the right to learn the Sorbian (Wendish) language to be exercised - the choices existing in this respect must, in an appropriate form, be brought to the parents' knowledge at the time of their children's enrolment in an elementary school or at the time of their transfer to another school. A survey carried out at the aforementioned Education Offices has shown that the requirements for exercising the right to take part in Sorbian (Wendish) classes are met. The increase in the number of pupils also shows that parents increasingly make use of this right.

2. Free State of Saxony

Sorbian is taught as the native language, as a secondary language and as a foreign language (*secondary language*: mainly for pupils from bilingual families or from a bilingual setting; *foreign language*: mainly for pupils from German-speaking families or from a German-speaking setting in the Sorbian settlement area), and as an encounter language (or basic-communication language, or contact language). As a mother tongue, Sorbian is taught at six Sorbian elementary schools, of which two are in Bautzen *Landkreis*, and four in Kamenz *Landkreis*.

At four Sorbian primary schools, Sorbian is taught as a secondary language during the 1999/2000 school year. Another 29 elementary schools in the area covered by the Bautzen Regional Education Office offer Sorbian as a secondary language or as a foreign language. Sorbian also is one of a choice of seven encounter languages (in the 3rd and 4th grades, the encounter language covering one hour per week is a compulsory subject at primary schools). A survey conducted during the 1995/1996 school year on the pædagogic profiles of primary schools showed that the Sorbian schools - but other primary schools as well - pay particular attention to the cultivation of the Sorbian language and culture. Also in many other primary schools in the German-Sorbian region, the Sorbs' customs and folklore are integrated into school life.

- (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;*

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

1. Brandenburg

At secondary schools, some 500 pupils at present receive instruction in Lower Sorbian. For the major part, this instruction is given as a replacement for the second foreign language; in some cases, however, it is also offered in addition to the foreign languages forming part of the regular curriculum. Three schools also open these Lower Sorbian language classes to pupils of other schools, whose parents wish their children to take part in such instruction. At one school, *Niedersorbisches Gymnasium* [Lower Sorbian grammar school] in Cottbus, instruction in Lower Sorbian is mandatory. Pupils not wishing to take part in Lower Sorbian instruction have to leave this school and transfer to another secondary-education school.

2. Free State of Saxony

In the 1999/2000 school year, the *Landkreise* [county-type administrative districts] of Kamenz and Bautzen have six Sorbian secondary technical schools. Four of these schools have classes with both Sorbian as a mother tongue and Sorbian as a secondary language. In addition, Sorbian is offered as a foreign language at six other secondary technical schools within the area of the Bautzen Regional Education Office. Instruction is based on the current curricula for Saxon secondary technical schools. For pupils for whom Sorbian is the native tongue, instruction is given in the Sorbian language, with the exception of the following subjects: German, mathematics, physics, chemistry and biology (from the 7th grade onwards). All other pupils are taught in German. The rules laid down by the Saxon State Ministry of Education and Cultural Affairs with regard to instruction at Sorbian and other schools in the German-Sorbian region, and the specifications regarding the respective approved subject hours have resulted in an increased requirement for teachers covering these subject hours at the Sorbian secondary technical schools.

Like other grammar schools in the Free State of Saxony, *Sorbisches Gymnasium* of Bautzen provides general education which is the prerequisite for entry to higher education [entitlement to university entrance]. This is the only *Gymnasium* where pupils are offered in-depth linguistic and literary education in the Upper Sorbian language. The Saxon State Ministry of Education and Cultural Affairs generally allows Sorbian pupils to enrol in a special achievement course [advanced course] in their mother tongue and to take the written *Abitur* [grammar-school graduation] exams in this language. The approval for the introduction, from the 1996/1997 school year onwards, of the advanced-course subject

combination Sorbian/natural sciences (biology or chemistry or physics) for pupils speaking Sorbian as their mother tongue offers pupils a significant widening of choices and, at the same time, may be seen as a contribution towards promoting the Sorbian language and culture. Bilingualism is a particularly decisive factor of school life at *Sorbisches Gymnasium*; all pupils learn Sorbian either as their native language or as a secondary language.

In addition to *Sorbisches Gymnasium*, two grammar schools in Saxony, within the area of the Bautzen Regional Education Office, offer language instruction in Sorbian as a foreign language.

Overall, Sorbian instruction, including Sorbian as an encounter language, is given, in the 1999/2000 school year, at 50 schools in Saxony and is attended by some 3500 pupils of whom about 1250 speak Sorbian as their mother tongue. At Sorbian schools, Sorbian is a compulsory subject. At other schools, participation in Sorbian language lessons is a free decision to be made by the pupils' parents. The basis for this decision - especially in cases where parents still have their doubts - is provided in the day-care centres or, at the latest, at the time of enrolment in an elementary school. In this respect, it is important that nursery-school teachers, educators and teachers constantly underline the value of the Sorbian language and culture and encourage parents and pupils to devote themselves to these traditional values.

re: para. 1, sub-para. (d) - Technical and Vocational Education –

- (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;*

The Free State of Saxony has accepted the obligation under sub-paragraph (d) (iv).

At present, this undertaking is of relevance only at the *Sorbische Fachschule für Sozialpädagogik* [Sorbian College for Social Pædagogics].

re: para. 1, sub-para. (e) - University and Other Higher Education –

- (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*

The obligation under sub-paragraph (e) (ii) has been accepted by the Free State of Saxony.

Leipzig University offers a course of Sorbian Studies (Sorabistics) for a Master's degree or for the teaching profession.

In the Free State of Saxony and in Brandenburg *Land*, the study of the Sorbian language and culture also is in the hands of *Sorbisches Institut* [Sorbian Institute]. The research priorities of the Sorbian Institute are linguistics, empirical cultural research, folklore, and the cultural and social history of the Sorbian people. At present, the Institute has a staff of 35, of whom 21 are scholars. The Institute is financed with public funds provided through *Stiftung für das sorbische Volk* (Foundation for the Serbian People).

In the field of linguistics, the Institute, after having completed the work on the 15-volume "Sorbian Linguistic Atlas", focuses its research on the [multinational] Slav linguistic atlas. Those involved in the related practical work have a great demand for manuals, dictionaries and textbooks which the Institute develops on a periodical basis. *Sorbisches Institut* also has at its disposal the *Sorbische Zentralbibliothek* (Sorbian Central Library) with some 80,000 volumes (books and journals), and *Sorbisches Kulturarchiv* (Sorbian Cultural Archives) with about 300 running metres of records and files. Like a national library, the Sorbian Central Library collects all Sorbian and Sorabistic editions and continuously publishes a "Sorbian Bibliography". The Archives preserve and explore the essential documents of Sorbian cultural development from more than four centuries. *Sorbisches Institut* combines its scholarly studies with the support of specific projects in the field of cultural and language promotion. Thus, on the basis of sociolinguistic studies, concepts are developed for focused promotion of the Lower Sorbian language.

Other scholarly studies carried out by the Institute deal with everyday life and the living conditions of the Sorbs in the course of their history and at present, their religiousness, their family relations, changes regarding their identity, or bilingual and bicultural ways of life. Studies on literature, music, plastic and graphic arts, theatre and cultural relations with other civilizations and cultural areas elucidate further priority aspects of Sorbian life. The head office of the Sorbian Institute is in Bautzen in Saxony, with a branch in Cottbus (Brandenburg). This branch, which focuses on linguistics, is the first scholarly institution to deal specifically with the Sorbs of Lower Lusatia.

re: para. 1, sub-para. (e) **iii**

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

This obligation has been accepted by Brandenburg *Land*.

The obligation is implemented by an extension course of studies regarding Sorbian (Wendish) offered at Potsdam University. For detailed information, cf. the comments below on para. 1, sub-para. (h) - Training of Teachers.

re: para. 1, sub-para. (f) - Adult Education –

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

1. Brandenburg

The *Schule für niedersorbische Sprache und Kultur* (School for the Lower Sorbian/Wendish Language and Culture) in Cottbus, which is part of the Cottbus Adult Education Centre, offers a wide range of courses in the Lower Sorbian language and culture. These are both continuing education courses for adults and courses for teachers who teach Lower Sorbian in the traditional settlement area of the Sorbian (Wendish) people, or wish to acquire knowledge of the Lower Sorbian language and culture for teaching another subject.

2. Free State of Saxony

Sorbian language courses are offered by the adult education centres in the Sorbian area and, upon request, are subsidized by the Foundation for the Sorbian People.

re: para. 1, sub-para. (g) - Teaching of the History and Culture Education –

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

1. Brandenburg

Section 4 of the *School Act* of Brandenburg *Land* lays down that the ability and readiness of pupils should be enhanced to understand their own culture as well as other cultures, with particular reference to the Sorbian culture.

In order to be able to take adequate account of the history and culture of the Sorbs at schools in the traditional settlement area of the Sorbian people, as well as at schools outside that area, teachers are offered courses regarding the history and culture of the Sorbs by the *Schule für niedersorbische Sprache und Kultur* (School for the Lower Sorbian/Wendish Language and Culture) and by *Arbeitsstelle Bildungsentwicklung Cottbus (ABC)* [Cottbus Workshop for Educational Development] which was established by the Ministry for Education, Youth and Sports specifically for the Lower Sorbian subject matter. In addition, the framework curricula of Brandenburg Land provide for the inclusion of the history and culture of the Sorbs in a number of subjects (e.g. music, arts, politics, Lifestyle Choices-Moral Philosophy-Study of Religion).

The materials mentioned below in the comments on Article 8, para. 1, sub-para. (h), have been patterned closely on the subjects listed in the curricula, and consequently substantially help to deal with the Sorbian language as well as with specific cultural aspects.

2. Free State of Saxony

Section 2 of the Saxon *Schools Act* lays down that all schools in the Free State of Saxony shall impart basic knowledge of the history and culture of the Sorbs. Accordingly, the culture and history of the Sorbian people have been included in the school curricula.

The materials mentioned below in the comments on Article 8, para. 1, sub-para. (h), have been patterned closely on the subjects listed in the curricula, and consequently substantially help to deal with the Sorbian language as well as with specific cultural aspects.

re: para. 1, sub-para. (h) - Basic and Further Training of Teachers –

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

This obligation has been accepted by the Free State of Saxony and by the *Land* of Brandenburg. Since teacher training is pursued across *Land* borders, the implementation measures are presented here for both of the *Länder* in order to avoid repetition.

In the settlement area of the Sorbs (Free State of Saxony and Brandenburg *Land*), teaching of and in the Sorbian languages (Upper Sorbian and Lower Sorbian/Wendish) is given at publicly maintained schools. Basic training of Sorbian teachers in Sorbian Studies (Sorabistics) - for the teaching profession - is offered by Leipzig University (in Saxony). This University trains the majority of Sorbian teachers. The Ministry for Education, Youth and Sports of Brandenburg *Land* has, jointly with Potsdam University (Institute for the Study of Slavic Languages and Literatures, and Centre for Further Education), prepared an extension course of studies regarding Sorbian (Wendish) for lower secondary grades (i.e. secondary education stage I of German schools), which started on 1 April 1998. The aim is to qualify some 20 teachers for teaching Sorbian (Wendish) at schools. A continuation course of studies for acquiring teaching qualification for secondary education stage II is in preparation. For the subject of Sorbian (Wendish), framework plans have been developed for primary education, for secondary education stage I, and for the upper secondary grades of a *Gymnasium* [grammar school]. These plans were established by teachers from Brandenburg *Land* in co-operation with a linguist from Magdeburg University. The Commission's work was co-ordinated by the *Land* Institute for Pädagogics and by *Arbeitsstelle Bildungsentwicklung Cottbus* (ABC - Cottbus Workshop for Educational Development).

The offers regarding central and regional follow-up/in-service training of Sorbian teachers are essentially demand-oriented at present. The Saxon *Akademie für Lehrerfortbildung* [teacher follow-up training college], for instance, during the study course period September 1998 - February 1999, offered a course on the subject "*Methodische Anregung zur Textarbeit im Sorbischunterricht*" ["Methodology for Working with Texts in Sorbian Classes"] for teaching posts at *Realschulen* [secondary schools, with lower secondary grades (i.e. secondary education stage I)] and *Gymnasien* [grammar schools; schools with upper secondary grades], and a course entitled "*Unterwegs nach Europa - Mehrsprachigkeit statt Einsprachigkeit*" ["On our way to Europe - Polyglotism instead of unilingualism"]. In addition, regional training offers exist for teachers who teach Sorbian as a foreign language or as the native language, for instance "*Methodische Anregungen zur Textarbeit im*

Sorbischunterricht für Lehrer, die Sorbisch als Fremdsprache unterrichten ["Methodology for Working with Texts in Sorbian Classes, for Teachers who teach Sorbian as a Foreign Language"]. Teachers who teach other subjects in the Sorbian language, can take part in centrally or regionally organized follow-up training in subject-specific and multidisciplinary studies. The regional training activities offered so far also comprise follow-up training which is advertised and carried out in the Sorbian language. The catalogue of training offered by the Bautzen Regional Education Office covers two courses for teachers of Sorbian primary schools and one course for teachers of Sorbian secondary technical schools, which are also advertised and held in the Sorbian language. For the entire spectrum of school types, a training course is offered on the subject of "Sorbian: Reactivation of the Language / In-Class Educational Materials / Textbooks".

In May 1992, the independently managed *Arbeitsstelle Bildungsentwicklung Cottbus (ABC)* [Cottbus Workshop for Educational Development] was established at *Niedersorbisches Gymnasium* [Lower Sorbian grammar school] in Cottbus (Brandenburg). As regards follow-up training of Sorbian (Wendish) language teachers and of educators teaching other subjects at *Niedersorbisches Gymnasium*, ABC has the following tasks:

- Sorabistic, including reactivating and advanced, linguistic follow-up training;
- subject-specific didactical follow-up training of teachers;
- follow-up training in the fields of culture, history, customs/folklore and the policy regarding minorities for Sorbian (Wendish) teachers and interested teachers for other school subjects.

For follow-up training of teachers, funds are available to *Arbeitsstelle Bildungsentwicklung Cottbus (ABC)*. In addition, a teachers' instructor specially qualified for giving follow-up training is employed for the follow-up training of teachers. *ABC* and the teachers' instructor, in co-ordination with the Brandenburg *Land* Institute for Pædagogics, independently develop the pertinent follow-up training offers. The courses are usually held once or twice per month and, in compact form, at the start of the summer holidays and occasionally during the spring vacation. In addition, training is offered for teachers for other school subjects in co-operation with the *Schule für Niedersorbische Sprache und Kultur* [School for Lower Sorbian Language and Culture] which is part of the Cottbus Adult Education Centre.

re: para. 1, sub-para. (i) - Supervisory Bodies –

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

1. Brandenburg

At the Ministry for Education, Youth and Sports, a section has been established (Section for International Matters and Matters of the Sorbs) where an Assistant Head of Section and an executive officer supervise the introduction and further development of Lower Sorbian instruction. In addition, the four Education Offices in the traditional settlement area of the Sorbian people in Brandenburg *Land* have school supervisory officers whose main task is to supervise Lower Sorbian instruction.

The *Land* Government has informed the Parliament of the implementation measures in response to a parliamentary question put to the Government.

2. Free State of Saxony

The Saxon State Ministry of Education and Cultural Affairs is responsible for school matters of the Sorbs. In addition, the interests of the Sorbian and German/Sorbian schools in the Sorbian settlement area of the Free State of Saxony are dealt with by a Commissioned Inspector of Schools of the Bautzen Regional Schools Office.

A report on the situation of the Sorbian people in the Free State of Saxony is submitted pursuant to Section 7 of the *Saxon Sorbs Act* by the Saxon State Government to the Saxon *Landtag* [*Land Diet*] at least once per legislative period. The report is also published for release to the general public.

re: Art. 8, para. 2

- (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.*

This obligation has been accepted by the Free State of Saxony.

Instruction in the Sorbian language outside the traditional settlement area of the Sorbian people in Upper Lusatia in the North-Eastern part of the Free State of Saxony is offered by *Sorbisches Kultur- und Informationszentrum* [Sorbian Cultural and Information Centre] in Berlin. The Centre holds Sorbian courses which are subsidized by the Foundation for the Sorbian People. At the Sorbian Language and Culture Institute of Leipzig University, all courses (other than beginners' courses) are held in Sorbian. In order to enable Sorbian students to stay in contact with the Sorbian language and culture also outside their settlement area, accommodation in Sorbian student hostels is offered in Dresden, Leipzig and Berlin. More extensive implementation of this obligation is not envisaged at present, in view of the small number of members of the language groups living outside the settlement area.

As regards colleges and universities, the obligation - in the sense of "undertake ... to allow" - is met for the entire territory of the Federal Republic by virtue of Article 5, para. 3, of the *Basic Law* (autonomy of institutions of higher education*).

* "(3) Art and scholarship, research, and teaching shall be free. The freedom of teaching ..."

Article 9

Judicial Authorities

(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:*

re: para. 1, sub-para. (a) - Criminal Proceedings –

- (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*

These obligations have been accepted by the Free State of Saxony and by the *Land* of Brandenburg. The implementation measures are presented here for both of these *Länder*. Special provisions governing use in court with regard to the Sorbian language are laid down in the Treaty between the Federal Republic of Germany and the German Democratic Republic on the Establishment of German Unity (*Unification Treaty*) of 31 August 1990, which explicitly provides that the Sorbs shall - continue to - have the right to speak Sorbian in court in their home *Kreise* and that this right shall remain unaffected by Section 184 of the *Organisation of the Courts Act* (Annex - I Chapter III, Subject Area A, Section III 1.r of the *Unification Treaty* of 31 August 1990). This provision is implemented in the *Länder* of Saxony and Brandenburg.

The signs indicating the courts in the traditional settlement area [Lower Lusatia] of the Sorbian (Wendish) people in Brandenburg are bilingual. If Sorbians wish to litigate in their own language - which they are entitled to do under the *Unification Treaty* and the *Land Constitution* - translators are called in. So far, however, no case has become known where a Sorb availed him/herself of this right in a court of Brandenburg *Land*.

In the Sorbian settlement area [Upper Lusatia] of the Free State of Saxony, all courts have bilingual signs. In addition, the Saxon Higher Administrative Court also uses German-Sorbian letterhead stationery. In every court in the Sorbian settlement area of the Free State of Saxony, at least one staff member has a command of the Sorbian language so that citizens can also state their case in Sorbian. This right is actually being made use of. The costs incurred for any required services of interpreters or translators are part of the regular costs of the proceedings and thus are not charged as an extra item.

re: para. 1, sub-para. (b) - Civil Proceedings –

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

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

See also the comments on para. 1, sub-para. (a), above.

re: para. 1, sub-para. (c) - Proceedings before Courts concerning Administrative Matters –

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

re: para. 1, sub-para. (d) – Expense

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

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

See also the comments on para. 1, sub-para. (a), above.

As regards this branch of the judiciary, it must be pointed out that administrative courts are obliged to conduct *ex officio* investigations and, where necessary and appropriate, will on their own initiative rely on the services of interpreters. Thus, the members of the language group suffer no prejudice by the use of their language.

re: Art. 9, para. 2, sub-para. (a) - Validity of Legal Documents –

- (2) *The Parties undertake:*
(a) *not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or*

Implementation of this obligation - which has been accepted by Free State of Saxony and by Brandenburg *Land* - ensues from the comments above on Article 8 [pp. 69 *seqq.*].

For the *Land* of Brandenburg, the following should be pointed out:

Under Section 23, para. 5, of the *Administrative Procedure Act* of Brandenburg *Land*, a legal document is not invalid at law solely because it is drafted in the Sorbian language. Rather, a translation must be made of it.

It is not known how many legal documents drafted in Lower Sorbian exist in Brandenburg and in what form they have so far been used in legal relations. However, no case has become known where such documents were used in relations with judicial authorities.

Article 10

Administrative Authorities and Public Services

- (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:*

re: para. 1, sub-para. (a) - Applications, and Submission of Documents –

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

The obligations under sub-paragraph (a) (iv) and (v) have been accepted by the Free State of Saxony and by the *Land* of Brandenburg.

In the German-Sorbian areas, both German and the Sorbian language are admitted in relations with the authorities and administrations of the *Land* and local governments. This right is expressly stipulated in Sections 9 and 11 of the *Act on the Sorbs' Rights in the Free State of Saxony (Saxon Sorbs Act)* of 20 January 1999 and in Section 23 of the *Administrative Procedure Act* of Brandenburg *Land*. These provisions provide for the general possibility to submit applications, petitions, records, deeds or other documents in the Sorbian language.

The translation of such applications etc. into the German language is taken care of by the authority concerned. No costs for translations are charged to the citizen.

It is not known to what extent use is made of the facilities granted under this provision. In this regard, no statistical data are collected.

re: para. 2

- (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:*

re: para. 2, sub-paras. (a) and (b) - Use of a Regional or Minority Language, and Applications to Local and Regional Authorities –

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

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

In this respect, cf. the comments above on paragraph 1. Also, it should be noted that within local administrations, the staff and directors of various sections speak the Sorbian language. Some of them have direct responsibility for Sorbian matters. Within the local authorities of the traditional settlement area of the Sorbian (Wendish) people in Brandenburg *Land*, most public notices are bilingual; for official letters of such authorities, bilingual letterhead stationery is used.

In the Sorbian communities, or communities with a Sorbian majority, in the Free State of Saxony, the Sorbian language prevails in public life. This also goes for administrative authorities and meetings of local/municipal councils. At the same time it is ensured, e.g. by bilingual notices on the bulletin board, that also citizens who only speak German are included in community life. In these places, in particular, civil marriages are increasingly contracted in the Sorbian language.

In all places where the Sorbs form the (mostly small) minority within the local population, only hesitant use is made of the legal and practical scope for using the Sorbian language in relations with the administration.

Even where sufficient numbers of staff members of *Kreis* and local authorities have proficiency in the Sorbian language, these capabilities are seldom used by the Sorbian population. As a rule, Sorbian citizens prefer to use the German language in their relations with administrative authorities because they thus want to preclude any misunderstandings in the administration's assessment of the matter put before it. To give some examples:

In the city of Cottbus, the correspondence between the *Commissioner for Sorbian (Wendish) Matters* and the Sorbian institutions and associations as well as citizens belonging to the Sorbian people takes place, for the major part, in the Lower Sorbian language. Although this

provides the basis for handling such petitions in Sorbian, no citizen has so far made a written submission in the Lower Sorbian language to the municipal authorities.

In Oberspreewald-Lausitz *Landkreis*, the Lower Sorbian language is very seldom used in relations with administrative authorities although the actual conditions for such use exist, since usually the staff of the authorities concerned have a command of the Lower Sorbian language. For the *Landkreise* of Spree-Neisse and Dahme-Spreewald, no cases have been reported where citizens contacted administrative authorities in the Lower Sorbian language.

re: para. 2, sub-para. (g) - Place-names –

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

This obligation has been accepted by the Free State of Saxony and by the *Land* of Brandenburg.

In the Sorbian settlement area, there are - for the major part - bilingual signs for places, towns, *Landkreise* [rural county-type administrative districts], etc. and for public buildings, institutions, streets, lanes and roads, squares and bridges. This is explicitly laid down in Section 10 of the *Act on the Sorbs' Rights in the Free State of Saxony* (Saxon Sorbs Act) and in Section 11 of the *Act to regulate the substance of the Sorbs' (Wends') rights in the Land of Brandenburg* (Act on the Specification of the Rights of the Sorbs (Wends)).

The requirement for bilingual inscriptions, as laid down in Section 11 of the *Act to regulate the substance of the Sorbs' (Wends') rights in the Land of Brandenburg*, also covers the arrangement, design and posting of traffic signs/road signs pursuant to the German *Road Traffic Regulations*. Where local authorities, as public construction agencies, are responsible for putting up traffic signs/road signs, such responsibility refers to Sign 432 (indicating direction to destinations within built-up areas and to locations of considerable traffic importance) and to Sign 437 (indicating road or street names).

Often the Sorbian/Wendish names of towns and villages are also used on the letterhead stationery of the local authorities concerned.

re: Art. 10, para. 3

(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:

re: para. 3, sub-paras. (b) and (c) - Applications in a Regional or Minority Language with regard to Public Services –

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

The obligations under sub-paragraphs (b) and (c) have been assumed by the Free State of Saxony and by the *Land* of Brandenburg.

Reference is made to the comments above on paras. 1 and 2.

re: Art. 10, para. 4

- (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:*

re: para. 4, sub-para. (a) - Translation or Interpretation

- (a) translation or interpretation as may be required;*

This obligation has been accepted by the *Land* of Brandenburg.

In this regard, cf. the comments above on paragraph 1 [p. 81].

re: para. 4, sub-para. (c) - Appointment of Public Service Employees having a Knowledge of a Regional or Minority Language –

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

This obligation has been accepted by the Free State of Saxony and the *Land* of Brandenburg.

So far, this provision has not yet been implemented in the sense of introducing pertinent *Land* legislation providing that public sector workers having a knowledge of the Sorbian/Wendish language shall be appointed, at their request, in the traditional settlement area of the Sorbian people. However, the *Land* Government and *Land* Administration, within the limits of what is possible, always strive to meet any wishes expressed by *Land* public officials as regards their employment. Accordingly, no case has yet become known where a public official having a command of the Sorbian/Wendish language expressed the wish to be appointed in the traditional settlement area of the Sorbian people, and where this wish was not complied with.

re: Art. 10, para. 5

- (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.*

This obligation has been explicitly accepted by the Free State of Saxony and by the *Land* of Brandenburg. In this regard, cf. also the comments in Part C on Article 10 [pp. 44 *seqq.* above].

Article 11

Media

(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:

re: para. 1, sub-para. (b) ii - Broadcasting of Radio Programmes –

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

In the traditional settlement areas of the Sorbian people in the Free State of Saxony and in Brandenburg *Land*, public-service broadcasting has developed an extensive programme in the two Sorbian languages. The programme is devoted, in particular, to the fields of information, culture and education. 'Culture' is understood in the largest sense of the word; this thematic section also covers reports on traditions/folklore and on the life of societies and associations, reviews of stage productions and of books, and talks with Sorbian authors and other persons engaged in the cultural sector. In addition, there are news, commentaries, topical reports, especially on current affairs in the region, and religious contributions. The musical sector covers Sorbian folk songs, in particular, and ranges to modern Sorbian popular songs and rock.

The following radio programmes are aired:

1. Brandenburg

Under Article 4 of the *Act on Ostdeutscher Rundfunk Brandenburg*, Ostdeutscher Rundfunk Brandenburg (ORB), like Mitteldeutscher Rundfunk (mdr), has to take account, in its programme, of the cultural diversity of Brandenburg *Land* and of the Sorbian culture and language.

From its Cottbus Studio, ORB on Mondays through Fridays broadcasts a daily 1-hour radio programme in Lower Sorbian, with an additional 90-minutes programme on Sundays, so that sound radio broadcasting alone produces 6 ½ hours per week in the Lower Sorbian language. In addition, the mdr programme in the Upper Sorbian language is taken over. This brings the total of sound broadcasting aired in the Sorbian language to 28 hours [per month].

2. Free State of Saxony

Under Section 6, para. 3, of the [Saxon] *Act to implement the Agreement on Mitteldeutscher Rundfunk (mdr)* of 27 June 1991, broadcasts of the mdr must take account of the interests of all segments of the population – including the minorities. With its *Sorbisches Studio* in Bautzen, *Mitteldeutscher Rundfunk (mdr)* broadcasts a daily radio programme in Upper Sorbian on Mondays through Saturdays, for three hours during the early morning programme, and on Sundays, around noon, for one and a half hours, and occasionally live transmissions as well. In addition, a 1-hour youth programme, "*Radio Satkula*", has been aired every Monday since April 1999; it covers news, reports, modern Sorbian and international music, and other reporting items. It is developed and presented by Sorbian youngsters. The programme is re-run on *Ostdeutscher Rundfunk Brandenburg (ORB)* the following day. Leaving special broadcasts aside, this amounts to an airtime of 21.5 hours per week in the Upper Sorbian language.

In addition, *Landesfunkhaus Sachsen (Land Broadcasting Centre Saxony)* of the mdr airs a half-hour double-tone (German and Upper Sorbian) television programme at 20.15 hours every four weeks on Wednesdays. Also, every Sunday, there is double-tone transmission (German and Upper Sorbian) of the short children's programme "*Sandman*". These are not programmes dealing with Sorbian subjects, but are translations of the regular programmes into a Sorbian version. The mdr does not have a TeleWindow covering Sorbian subjects in the Sorbian language.

re: para. 1, sub-para. (c) ii - Broadcasting of Television Programmes –

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

1. Brandenburg

ORB (*Ostdeutscher Rundfunk Brandenburg*) Television airs the only regular Sorbian-language programme in Germany, which is entitled "*Luzyca - Sorbisches aus der Lausitz*" [Sorbian matters from Lusatia]. Since April 1992, a regular monthly air-time has been assigned to this programme, namely every third Saturday of the month, at 13.30 hours. There are re-runs on the respective subsequent Wednesday, at about 23.30 hours. This is a 30-minute magazine programme in Lower Sorbian, with German subtitling. The aim of this magazine programme is to present the Sorbian language, culture, tradition, everyday life and problems. The Sorbs' emotional ties with the homeland and their national self-assurance are to be fostered. Examples of this are reports on traditions in the handicrafts and on folk arts and crafts which in future might die out. Also, efforts are being made to prevent any reduction in the younger generation's respect and esteem for the Sorbian language.

2. Free State of Saxony

Mitteldeutscher Rundfunk (mdr) has repeatedly been requested by the Saxon State Government to start regular broadcasting of television programmes in the Sorbian language. So far, it airs the double-tone (German/Sorbian) television programme at 20.15 hours every four weeks on Wednesdays, and a dual-tone good-night programme for children (about 8 minutes) every second Sunday.

A particular deficit, however, is seen by the members of the Sorbian people in the fact that mdr so far does not air any regular TV programmes on Sorbian issues and in the Sorbian language. Within the scope provided under media law, the *Land* Government strives to improve such programme offers.

re: para. 1, sub-para. (d) - Audio and Audiovisual Works –

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

This obligation has been accepted by the Free State of Saxony and by the *Land* of Brandenburg.

Special attention is given to the cultivation of Sorbian music and the study and revival of the musical heritage. This is, in part, achieved by presenting a wide range of carefully selected music in the radio programme. In addition, *Mitteldeutscher Rundfunk* (mdr), in Saxony, and *Ostdeutscher Rundfunk Brandenburg* (ORB) produce their own recordings since Sorbian music is scarcely offered on the market. About 80 to 100 titles are recorded per year. This production also comprises efforts to research the inventory of Sorbian folk songs, giving suggestions and assistance to interpreters, groups and vocalist ensembles with regard to their musical arrangements, promotion of talented Sorbian musicians, for instance by organizing a yearly concert of talented young artists or tape-recording of musical events, and assistance given by ORB in the publication of sound recording media.

A number of Sorbian film productions are offered on video-cassettes. Most of them are children's movies (for the major part, adopted from Czech animated cartoons), videos for schools, e.g. for history classes, and films about the Sorbs or Sorbian subjects. Most videos are in Upper Sorbian; a few are also edited in Lower Sorbian; in most cases, information films are provided as multilingual versions. About three to five videos are published per year.

Under the present arrangements, production of sound recordings and videos is commissioned by the Foundation for the Sorbian People [Za³o^zba za serbski lud]. A Media Commission decides on the works and/or projects to be contracted out.

The Internet also provides information on the Sorbs, which *inter alia* was contributed or is attended to by *Sorbisches Institut Bautzen* or by *Domowina*. This information is published in the German, Upper and Lower Sorbian, and English languages.*

Under Section 5, para. 2, of the *Act on Ostdeutscher Rundfunk Brandenburg (ORB Act)*, the broadcaster ORB is obligated, in compliance with its programming mandate, to include production companies in Brandenburg *Land* in its contract award process. To a considerable extent, marketers from the traditional settlement area of the Sorbian people benefit from this regulation. Also, ORB is obligated to operate a radio and television studio in the Lower Sorbian language area in Cottbus.

re: para. 1, sub-para. (e) - Newspaper –

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

* e.g. "History of the Sorbs/Wends in Germany" [<http://www-user.tu-cottbus.de/Sorben/inhalt06/domowina/eng/historie.htm>]; "Foundation for the Sorbian Nation" [<http://www-user.tu-cottbus.de/Sorben/inhalt06/d01.htm>] [*T.'s Note*]

This obligation has been accepted by the Free State of Saxony and the *Land* of Brandenburg.

There is little scope for [state] action/influence on account of the freedom of the press guaranteed by the Constitution (in this respect, cf. the comments in Part C on Article 11 [pp. 46 *seqq.*]).

For the Sorbian people, the following Sorbian-language print media are published on a regular basis:

- *Serbske Nowiny (Sorbische Zeitung - Sorbian Newspaper)* - 2000 copies
A daily in Upper Sorbian, published on Mondays through Fridays as an evening paper; on Fridays: including specific supplements, e.g. literature/arts, youngsters' supplement, sports supplement (*Sokolske listy*)
Circulation: Mondays through Thursdays: 1500 copies; Fridays 2000 copies
- *Nowy Casnik (Neue Zeitung - New Weekly)* - 1100 copies
A weekly in Lower Sorbian, with a German-language portion; published on Saturdays
- *Rozhlad (Umschau - Outlook)* - 610 copies
A monthly periodical for Sorbian culture, language, literature and art, with articles in the Upper and Lower Sorbian languages
- *Serbska Šula (Sorbische Schule - Sorbian School)* - 210 copies
Educational journal, with articles in the Upper and Lower Sorbian languages; 10 editions per year
- *Plomjo / Plomje (Flamme - Flame)* - 2400 / 950 copies
Children's and youngsters' journal
Plomjo: Upper Sorbian edition, 2400 copies
Plomje: Lower Sorbian edition, 950 copies
- *Katolski Posol (Katholischer Bote - Catholic Herald)* - 2650 copies
Upper Sorbian weekly of the Catholic Sorbs
- *Pomhaj Bóh (Gott hilf - Help God)* - 1200 copies
Protestant monthly in Upper Sorbian

re: para. 1, sub-para. (f) ii - Financial Assistance for Audiovisual Productions –

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

This obligation has been accepted by the Free State of Saxony.

Direct financial assistance by the State is problematic, due to the freedom of broadcasting guaranteed by the Constitution (in this respect, cf. the comments in Part C on Article 11 [pp. 46 *seqq.* above]).

For details, cf. the comments above on sub-paragraph (d).

It should also be pointed out that, while Brandenburg *Land* has not adopted this obligation, the existing measures to provide financial support for audiovisual works also extend to productions in the Lower Sorbian language. Express mention will be made of this fact when the subsidizing principles for film promotion will be established.

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

This obligation has been accepted by the Free State of Saxony and by the *Land* of Brandenburg.

As regards the fundamental conditions governing freedom of expression and reception of broadcasts, cf. the detailed comments in Part C above on Article 11 [pp. 46 *seqq.*].

Also, it should be pointed out that Sorbian, as a Slavic language, is related to Polish and to Czech and that, on account of the Sorbs' settlement area being close to the borders with Poland and the Czech Republic, Polish and Czech radio and television broadcasts can be received within the limits of technical feasibility. The transmission and direct reception of radio and television broadcasts in Lower Sorbian (and Low German) have been explicitly regulated, with due regard to the availability of technical capabilities, on the basis of the retransmission provisions of Sections 37 and 38 of the *State Treaty between the Länder of Berlin and Brandenburg on Co-operation in the Field of Broadcasting* (State Treaty on Media Services) as amended on 21 December 1998.

Article 12

Cultural Activities and Facilities

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

(a) *to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*

- (b) *to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- (c) *to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- (d) *to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*
- (e) *to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*
- (f) *to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*
- (g) *to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*
- (h) *if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.*

The obligations under sub-paragraphs (a) to (h) have been accepted by the Free State of Saxony and by the *Land* of Brandenburg; since the pertinent activities are pursued across *Land* borders, the implementation measures are presented for both of these *Länder*.

The Sorbs have their traditional settlement area in the Free State of Saxony and in the *Land* of Brandenburg. In order to avoid separate promotional policies in Saxony and Brandenburg, these two *Länder* have, mutually and with the *Bund* [Federal Government], agreed a common promotion policy. This policy has been embodied in the *Foundation for the Sorbian People* (*Za³o^zba za serbski lud*) (for details, cf. the comments above in Part A, no. 4.3.2 [pp. 14 *seqq.*]).

The *Deutsch-Sorbisches Volkstheater* (German-Sorbian Folk Theatre), Bautzen, is subsidized as part of project promotion by the Foundation. In addition to institutional promotion, project-oriented promotion by the Foundation covers a wide range of subjects, for instance production of movies and sound recordings, projects related to the cultivation of culture, traditions and folklore, competitions for various age groups and fields of interest.

Support is given not only by the Foundation or, for other measures, by the *Länder* but also by the local authorities and *Landkreise* [rural county-type administrative districts] in the traditional settlement area. This is the case, in particular, as regards promotion of traditional festivals carried out, and customs observed, by Sorbian associations. Cultural groups and associations are actively fostered and supported by local authorities. Maintenance of Sorbian customs is an integral part of almost all local mass events in the traditional settlement area

of the Sorbian people. In most cases, these customs are also kept up and practised by the fellow-citizens belonging to the majority population.

Another priority of cultural promotion at the local government level is educational work. It is especially due to the work of the museums provided by local self-administration bodies that items of the Sorbian cultural heritage are collected, made accessible to the public, and elucidated in lectures, guided tours, etc. Also, many centres displaying pieces of local customs and traditions (so-called *Heimatstuben*) which are supported by local authorities within the framework of project promotion, preserve the Sorbian cultural heritage and make others familiar with it.

With a view to conveying the Sorbian cultural values and traditions and the Sorbian people's way of life in an authentic way, the association "*Sorbischer Kulturtourismus e.V.*" (Sorbian Cultural Tourism, registered association) formed in 1996. With its projects, *inter alia* development of a Sorbian Cultural Route, it intends, without aiming at superficial commercialization for tourism purposes, to make Sorbian institutions, museums and local traditional centres (*Heimatstuben*) accessible to tourism on a greater scale. This requires close co-operation with many individuals and institutions. The *Sorbian Affairs Commissioners* of the Free State of Saxony and of Brandenburg *Land* are to be involved as well. There is close co-operation with the Working Group "*Serbske pomniki - Sorbische Denkmale*" (Sorbian Architectural Monuments), the aim of which also is preservation of Sorbian cultural monuments.

As regards the various obligations, the following clarifying and additional points are made:

re: para. 1, sub-para. (a)

The *Foundation for the Sorbian People* fulfils its purpose by promoting individual projects and by supporting institutions dedicated to specific aspects of maintaining the Sorbian culture, e.g. *Domowina* Publishing House. The Foundation is taking great care to achieve inclusion of all forms of cultural expression and artistic creation. In particular, great store is set not only to providing the conditions for preserving traditional cultural assets but also to ensuring that more recent forms of Sorbian cultural expression get their due, e.g. by promoting young artists and authors or supporting innovative art forms.

re: para. 1, sub-paras. (b) and (c)

Sorbisches Institut (Sorbian Institute) in Bautzen (Saxony) - which operates a branch in Cottbus (Brandenburg), a scholarly institution dealing specifically with the Lower Sorbian language - devotes its work not only to preserving the knowledge of the linguistic heritage, but also to the contemporary development of this language. This ensures continuing translatability of texts from one language into the other. However, the Sorbian Institute does not make its own translations but, instead, only provides the scholarly prerequisites for this. The most important Sorbian-language newspaper in Brandenburg, *Nowy Casnik* ("New Weekly"), regularly publishes articles in German as well. The newspaper's use of both languages results in greater effectiveness.

re: para. 1, sub-para. (d)

The inclusion of Sorbian cultural activities in the work of regional cultural providing bodies is ensured. Under the *Saxon Sorbs Act* and the *Brandenburg Act on the Specification of the Rights of the Sorbs (Wends)*, the local self-administration bodies are obligated to take account of the Sorbian language and culture in their cultural policy/project planning, and implement this mandate by supporting cultural activities of associations and of other cultural actors and by including them in their own cultural projects.

Also, regional cultural activities play a prominent role in the tourist industry, in particular.

re: para. 1, sub-para. (e)

The Foundation for the Sorbian People disposes of staff members having a good command of the Sorbian language.

In all other respects, the Foundation's structure ensures that Sorbs can exercise a decisive influence on the allocation of the Foundation's funds. The Director of the Foundation cannot be elected against the majority of the Sorbian (Wendish) representatives on the Foundation Board (*Stiftungsrat*). The majority of representatives on the Foundation Commission [a committee of the Foundation Board] are Sorbs. To replace the original unincorporated foundation of 1991, the new, legally autonomous Foundation has now been established.

re: para. 1, sub-para. (f)

Cf. the comments on the preceding sub-paragraphs.

re: para. 1, sub-para. (g)

Preservation of the Sorbian (Wendish) cultural heritage is the responsibility of the *Foundation for the Sorbian People*. Scholarly assessment and analysis, which also includes the preservation of testimonies of past times, is incumbent on *Sorbisches Institut* in Bautzen, which operates a branch in Cottbus, dealing specifically with the Lower Sorbian language and culture.

re: para. 1, sub-para. (h)

The work of *Sorbisches Institut* includes work on recent linguistic developments, especially as regards technical terms, and on specific technical languages, such as business/economic terminology and administrative language. It is ensured that the Lower Sorbian language will remain open also with regard to modern linguistic developments and will be able to follow and integrate these developments.

re: Art. 12, para. 2

(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.*

In the Federal Republic of Germany, cultural activities keeping within the framework of the law in force are not subject to any permit procedure or restrictions. Thus, the above obligation is already fulfilled by the system of law in the Federal Republic of Germany.

Thanks to the broad definition of the specified purposes for which the public promotional funds may be used in the context of the cultural work of the Sorbian people, it is also possible to offer activities outside the immediate language area.

re: Art. 12, para. 3

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

The work of the *Foundation for the Sorbian People* ensures that due account is taken of transborder co-operation, especially with the Slav neighbours. Under Article 2, para. 2, no. 5, of the *State Treaty establishing the Foundation*, the promotion of projects serving to enhance international understanding and co-operation with other ethnic groups and minorities in Europe and to cultivate the historically evolved relations of the Sorbs with their Slav neighbours is considered part of fulfilling the objectives of the Foundation.

The following are examples of transfrontier cultural policy:

1. Brandenburg

Transborder cultural co-operation, especially with Poland, makes appropriate provision for the Sorbian culture in the sense that Sorbian artists, writers, etc. are regularly involved in jointly organized cultural events ("Poets' Steamer", transfrontier seminars, colloquies, etc.).

2. Free State of Saxony

The Free State of Saxony presented itself at the so-called *Sächsische Tage* ["Saxon Days" festival] in Wrocław/Breslau (Poland) in June 1998. This event involved the *Serbski Muzej Budyšin* (Sorbian Museum in Bautzen), with a special exhibition dedicated to the Sorbian traditions and customs, and the *Deutsch-Sorbisches Volkstheater* (German-Sorbian Folk Theatre), with a performance in the Sorbian language.

Article 13

Economic and Social Life

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

The obligations under sub-paragraphs (a) and (c) have been accepted by the Free State of Saxony and Brandenburg *Land*. They are in compliance with the established law of the Federal Republic of Germany and thus are fulfilled nation-wide for all regional or minority languages. Pertinent violations of the legal order have not become known. Therefore, no special measures had to be taken by these *Länder*.

re: para. 1, sub-para. (d) - Facilitating the Use of the Regional or Minority Language –

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

Use of the Sorbian language in private depends, to a large extent, on the Sorbian people themselves, especially on whether the language is passed on to their children. For the central settlements with a large share, or even the majority, of Sorbs, this is more the case than for families in larger places and towns where they constitute a dispersed minority. In the case of the Sorbs, too, the existence of many mixed marriages has an influence on the language spoken within the family and on the extent to which Sorbian is passed on to the children so that attendance of Sorbian schools is of particular importance to these children.

Use of the Sorbian language in public is rendered difficult by the fact that the German-Sorbian settlement area is not generally bilingual but that, as a rule, only the Sorbs have a command of both languages. Therefore, apart from a number of exceptions, greater use is being made of German than of the Sorbian language in public and also in church.

There are many and various ways in which the State promotes the learning and use of minority languages (cf. the comments on the various obligations). In particular, efforts are encouraged among the general public to keep these languages alive by using them within the family and in extra-familiar everyday-life situations. In this regard, the cultural value of the minority languages for Germany's cultural life is particularly emphasized so that, on the basis of the resultant self-esteem and self-assurance, the younger generation will be more willing to adopt these languages and pass them on. On account of the structures established

for the administration of matters of their own concern, the users of Sorbian are provided with the practical means for using their language also in an extra-familiar context.

re: Art. 13, para. 2

(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:

re: para. 2, sub-para. (c) - Social Care Facilities –

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

This obligation has been accepted by the Free State of Saxony.

Social care facilities in the bilingual region also employ Sorbian staff who are able to speak Sorbian with persons in need of care. Schweinerden in Kamenz *Landkreis* has the Catholic Sorbian nursing home for elderly people, "St. Ludmila". The nursing home will in future be replaced by a new building financed, for the major part, with public funds of the Federation, of the Free State of Saxony and of the local government concerned. The providing body of the home offers pastoral care and cultivates the Sorbian traditions and customs.

However, recruitment of bilingual staff is not pursued expressly by social care facilities.

As of: 19 September 2000

Frisian

Article 8

Education

(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:*

re: para. 1, sub-para. (a) - Pre-School Education –

- (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;*

In the *Land* of Schleswig-Holstein, the legal basis for providing the possibility to learn one's own language in the settlement area of the Frisian ethnic group is Article 5, para. 2, of the Schleswig-Holstein *Land* Constitution, under which, *inter alia*, also the Frisian ethnic group have a right to protection and promotion. There is no comparable regulation in the *Land* of Lower Saxony, but possibilities for learning the Frisian language³ (Saterland Frisian) are being provided also in this *Land*.

1. Schleswig-Holstein

Schleswig-Holstein has accepted the obligations under sub-paragraph (a) (iii) and (iv). In the period 1993 - 1996, at the initiative of the *Gremium für Fragen der friesischen Volksgruppe beim Schleswig-Holsteinischen Landtag* [Body set up by the Schleswig-Holstein *Landtag* for Matters of the Frisian Ethnic Group], tests were run in nursery schools of Schleswig-Holstein, in Süderende on the island of Föhr and in Risum-Lindholm, to find out whether it is possible, on a sustained basis, to revitalize the Frisian language already in a nursery-school context. On the basis of the findings obtained from the Model Test "*Erwerb friesischer Sprachkompetenz innerhalb und außerhalb der Schule*" ["Acquisition of Frisian Language Proficiency in School and Informal Education"], the Frisian language has, in the meantime, been introduced in other nursery schools in Nordfriesland *Kreis*. At present it is used, in varying degree, in 28 nursery schools.

³ a **minority language**; territorial scope: **Lower Saxony** (Saterland Frisian) and **Schleswig-Holstein** (North Frisian)

2. Lower Saxony

Lower Saxony has entered into the obligation under sub-paragraph (a) (iv).

In the Sater Frisian speech area of the *Land* of Lower Saxony, Saterland Frisian is spoken - if the parents so wish - for one hour per week with the children attending the five nursery schools in Saterland *Gemeinde*.

re: para. 1, sub-para. (b) - Primary Education –

- (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;*

The *Land* of Schleswig-Holstein has accepted the obligation under sub-paragraph (b) (iv).

Frisian is taught at many publicly maintained schools in the North Frisian speech area and at a number of schools of the Danish minority. These are mainly primary schools. As a rule, this instruction is offered as a voluntary optional-subject course for the 3rd and 4th grades. However, this course is competing with foreign-language instruction (mainly English, but also Danish). The willingness of parents to let their children take part in Frisian classes also depends on whether, and how much, multilingual instruction is offered to the children.

re: para. 1, sub-para. (c) - Secondary 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;*

The *Land* of Schleswig-Holstein has accepted the obligation under sub-paragraph (c) (iv).

Frisian is taught at many publicly maintained schools in the North Frisian speech area, as well as at some primary schools and secondary modern schools of the Danish minority. During the 1998/99 school year, 21 teachers at 28 schools of all types (including primary

education within the meaning of Article 8, para. 1, sub-para. (b), above) taught 171 hours of Frisian per week to 1,330 pupils. At the Lindholm Primary and Secondary Modern School, Frisian instruction is offered continuously from the 1st to the 9th grade. Secondary schools offer such instruction only on a very limited scale. So far, *Realschulen* [secondary technical school] in the Frisian speech area do not offer any Frisian instruction at all; and *Gymnasien* [grammar schools] provide such courses only in their upper classes [second stage of secondary education]. Only at one school, Frisian - in addition to Danish and German - is also used as the teaching language for other subjects; this is the Primary and Secondary Modern School - of which *Dansk Skoleforening for Sydslesvig* [Danish Schools Association for South Schleswig] is the providing body - in Risum where Frisian instruction is mandatory from 1st to 9th grade.

re: para. 1, sub-para. (e) - University and Other Higher Education –

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

1. Schleswig-Holstein

As part of a supplementary course of studies for the teaching profession for all school types, Frisian is offered as a subject at Kiel University (CAU - *Christian-Albrechts-Universität*) and at Flensburg University (UF - *Universität Flensburg*). In addition, participation in a course in Low German or Frisian is one of the requirements stipulated for admission to examinations in the subject "German".

The courses on offer at Flensburg University are supported by a part-time professorship and other lectureships covering 15 hours per week per semester. In addition, Frisian can be studied at Kiel University as a major or minor subject of the course of studies leading to a Master's degree. A grade C3 professorship, covering eight hours per week per semester, has been established for this purpose.

At the Frisian Institute of Flensburg University, 14 students are at present enrolled for Frisian studies; Kiel University has 46 students of this subject. It may be assumed that in the years to come, one or two Frisian-language teachers will graduate per year (First and Second State Examinations for teachers). Junior teachers for the subject of Frisian are to be taken on as teachers in training at schools with Frisian instruction so that they will be available without delay for this particular instruction.

Nordfriesische Wörterbuchstelle [North Frisian Dictionary Institute] at Kiel University (CAU) has been in existence since 1950 and, since 1978, with "Frisian philology" as a study subject, has been the only university institution for scholarly research on the Frisian language in the Federal Republic of Germany. The professor for Frisian at Kiel University also is the Director of *Nordfriesische Wörterbuchstelle*. This Institute has regular contacts with the Frisian Academy of Leeuwarden [Netherlands Province of Friesland], with the *Mertens Instituut* of the Royal Netherlands Academy of Sciences, with the professorial chairs for Frisian in Groningen and at the two Amsterdam universities, and with *Nordfriisk Instituut* [North Frisian Institute] in Bredstedt (Germany).

2. Lower Saxony

Lower Saxony does not offer specific Frisian teacher training to supplement the course of studies offered in Schleswig-Holstein.

Research on the Saterland Frisian history, culture and language is of more recent date. Saterland Frisian has not been handed down as a written language. We know of a collection of Saterland Frisian proverbs, dating from the year 1901. It was only after World War II that the first spelling rules were laid down for this language. In 1980, a "Saterland Frisian Dictionary" was published; a revised and significantly enlarged edition is in preparation. Other publications are compilations of texts, such as "*Saterfriesisches Volksleben*" and "*Saterfriesische Stimmen*". The *Zentralstelle für die sprachliche Landesforschung* [Central Office for Linguistic Regional Research] of Göttingen University, with the support of the Administration of Saterland *Gemeinde*, carried out a poll among 10 per cent of the inhabitants of the Saterland region. The project is to provide findings regarding the awareness of the members of the ethnic group in respect of their own history and culture. The study of the Saterland Frisian language lies, in particular, in the hands of a Germanist [scholar studying German/Germanic languages and literatures] of Oldenburg University.

re: para. 1, sub-para. (f) - Adult Education –

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

1. Schleswig-Holstein

The Adult Education Centres in the *Kreis* of Nordfriesland in Schleswig-Holstein offer Frisian language courses.

In addition, the accepted obligation is also implemented with the work of *Nordfriisk Instituut*, i.e. the North Frisian Institute in Bredstedt, and of other Frisian organizations which in part are *Land*-subsidized. As part of their cultural work, the local Frisian organizations offer, *inter alia*, language courses for adults.

2. Lower Saxony

Katholisches Bildungswerk Saterland [Saterland Catholic Educational Association] once per year offers the course "Speak and read Saterland Frisian"; this course covers ten 2-hour evening classes.

re: para. 1, sub-para. (g) - Teaching of the History and Culture Education –

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

On account of the federal structure of the Federal Republic of Germany, implementation of this provision is, in particular, a responsibility of the *Länder*. In the field of education in the

Länder, promoting the knowledge of the culture, history, languages and religion of the respective minorities/language groups as well as of the majority population is part of the curricula of publicly maintained and private schools. An important role in imparting knowledge of the culture of the language groups, in and outside schools, is also played by the state institutions for political education (i.e. the Federal Centre and the *Land* Centres for Political Education).

In all other regards, cf. the detailed comments in Part C on Article 8 [p. 43 above].

The undertakings entered into by the *Länder* ensure that also non-speakers of Frisian have access to this language.

1. Schleswig-Holstein

The curricula of publicly maintained schools provide for many ways of dealing with minority matters in class. North Frisian can, as a multidisciplinary subject, be offered in classes for German, Danish, history, arts and music, and textile handicrafts.

Examples are:

Curriculum "German": "Study of the languages and speech communities in Schleswig-Holstein", or study of the various cultures and languages of the *Land*.

Curriculum "music": to sing, arrange and play Christmas carols of various forms and contents (e.g. traditional German, Low German, Frisian, foreign Christmas carols).

The materials mentioned below in the comments on Article 8, para. 1, sub-para. (h), have been patterned closely on the subjects listed in the curricula, and consequently substantially support the study of the North Frisian language as well as of specific cultural aspects.

2. Lower Saxony

The educational mandate to provide for instruction in the history and culture of the minority language is laid down in Section 2 of the *Schools Act* of Lower Saxony stipulating that pupils shall be enabled "... to develop their faculties of perception and sensitivity and their capacity for expressing themselves, with the inclusion of the relevant regional variety of Low German or of Frisian, ...".

Under the Framework Curriculum of Lower Saxony, the history and culture, as manifested in the Saterland Frisian language, can be covered in class, e.g. in the subjects "German" and "music" by including regional aspects when studying the language and its functions and when singing and playing instruments.

The Sater Frisian language nowadays is a subject at three of the four primary schools of the Saterland.

At Ramsloh primary school, one teacher teaches Saterland Frisian for a total of three hours in grades 2 to 4. At Strücklingen primary school, the 2nd and 4th grades have two 1-hour lessons each of Saterland Frisian per week, and the 3rd grade has one 1-hour lesson per week. At Scharrel primary school, too, all pupils learn Saterland Frisian in activity groups for one hour per week; at Sedelsberg primary school, Saterland Frisian is taught in class for one hour a week for grades 1 to 4, as part of activity groups.

At Saterland *Schulzentrum*, two activity groups [AGs] of 5th and 6th-grade pupils have four hours of Saterland Frisian lessons. At the primary school in Sedelsberg, two part-time teachers offer an optional Saterland Frisian course to pupils of all grades.

Overall, 246 pupils in 19 learning groups (primary school, and lower secondary grades) at present receive this Sater Frisian instruction which covers a total of 21 hours per week (the number of pupils of grades 1 to 6 totals 1113 individuals).

Last year, the public-law corporation *Ostfriesische Landschaft*, as the lead body acting for seven European speech communities, filed an application with the European Union for the allocation of funds for the project "*Mehrsprachigkeit in der Vor- und Grundschulperiode*" ["Multilingualism in the Pre-School and Primary Education Stages"]. Efforts are being made to have primary schools of the Saterland join this project. At present, the project is in its orientation stage. The background for these efforts is the "Model Test: Bilingualism in Nursery School" carried out by the *Plattdütskbüro* [Low German Office] in Ostfriesland during the 1997/98 school year.

Continuation of minority language instruction at primary schools is considered good policy since it is a means for promoting the language skills of children. Also, primary-school age is particularly well suited for extending language skills to multilingualism through early learning of foreign languages (English, French, Dutch/Flemish).

In the Saterland, Sater Frisian is taught not only by fully trained teachers but also by other persons provided that these have the appropriate qualification and that there is a demand for such instruction. Such persons may be employed as part-time teachers by the *Land* and will be paid according to their respective teaching load. Thus they are equal in status with the teachers for other subjects. Also, the Government of Weser-Ems *Bezirk* [District] will, under the procedure for inviting applications for a position, point out that knowledge of Saterland Frisian is desirable or even required.

The educational materials developed by the Sater Frisian teachers themselves are used mainly in primary education. They are based on materials for English lessons in primary school, materials of the teaching and learning system developed as part of the pilot project "*Plattddeutsch in der Schule*" ["Low German in School"], and materials from the Nordfriesland and West-Friesland language areas. Within the framework of follow-up training of teachers, it is planned to develop a concept for learning Saterland Frisian in the primary education stage.

In November 1999, the Working Panel for "*Saterfriesisch in der Schule*" ["Saterland Frisian in School"], which was founded in 1999, organized two days of follow-up training with the focus on two subjects: Since neither the full-time nor the part-time (honorary) teachers have studied Frisian, they are unsure as regards points of grammar and phonetic transcription. These teachers are to expand their knowledge of the language and familiarize themselves with the spelling of Saterland Frisian.

The Saterland Frisians expect the State to increase its follow-up training measures and to provide funds for the development of educational materials.

The expectation of the Frisian ethnic group overall is that Frisian instruction will be gradually expanded and, going on from primary education, will be directly continued at

Realschulen [secondary technical schools] and in the lower secondary grades of *Gymnasien* [grammar schools].

re: para. 1, sub-para. (h) - Basic and Further Training of Teachers –

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

The *Land* of Schleswig-Holstein has accepted the obligation under sub-paragraph (h).

The essential task of the Nordfriesland Supervisory School Authority at present is to coordinate and support the measures taken for promoting the Frisian language. The most important measures in this respect are the publication and dissemination of teachers' support material for Frisian lessons, and the establishment of a 'learning workshop'.

Since October 1999, six volumes of teachers' support material have been available to schools. They have been patterned closely on the curricula. This provides for Frisian teaching material which, taking due account of the various local idioms spoken on the mainland and on the islands, make it possible for every teacher to develop the required versions for him/herself.

This work is continued in the Frisian 'learning workshop' where educational materials, translations of children's books into Frisian, games and audiovisual media are available for pupils' groups and for follow-up training of teachers. For many years, Frisian teachers have regularly met in a Working Group. In order to make the results of the work of the 'learning workshop' available to as many teachers as possible, two approaches to providing information have been adopted. On the one hand, specific opening times have been laid down for teachers while it is also possible to fix dates of one's own choice. On the other hand, the meetings of Frisian teachers, which were instituted and are organized by the IPTS (*Institut für Praxis und Theorie der Schule* [Institute for Practical and Theoretical School Matters]), are used for presenting and disseminating the newly developed aids and materials. This ensures that all Frisian teachers will be supplied continuously with new information and media.

The *Nordfriisk Instituut* [North Frisian Institute] in Bredstedt has developed a wide range of material for designing and organizing school activities. It remains to be seen what the impact of the use of these new materials will be.

As regards the possibility for teachers to take a supplementary exam in Frisian, cf. the comments on Article 8, para. 1, sub-para. (e) (ii) [p. 96 above].

e: para. 1, sub-para. (i) - Supervisory Bodies –

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

1. Schleswig-Holstein

For the supervision of the measures taken in primary schools, secondary modern schools and *Realschulen* [secondary technical schools], responsibility lies with the supervisory school authorities of the *Kreise* [administrative districts] or *kreisfreie Städte* [non-district municipalities]. The Ministry for Education, Science, Research and Cultural Affairs of Schleswig-Holstein *Land* is responsible for the supervision of *Gymnasien* [grammar schools] and comprehensive schools.

2. Lower Saxony

In November 1997, a Working Group was established, with representatives from the *Land-schaften* and *Landschaftsverbände* [regional local authorities], the *Niedersächsischer Heimatbund* [Lower Saxony Union for Local and Regional Traditions] and the schools offices. The task of this Working Group is to monitor the proper implementation of the obligations under the Charter which have been accepted by the *Land*.

Responsibility for the preparation and regular publication of the report regarding the provisions on education lies with the Ministry of Education and Cultural Affairs of Lower Saxony.

re: Art. 8, para. 2

- (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.*

This undertaking has been entered into only by Schleswig-Holstein *Land*.

As regards colleges and universities, this obligation - in the sense of "undertake ... to allow" - is met for the entire territory of the Federal Republic by virtue of Article 5, para. 3, of the *Basic Law* (autonomy of institutions of higher education^{*}).

Article 9

Judicial Authorities

- (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:*

* "(3) Art and scholarship, research, and teaching shall be free. The freedom of teaching ..."

re: para. 1, sub-para. (b) - Civil Proceedings –

- (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;*

1. Schleswig-Holstein

With the proviso that documents and evidence drafted in a minority language must be presented in a form obviating misunderstandings or errors with regard to their translation, this obligation is met by the legal situation prevailing in Germany. Therefore, no special measures have been taken.

2. Lower Saxony

Cf. the preceding remarks regarding the *Land* of Schleswig-Holstein.

re: para. 1, sub-para. (c) - Proceedings before Courts concerning Administrative Matters –

- (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;*

With regard to this obligation which has been entered into by Schleswig-Holstein and Lower Saxony, reference is made to the foregoing comments on Article 9, para. 1, sub-para. (b) (iii).

As regards this branch of the judiciary, it must be pointed out that administrative courts are obliged to conduct *ex officio* investigations and, where necessary and appropriate, will on their own initiative rely on the services of interpreters. Thus, the members of the language group suffer no prejudice by the use of their language.

re: para. 2, sub-para. (a) - Validity of Legal Documents –

- (2) *The Parties undertake:*
 - (a) *not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or*

With regard to this obligation which has been entered into by Schleswig-Holstein and Lower Saxony, reference is made to the above comments on Article 9, para. 1, sub-para. (b) (iii).

Article 10

Administrative Authorities and Public Services

(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:

re: para. 1, sub-para. (a) v - Submission of Documents –

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

1. Schleswig-Holstein

The legal basis for assuming this obligation is Section 82a, para. 2, of the *Land Administration Act*. This discretionary regulation provides for the general possibility to submit applications, petitions, records, deeds or other documents in a foreign language, i.e. a language other than the official language.

According to a non-representative survey carried out among subordinate agencies of the Ministry of the Interior of Schleswig-Holstein *Land*, use is made of this possibility, *inter alia*, by land survey offices [cadastral offices] and by the *Land* Statistical Office.

2. Lower Saxony

In Saterland *Gemeinde*, no problems exist as regards submission of legal documents drafted in Saterland Frisian. In practice, however, no use has been made of possibility.

re: para. 1, sub-para. (c) - Drafting of Documents –

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

This obligation has been accepted by the *Land* of Lower Saxony. The local authority [i.e. Saterland *Gemeinde*] is prepared at any time to draft documents in the minority language. So far, however, no requests to this effect have been made.

re: Art. 10, para. 2

(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:

re: para. 2, sub-para. (a) - Use of a Regional or Minority Language

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

1. Schleswig-Holstein

Schleswig-Holstein has not explicitly adopted this obligation. However, a large number of staff members of the *Ämter* [local authority unions] and local authorities of Nordfriesland *Kreis* have a good knowledge of the North Frisian language. As a result, some public employees, especially in the island communities, deal in Frisian with personal callers during office hours if the callers so wish. The spoken message in the wait loop of the telephone system of the Nordfriesland *Kreis* Administration is given in four languages (German, Frisian, Danish, and Low German).

2. Lower Saxony

In Saterland *Gemeinde* in Lower Saxony, where some 2000 people speak this minority language, the local authorities promote the use of this language. Staff members indicate their proficiency in Saterland Frisian on their office doorplates.

In Saterland *Gemeinde*, it is possible to have civil marriages and other official acts performed in the Frisian language.

re: para. 2, sub-para. (b) - Submission of Applications –

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

In Saterland *Gemeinde* in Lower Saxony, citizens may present their requests in Saterland Frisian. The replies will equally be furnished in this language.

Also, applications may be submitted in Saterland Frisian. As stated by the local authority, no use has so far been made of this possibility.

re: para. 2, sub-para. (c) - Publication by Regional Authorities of Official Documents –
in Frisian

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

This obligation has been accepted by the *Land* of Lower Saxony. Since Saterland *Gemeinde*, to which the speech area of Frisian [in Lower Saxony] is confined, represents the local-government level, the pertinent implementation measures are described under sub-para. (d) below.

re: para. 2, sub-para. (d) - Publication by Local Authorities of Official Documents –
in Frisian

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

So far, there has been no such publication in Saterland Frisian; however, pertinent preparations are underway with regard to short official communications (e.g. notices on the bulletin board), especially as regards standard texts, which are then to be published as bilingual notices.

re: para. 2, sub-para. (e) - Use by Regional Authorities of the Minority Language in Debates
in Their Assemblies –

(e) the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;

This obligation has been accepted by the *Land* of Lower Saxony. Since Saterland *Gemeinde*, to which the speech area is confined, represents the local-government level, the pertinent implementation measures are discussed under sub-para. (f) below.

re: para. 2, sub-para. (f) - Use by Local Authorities of the Minority Language in Debates in
Their Assemblies –

(f) the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;

1. Schleswig-Holstein

Schleswig-Holstein has not explicitly adopted this obligation. However, on the North Frisian islands and *Halligen* [holms], local council meetings are held in the Frisian language, provided that no local councillor or no visitor attending a meeting objects to such use.

2. Lower Saxony

Local council members do not make use of the Frisian language - mainly out of consideration for persons who do not speak the language or do not have a sufficient command of it.

re: para. 2, sub-para. (g) - Place-names - in Frisian

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

1. Schleswig-Holstein

So far, Schleswig-Holstein has not explicitly adopted this obligation, but has already made provision for its adoption. By a Decree of 20 August 1997, the Ministry of Economics, Technology and Transport of Schleswig-Holstein *Land* has allowed bilingual place-name signs (in German and Frisian) to be put up in the Nordfriesland *Kreis*, at the request of the local governments concerned. This was done in compliance with a suggestion put forward by the *Nordfriisk Instituut* [North Frisian Institute] and by a number of North Frisian communities and the (then) Border Region Commissioner. So far, seven communities (Risum-Lindholm, Bredstedt, Nebel on the Island of Amrum, Niebüll, Norddorf on Amrum, Utersum on the Island of Föhr, and Kampen on the Island of Sylt) have made use of this provision; other local authorities are about to adopt such bilingual signs.

2. Lower Saxony

Lower Saxony has not explicitly adopted this obligation.

Consent to the use of bilingual place-name signs in the Sater Frisian settlement area was given on 8 June 2000 by the responsible Department of Lower Saxony, i.e. the Ministry of Economics, Technology and Transport.

re: Art. 10, para. 4

(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:

re: para. 4, sub-para. (a) - Translation or Interpretation

(a) translation or interpretation as may be required;

This obligation has been accepted by the *Land* of Lower Saxony.

The facilities and staff required for the purpose are available in Saterland *Gemeinde*. But in this context, it is to be noted that it is relatively difficult to write Saterland Frisian, and thus considerable work is involved.

re: para. 4, sub-para. (c) - Appointment of Public Service Employees having a Knowledge of the Minority Language - (of Frisian)

- (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.*

1. Schleswig-Holstein

With a view to implementing this obligation, an announcement to this effect was made at the *Personalreferentenkonferenz* (PRK - Conference of Personnel Officers) on 24 June 1999. The PRK brings together the personnel officers of the supreme *Land* authorities at regular meetings with the aim of co-ordinating and harmonizing the essential cross-departmental decisions in the field of personnel management.

If a staff member within the *Land* Administration expresses a wish regarding such an appointment, the scope for complying with the request will be examined. So far, however, there have been no requests to this effect at the *Land* Government level.

2. Lower Saxony

If a staff member of the Saterland *Gemeinde* Administration expresses a wish regarding such an appointment, the scope for complying with the request will be examined. So far, however, no requests to this effect have been made.

re: Art. 10, para. 5

- (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*

This obligation has been explicitly accepted by the *Länder* of Schleswig-Holstein and Lower Saxony. In this regard, cf. also the comments in Part C above on Article 10 [pp. 44 *seqq.*].

Article 11

Media

- (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:*

re: para. 1, sub-para. (b) ii - Broadcasting of Radio Programmes –

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

1. Schleswig-Holstein

In a letter of 29 September 1999, the Minister-President of Schleswig-Holstein *Land* has encouraged the radio and TV station programme directors of *Norddeutscher Rundfunk* (NDR), *Zweites Deutsches Fernsehen* (ZDF - Second German Television, or Channel II), *DeutschlandRadio*, *Radio Schleswig-Holstein*, *NORA* (NordOstseeRadio), *delta radio* and *POWER RADIO Nord* to integrate "linguistic particularities which are among the features determining the specificity of our *Land*" in their programmes; intensification of first action already taken in this respect would be welcomed. In the spirit of the Regional/Minority Language Charter, the Minister-President urged that "further avenues should be explored for integrating contributions in the minority languages and in the regional language Low German into their programmes, as a service for the citizens and in support of this element of the culture of Schleswig-Holstein".

In addition, the following provisions have been laid down:

- The broadcasting corporation under public law (*Norddeutscher Rundfunk* - NDR) has the legal mandate to report on the cultural diversity and the special features of the respective *Land* and to give its support to the protection of minorities.
- Adequate room must be given in the programme to the North German region, its culture and language.
- Programming principles for private broadcasting: programmes shall help to (...) achieve protection and promotion of minorities.
- Protected minorities have access to the media, and scope for participation, on the same conditions as other groups of society. The provisions of the *Land* Broadcasting Act promote programming diversity and the variety of broadcasters.
- The *Land* Broadcasting Act was amended in 1999. In future, the previous Assembly of the supervisory authority *Unabhängige Landesanstalt für das Rundfunkwesen* (ULR - the Schleswig-Holstein *Land* broadcasting institution for private broadcasters) will be replaced by a Media Council. Any socially relevant group, organization or association of supraregional standing is entitled to make nominations for the election of the Media Council.
- In addition, the ULR operates two radio broadcasting "Open Channels" in Schleswig-Holstein. Through these Open Channels, anybody who is not a broadcaster himself, can disseminate his/her own contributions via radio broadcasting.

Legal Bases:

Inter-State Treaty on *Norddeutscher Rundfunk* [NDR State Treaty] (of 1 March 1992):

Article 3, para. 3; Article 5, para. 2, 1st sentence; Article 7, para. 2, 3rd sentence;

Inter-State Agreement on the Public Corporation *Zweites Deutsches Fernsehen* (ZDF) (of 26 January 1998): Article 5, para. 2;

Land Broadcasting Act (of 13 October 1999): Section 17, para. 2, nos. 1 and 2; Section 24, para. 3; Section 34, para. 1, 1st - 3rd sentences; Section 54, para. 3.

Facts and Examples:

Once per week, the radio programme of *NDR 1 - Welle Nord* has, since 1989, aired a 1-hour evening broadcast about Schleswig-Holstein, which also includes about 3 ½ minutes in the Frisian language ("*Freesk for enarken*") - this is a sub-regional broadcast for Nordfriesland *Kreis*. Also, there are regular 1-hour feature broadcasts in the Frisian language (e.g. on 1 December 1999: "*A nuardfresken eran an üüb sia*" - The North Frisians and the Sea).

At irregular intervals, R.SH [Schleswig-Holstein Radio] airs a 1-hour special single-subject broadcast in the Frisian language at 19.00 hours, in the sub-regional transmission area of the entire West coast and the Flensburg/Schleswig area.

Since 4 October 1999, a programme of *Radio Friislon* has been broadcast by *Offener Kanal Westküste* (Heide/Husum) on every first Monday of the month (at 15.00 - 15.30), and is repeated on every third Monday at the same time. *Radio Friislon* is open to the diversity of languages spoken in Nordfriesland, the 'land of languages', and especially to the Frisian language with its various dialects. The programme is produced by *Nordfriisk Instituut*, in co-operation with the "*ferian för en nuurdfresk radioo (ffnr)*" [Association for a North Frisian Radio Station]. The broadcasting station NDR makes its contributions available free of cost. The presenters of *Radio Friislon* have been trained by *NDR 1 - Welle Nord*. So far, a total of eight Frisian-speaking staff members have been trained.

2. Lower Saxony

Under the Inter-State Treaty on *Norddeutscher Rundfunk* which was concluded by the Free and Hanseatic City of Hamburg and the *Länder* of Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein, the programming mandate of *Norddeutscher Rundfunk*, as a broadcasting corporation under public law, stipulates, *inter alia*, that adequate room must be given in the programme to the North German region, its culture and language (Section 5, para. 2, of the NDR Inter-State Treaty).

The Broadcasting Centres of the *Länder* produce *Land* programmes, as a full-day radio and regional programme on TV, which present, *inter alia*, the cultural and social life of the respective *Land* (Section 3, para. 3, of the NDR Inter-State Treaty). This also covers various broadcasts about the Sater Frisian language which, however, are not aired at fixed broadcasting times but in the context of current affairs reporting.

The Lower Saxony *Land* Broadcasting Act lays down that the programmes of private broadcasters must make appropriate allowance also for the cultural diversity of the regions and for the regional languages spoken in Lower Saxony (Section 17, para. 2, of the *Land* Broadcasting Act). Compliance with these requirements is also monitored by the (minimum number of) 41 members of the Assembly of the Lower Saxony *Land* Supervisory Authority for Private Broadcasters [Niedersächsische Landesmedienanstalt]. All major groups of society or organizations of the *Land* are entitled to make nominations as regards representation on the Assembly.

The *Niedersächsische Landesmedienanstalt* [*Land* supervisory authority for private broadcasters of Lower Saxony] also supports non-commercial local broadcasters and the Open Channels. It is especially in these programmes with a focus on regional and local settings that specific cultural features and linguistic minorities are included and presented. In the East Frisian (Ostfriesland) area, this also applies to Saterland Frisian.

Broadcasters, also in view of their own interest, strive to meet the legal requirements. In addition, the *Land* of Lower Saxony - within the limits of its scope for exerting an influence - encourages radio and television broadcasters to take greater account of, and to present, regional special features of the culture and language. As regards the Saterland Frisian language, however, this can be achieved to a very limited extent only, given that this minority language is used in a relatively small area.

re: para. 1, sub-para. (c) **ii** - Broadcasting of Television Programmes –

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

1. Schleswig-Holstein

In this regard, reference is made to the comments above on Article 11, para. 1, sub-para. (b) (ii) - "1. - Schleswig-Holstein".

The *Schleswig-Holstein-Magazin* - which is aired daily, except on Sundays - often includes broadcasts on the Frisian tradition and culture, e.g. "*Jahrhundertstory*" ["Story of the Century"].

The regional programmes of *Zweites Deutsches Fernsehen* (ZDF - Second German Television) also air broadcasts on the Frisian language as part of current affairs reporting or with reference to events of particular significance.

2. Lower Saxony

Reference is made to the comments above on Article 11, para. 1, sub-para. (b) (ii) - "2. - Lower Saxony".

Since a relatively small segment of the population is the target group of television programmes in the Saterland Frisian language, there have been no regular broadcasts so far. In compliance with the programming mandate (Section 5, para. 2, in conjunction with Section 3, of the *NDR Inter-State Treaty*), the NDR regional programme (i.e. N3) sporadically airs broadcasts about Sater Frisian.

re: para. 1, sub-para. (d) - Audio and Audiovisual Works –

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

1. Schleswig-Holstein

The programming principles laid down for public service broadcasting and for private broadcasting provide an indirect incentive: The broadcasting programmes shall contribute (...) to the protection and promotion of minorities.

In addition, subsidies may be granted. The relevant provision reads as follows:

"The *Unabhängige Landesanstalt für das Rundfunkwesen* (ULR) is entitled to provide financial support to non-profit organizations with cultural (...) aims, especially in the audiovisual sector (...)."

Additional support is provided by the *Gesellschaft zur Förderung audiovisueller Werke in Schleswig-Holstein mbH* (MSH - Limited Liability Company for the Promotion of Audiovisual Works in Schleswig-Holstein). MSH obtains funds from the NDR broadcasting corporation and from ULR [the Schleswig-Holstein supervisory authority for private

broadcasters]. These funds are used for the promotion of commissioned productions and coproductions in the cinema sector, television and sound broadcasting.

Legal Basis:

Land Broadcasting Act (of 13 October 1999): Section 24, para. 3; Section 53, para. 2; Section 73, para. 2.

Otherwise, it is left to the (linguistic) minorities, on the basis of the cultural promotion by the *Land* and of the principle of self-government, to decide on pertinent measures and to implement these within the limits of the overall funds available.

2. Lower Saxony

The programming principles described above (cf. the comments on sub-paras. (b) and (c) of para. 1) - which are laid down in the NDR Inter-State Treaty for public service broadcasting and in the *Land* Broadcasting Act for private broadcasting - are designed also to provide motivation for producing and disseminating audio and audiovisual works in the Saterland Frisian language.

Upon application, the *Land* of Lower Saxony, in view of supporting such productions within the framework of cultural promotion, grants subsidies to the production costs.

re: para. 1, sub-para. (e) - Newspaper Articles –

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

1. Schleswig-Holstein

There is little scope for [state] action/influence on account of the freedom of the press guaranteed by the Constitution (in this respect, cf. the comments in Part C on Article 11 [pp. 46 *seqq.* above]).

However, the *Verband der Zeitungsverlage Norddeutschland e.V.* [Association of Newspaper Publishers for Northern Germany] takes the protection of minorities and of linguistic groups very seriously. For this reason, and on account of requests to this effect by readers, reports in the Frisian language have become an integral part of a number of newspapers in the North Frisian speech area.

In a letter of 29 September 1999 addressed, *inter alia*, to the *Zeitungsverlegerverband Schleswig-Holstein e.V.* [Schleswig-Holstein Association of Newspaper Publishers, reg'd], the Minister-President of Schleswig-Holstein *Land* has encouraged the addressees to integrate "linguistic particularities which determine the specificity of our *Land*" in their publications; intensification of first action already taken in this respect would be welcomed by her.

The following publications are available:

Husumer Nachrichten (Husum News; 22,348 copies), a monthly paper;

Insel-Bote (Island Herald; 3,948 copies), a monthly paper;

Nordfriesland Tageblatt (Nordfriesland Newspaper; 9,250 copies), a monthly paper.

2. Lower Saxony

On account of the freedom of the press as guaranteed by the Constitution, there is, on principle, no scope for direct [state] action/influence. Moreover, it is not possible, with a view to competitiveness, to impose binding requirements on publishing houses.

On appropriate occasions, the *Land* Government repeatedly makes appeals to include and present the Saterland Frisian language also in press publications. This appeal is addressed both directly to the publishing houses and through the *Verband Nordwestdeutscher Zeitungsverleger* [Association of North West German Newspaper Publishers].

Therefore, articles in Saterland Frisian also appear in the home-editions of the regional newspapers read in Ostfriesland.

The following dailies are published in this region:

- *Emdener Zeitung* (Emden Newspaper; some 10,850 copies)
- *General-Anzeiger*, Rhaderfeh (Gazette; some 10,830 copies)
- *Ostfriesen-Zeitung*, Leer (East Frisians' Newspaper; a total of some 40,900 copies)
- *Ostfriesen Nachrichten*, Aurich (East Frisian News; some 13,350 copies)
- *Ostfriesischer Kurier*, Norden (East Frisian Courier; some 15,000 copies)
- *Rheiderland*, Weener (some 6,000 copies)

re: para. 1, sub-para. (f) ii - Financial Assistance for Audiovisual Productions –

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

1. Schleswig-Holstein

Direct financial assistance by the State is problematic, due to the freedom of broadcasting guaranteed by the Constitution (in this respect, cf. the comments in Part C on Article 11 [pp. 46 *seqq.* above]).

In addition, subsidies may be granted. The relevant provision reads as follows:

"The *Unabhängige Landesanstalt für das Rundfunkwesen* (ULR) is entitled to provide financial support to non-profit organizations with cultural (...) aims, especially in the audiovisual sector (...)."

Additional support is provided by the *Gesellschaft zur Förderung audiovisueller Werke in Schleswig-Holstein mbH* (MSH - Limited Liability Company for the Promotion of Audiovisual Works in Schleswig-Holstein). MSH obtains funds from the NDR broadcasting corporation and from ULR [the Schleswig-Holstein supervisory authority for private broadcasters]. These funds are used for the promotion of commissioned productions and coproductions in the cinema sector, television and sound broadcasting.

Legal Basis:

Land Broadcasting Act (of 13 October 1999): Section 53, para. 2; Section 73, para. 2.

2. Lower Saxony

Reference is made to the comments above on sub-paragraph (d) - Audio and Audiovisual Works.

re: Art. 11, para. 2 - Freedom of Direct Reception of Broadcasts, and Freedom of Expression –

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

These obligations have been accepted by Schleswig-Holstein and Lower Saxony. For the implementation measures, cf. the detailed comments on paragraph 1 above and, in Part C, on Article 11 [p. 46].

Article 12

Cultural Activities and Facilities

(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;*

The Federal Republic of Germany has not explicitly adopted an obligation in this regard. General promotion of the cultural interests of the Frisian ethnic group is envisaged as of the year 2000, within the framework of project-oriented promotion.

1. Schleswig-Holstein

The aim of this obligation is to promote initiatives which are typical of the forms of cultural expression specific to regional or minority languages.

As in the case of other obligations under Article 12, implementation of this obligation is accomplished indirectly through *Land* promotional measures for Frisian institutions. The local Frisian associations engage in multifarious cultural work, including folksongs and dancing. They offer language courses and language-learning holidays as well as children's holiday camps, engage in sports activities where Frisian is spoken, champion Frisian stage productions, perform tasks in the areas of nature conservation and of the conservation of the architectural heritage, and operate their own museums of local history and culture.

Of great importance to the cultivation of the Frisian language, culture and history is the *Nordfriisk Instituut (Nordfriesisches Institut - North Frisian Institute)* in Bredstedt, as a central scholarly institution in Nordfriesland. The Institute sees its role as a bridge between theory and practice, between science and non-specialist research. In particular, its scholarly and journalistic activities cover the areas of the languages, history, and study of the geography and civilization of Nordfriesland. It has a specialized library and archives, and offers seminars, courses, workshops and lectures. The Institute's providing body is the *Verein Nordfriesisches Institut*, with a membership of about 850. The work of the Institute is funded, for the major part, with subsidies provided by Schleswig-Holstein *Land*. Funding is also provided by local authorities and by the Danish minority. In addition, own resources are available in the form of membership dues, donations and sales revenues.

In addition, considerable project funds from the *Land* Budget and the annual interest earnings of the projected foundation "*Friesenstiftung*", which also can be used for pertinent measures to implement this obligation, are made available to the *Friesenrat e.V. [Frasche Rädj - Frisian Council]*.

The local Frisian associations engage in multifarious cultural work. *Inter alia*, they offer language courses for adults, organize events for children, champion Frisian stage productions, maintain traditional costume societies, and on 21 February of every year, organize the traditional local festival called "*Biikebrennen*". Some of these projects are supported with public funds.

In 1993, the Secretariat of *Nordfriesischer Verein* (North Frisian Association) was moved to "Andersen-Haus" in Klockries, in Risum-Lindholm *Gemeinde*. This Uthland-Frisian farmstead, which is a scheduled monument, was thoroughly renovated with funding provided by the *Land*.

2. Lower Saxony

The *Land* of Lower Saxony generally takes a particular interest in promoting initiatives in the cultural sphere, and especially with regard to the literature of the regional and the minority languages. Literature and language play a central role in the identification of the individual and of the community. Thus, the notion of 'language' must not be confined to the standard language; rather, it also includes a minority language such as Saterland Frisian or the languages of the other ethnic groups residing here. On this basis, Saterland Frisian literature can be included in all areas of the promotion of literature (promotion of production, distribution and reception) in the *Land* of Lower Saxony. [Applications for] Promotion of writing and also the publication of literary works by publishing houses of Lower Saxony are evaluated by an expert jury. So far, no applications [regarding Saterland Frisian] have been filed - possible reasons being that there are only a little over 2,000 speakers of the Sater Frisian language (of a population of 12,400 inhabitants of the Saterland, the smallest speech island in Europe) and that the tradition of Saterland Frisian has been mainly oral.

In Saterland *Gemeinde*, the association for the preservation of Saterland local/regional traditions, *Seelter Buund e.V.*, pursues a wide range of activities for the cultivation of Sater Frisian and of the culture of the Saterland; in instances, these activities are *Land*-subsidized. The Ministry of Scientific and Cultural Affairs advises the local authority union (*i.e. Gemeinde Saterland*) and the *Seelter Buund* on the planning of events. For instance, an Internet project and a Sater Frisian song programme are under preparation.

In addition, *Land*-subsidized institutions such as the *Literaturred* [Literature Council] or the *Literaturbüros* [Literature Offices] are encouraged to include Saterland Frisian in their activities and events. Thus, for instance, a meeting on the ranking and significance of the literature of the regional or minority languages, with the inclusion of the subject of the Sater Frisian language, is planned to take place in 2001, the "Year of Languages".

re: para. 1, sub-para. (b) - Access to Works in the Languages –

- (b) *to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

1. Schleswig-Holstein

The institutions of the Frisian ethnic group, especially *Nordfriisk Instituut* (NFI - North Frisian Institute) in Bredstedt, can make use of promotional funds of Schleswig-Holstein *Land* for the translation, dubbing, post-synchronisation and dubbing of works into, or in, the Frisian language. Through its own publishing house and in co-operation with other publishers, the NFI publishes journals and books in the German and Frisian languages.

In addition, considerable project funds from the *Land* Budget and the annual interest earnings of the projected foundation "*Friesenstiftung*", which can be used for projects and publications of all Frisian associations and unions, are made available to the *Friesenrat e.V.*

[*Frasche Rädj* - Frisian Council]. Such use includes translation, dubbing, post-synchronisation and subtitling of works into, or in, the Frisian language.

In the past, *Nordfriisk Instituut*, working with Frisian associations and the *Nordfriesische Wörterbuchstelle* [North Frisian Dictionary Institute] of Kiel University, fostered the different means of access, in other languages, to works produced in the North Frisian language. Thus, for instance, extracts of Frisian-language publications were translated into other languages (German, Danish, English, Dutch/Flemish, West Frisian). Several books were published as bilingual editions. The Frisian-language film "*Klaar Kiming*" ["Clear Visual Horizon"] was subtitled in German, English and Danish. Occasionally, Frisian-language radio broadcasts are dubbed or translated into German. Standard German translations are enclosed with audio cassettes of Frisian songs. Frisian dictionaries always give the German and, in part, also the Danish or English equivalents, so as to facilitate access to the North Frisian language.

2. Lower Saxony

Within the framework of literature promotion, translators are allocated funds for the translation of literary works. This generally applies to translations both into and from Saterland Frisian. Also, a grant can be obtained for a study placement at a translators' centre. The *Arbeitsstelle Niederdeutsch und Saterfriesisch* [Workshop for Low German and Saterland Frisian] of Carl von Ossietzky University in Oldenburg intensively deals with research into Saterland Frisian. The Workshop developed a "Sater Frisian Dictionary", the 2nd enlarged edition of which is under preparation. Upon request, the Workshop also offers translation services.

re: para. 1, sub-para. (c) - Access to Works Produced in Other Languages –

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

1. Schleswig-Holstein

Reference is made to the comments above on paragraph 1, sub-paragraph (b).

2. Lower Saxony

Reference is made to the comments above on paragraph 1, sub-paragraph (b).

re: para. 1, sub-para. (d) - Taking Account of the Regional or Minority Language in Cultural Activities –

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

1. Schleswig-Holstein

With promotional funds provided by Schleswig-Holstein, the institutions of the Frisian ethnic group and/or its appointed bodies for the cultural self-management of the Frisian ethnic group ensure that appropriate allowance is made for incorporating the knowledge and use of the North Frisian language and the North Frisian culture in their cultural activities.

Many museums in Nordfriesland *Kreis* have multilingual inscriptions, including the Frisian language. In view of the diversity of languages used in Nordfriesland, it is not possible, with regard to multilingual inscriptions, to make a recommendation that would fit all institutions involved. Account must be taken of place-specific interests and regional case-by-case decisions.

2. Lower Saxony

Saterland *Gemeinde* and the associations and units representing the Saterland Frisian interests can ensure that appropriate allowance is made for incorporating the knowledge and use of the Sater Frisian language and the Saterland culture in their cultural activities.

re: para. 1, sub-para. (e) - Employment of Staff Proficient in the Language(s) Concerned –

- (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;*

1. Schleswig-Holstein

Activities regarding the Frisian culture and language are offered, for the major part, by institutions, e.g. *Nordfriisk Instituut* (North Frisian Institute), and associations of the Frisian ethnic group, which are subsidized by Schleswig-Holstein *Land*. In addition, *Land* funds can be allocated for project promotion on a case-by-case basis. *Land*-provided subsidies can also include funds for covering personnel expenses.

For details regarding employment of multilingual staff, cf. the comments on Article 10 [p. 106 above].

2. Lower Saxony

Reference is made to the comments on paragraph 1, sub-paragraph (d), above.

In addition, *Katholisches Bildungswerk Saterland* [Saterland Catholic Educational Association] offers courses for learning the language or for extending the knowledge of it. Other planned projects, e.g. the song programme mentioned under paragraph 1, subparagraph (a), above, serve to consolidate proficiency in the language.

re: para. 1, sub-para. (f) - Participation of Representatives of the Group Speaking the Given Language in Cultural Activities –

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

1. Schleswig-Holstein

Every two years, Schleswig-Holstein *Land* organizes the *Schleswig-Holstein-Tag* [a "day" dedicated to the special character of the *Land*] as a central cultural event. The organizations and associations of the Frisian ethnic group are also invited to participate in this event and to take part in arranging and organizing it. Through the *Schleswig-Holsteinischer Heimatbund* [Schleswig-Holstein Union for Local and Regional Traditions], many North Frisian local/regional traditions associations are represented on the *Landkuratorium Schleswig-Holstein-Tag*.

Within the framework of [the Hanover World Exposition] EXPO 2000, a total of more than twenty Danish, German and Frisian libraries have jointly developed a one-week programme as part of the regional EXPO events in order to give a picture of the library and cultural scene of the region, which in this form is unique in Germany and Denmark, by organizing multifarious activities featuring various places and subjects.

2. Lower Saxony

As already stated under paragraphs (d) and (e) above, many full-time and honorary helpers are involved in the planning and organization of activities/events in the regional language. Participation in the annual *Land* festival organized by Lower Saxony, the "*Tag der Niedersachsen*" ["Day of the People of Lower Saxony"], is generally possible and has been encouraged.

re: para. 1, sub-para. (g) - Creation of Archive Bodies –

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

1. Schleswig-Holstein

The *Land*-subsidized *Nordfriisk Instituut* (North Frisian Institute) in Bredstedt has a specialized library as well as archives available for the collection, storage or publication of works produced in the Frisian language.

2. Lower Saxony

Carl von Ossietzky University in Oldenburg employs a specialist for the Saterland Frisian language, who also carries out extensive documentation work. The Oldenburg University Library and the *Staats- und Universitätsbibliothek* in Göttingen have a wide range of Frisian literature.

re: para. 1, sub-para. (h) - Translation and Terminological Research Services –

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

This obligation has been accepted by the *Land* of Schleswig-Holstein.

In Schleswig-Holstein, implementation of this obligation is indirectly achieved by promotional funds provided by the *Land* to the *Nordfriisk Instituut* (North Frisian Institute) and for other Frisian organizations. In this regard, cf. also the comments on Article 8 [pp. 95 *seqq.* above].

Of the total number of nine North Frisian dialects, three - which are spoken by less than 150 persons - are acutely threatened by extinction. The other six dialects are not only used orally but also exist in written form. Their orthography for the major part is based on uniform rules. The first book in the North Frisian language was published in 1809. Since then, a large body of Frisian-language literature has been created, which covers several hundreds of books and, in addition, several thousands of literary items in a variety of publications. This ensures that the Frisian language also meets the requirements expected of a modern means of communication.

re: Art. 12, para. 2

- (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.*

In Germany, cultural activities keeping within the framework of the law in force are not subject to any permit procedure or restrictions. Thus, the above obligation is already fulfilled by the system of law in the Federal Republic of Germany. More extensive implementation of this obligation by encouraging or providing such activities will have to be decided by the *Länder* on a case-by-case basis.

1. Schleswig-Holstein

Cultural events and activities are offered, if there is a demand for it, outside the Frisian language area (*Nordfriesland Kreis*).

Participation in the *Schleswig-Holstein-Tag*, which is held every two years in varying places of Schleswig-Holstein, also includes associations and groups dressed in traditional costumes from Nordfriesland. The *Landeskuratorium Schleswig-Holstein-Tag* and the *Land* Government welcome the fullest participation possible of associations, clubs and unions from the entire *Land*.

2. Lower Saxony

Pertinent cultural events/activities can be organized outside the Saterland, if there is a demand for it, for instance on the occasion of meetings on regional or minority languages. As stated above, participation in the annual "*Tag der Niedersachsen*" organized in varying places of the *Land* is possible.

re: Art. 12, para. 3

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

1. Schleswig-Holstein

The Frisians do not only live in Schleswig-Holstein, but in the Saterland of Lower Saxony and in the Netherlands province of Friesland as well. The joint umbrella organization of the West, East and North Frisians is *Interfrasche Rädj e.V. (Interfriesischer Rat - Inter-Frisian Council)*. It has 27 members - nine each from its three Friesland Sections (i.e. Sections North, East, and West). The Inter-Frisian Council has the legal form of an association. Its headquarters is in the town of Leer in Ostfriesland (Lower Saxony).

Under its Articles of Association, the objectives of the Inter-Frisian Council include the preservation, promotion and presentation of the Frisian culture and the development and maintenance of links with Frisians outside West, North and East Friesland.

The *Friesenrat Sektion Nord e.V.* [Frisian Council - Section North] is supported with funds of Schleswig-Holstein *Land*.

2. Lower Saxony

Cf. the preceding comments under no. 1: Schleswig-Holstein.

Article 13

Economic and Social Life

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

(a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life,

- particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*
- (b) *to prohibit the insertion - in internal regulations of companies and private documents - of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*
 - (c) *to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

The obligations under sub-paragraphs (a) and (c) have been accepted by the *Länder* of Schleswig-Holstein and Lower Saxony. They are in compliance with the established law of the Federal Republic of Germany and thus are fulfilled nation-wide for all regional or minority languages. Therefore, no special measures had to be taken by these *Länder*.

re: para. 1, sub-para. (d) - Facilitating the Use of the Regional or Minority Language –

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

Schleswig-Holstein and Lower Saxony have accepted this obligation.

In Germany, the freedom to use one's own language - both in public and in the private sphere - is ensured by Article 2, para. 1, of the *Basic Law*, which guarantees the right to free development of personality. Use of the minority languages in public is generally accepted by the German population. There are no reservations in this respect.

The North Frisian language still is to a major extent the language spoken within the family and the language for communication in public, especially among the Frisians living on the islands and holms (*Halligen*). This is less so on the mainland. In mixed-language marriages, normally German prevails. The use of Sater Frisian by the Saterland Frisians is gradually increasing since school-children are taking a greater interest in learning this language and children and the grandparent generation have started to communicate in Saterland Frisian again.

There are many and various ways in which the State promotes the learning and use of minority languages (cf. the comments on the various obligations). In particular, efforts are encouraged among the general public to keep these languages alive by using them within the family and in extra-familiar everyday-life situations. In this regard, the cultural value of the minority languages for Germany's cultural life is particularly emphasized so that, on the basis of the resultant self-esteem and self-assurance, the younger generation will be more willing to adopt these languages and pass them on.

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;*

This obligation has been accepted only by the *Land* of Schleswig-Holstein.

As regards the Frisian language, this obligation is fulfilled by the Framework Convention for the Protection of National Minorities which entered into force for the Federal Republic of Germany and for the Kingdom of The Netherlands where, in Friesland Province, the largest of the existing Frisian language groups live and are protected and promoted by the State. In both countries, promotion by the State in the Netherlands and in Germany has helped to establish structures fostering contacts between the users of the same language - i.e. Frisian, in a wider sense - in the fields listed in sub-para. (a).

On 1 January 1999, the *Interfrasche Rädj e.V.* (Inter-Frisian Council) was established as the new joint umbrella organization of the West, East and North Frisians. It is composed of members from all three Friesland regions, and organizes the *Friesenkongress* in a three-year sequence. The North Frisian organizations work together within the *Frasche Rädj, Sektion Nord e.V.* (Frisian Council - Nordfriesland Section) which is supported with funds provided by Schleswig-Holstein *Land*.

In the Ems-Dollart Region [Eems-Dollard Regio], the municipalities, districts, Chambers [of local or regional authorities] and other corporations under public law in the Netherlands Provinces of Groningen and Drenthe and in the German *Landkreise* of Aurich, Leer and Wittmund, the municipality of Emden in Ostfriesland and in Emsland *Landkreis* have formed a special purpose association [community syndicate], which in addition to economic co-operation, also has the task to promote, support and co-ordinate the cultural affairs of this overall region in a transfrontier context. The Ems-Dollart Region covers large parts of the East Frisians' settlement area and peripheral areas of the West Frisians so that cultural co-operation also covers the affairs of these groups. Frisians, as representatives of the local government bodies concerned, directly participate in this co-operation.

As of: 13 September 2000

Romany

Article 8

Education

The *Central Council [of German Sinti and Roma]* and other associations of Sinti and Roma take the view that, also out of regard for the experience undergone by the survivors of the genocide, Romany⁴ should neither be taught nor learnt by non-Sinti/non-Roma within the public educational system.

A different position is taken by other Roma associations which come out in favour of the inclusion of Romany in school education and wish to support measures, like those taken in European neighbouring countries, for the development of a written form of this language.

The *Central Council of German Sinti and Roma* favours supplemental instruction for interested children of German Sinti and Roma, where teachers coming from the minority deal with school subjects in the Romany language so that the children's knowledge of Romany will be enhanced. Within the *Länder*, however, only limited numbers of teachers with sufficient language proficiency are available. The *Central Council* also favours language courses for members of the minority on a private basis and as part of adult education, to be carried out by teachers coming from the minority. Other Sinti organizations see imparting of their mother tongue Romany - also in this field - as the exclusive responsibility of the families and family clans of the Sinti community.

Use of the Romany language in the publicly maintained school system is confined, for the reasons already given, to pilot projects for children of German and foreign Roma in those cases where larger numbers of them live close to each other. The organizations of German Sinti and Roma set great store by having the existing State-run and (State-)acknowledged system of schools and education used for the children of the German Sinti and Roma without any limitation as has been the case so far. The *Central Council of German Sinti and Roma* and other organizations therefore object to separate schools or school classes for Sinti and Roma only. Therefore, they consider State-promoted measures for the preservation and promotion of Romany to be the sole responsibility of the minority itself. Obviously this also is the parents' wish since the children of the German Sinti and Roma go to local regular and/or secondary schools.

Special possibilities, which are also designed to include the cultural traditions and the language of this group, exist for promoting the schooling progress of Sinti and Roma children in some *Länder* of the Federal Republic of Germany, for instance in Baden-Württemberg, Berlin, Bremen, Hamburg, Hesse, Lower Saxony, North Rhine/Westphalia, and Schleswig-Holstein; in instances these activities are part of local projects. The related projects are carried out at primary, secondary modern and secondary technical schools. The experience gained in this context has shown that, on a long-term basis, only those initiatives will be successful which are launched locally with the consent, will and participation, including shared responsibility, of the persons concerned. In the field of teacher follow-up training, in

⁴ a non-territorial minority language; territorial scope: Federal Republic of Germany

particular, regional efforts increasingly focus on taking account of the concerns and interests of the pupils who come from Sinti and Roma families.

Paragraph 1

(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:

re: para. 1, sub-para. (a) - Pre-School Education –

- (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

Both obligations have been accepted by the *Land* of Berlin.

At the request of the Berlin/Brandenburg *Land* Association of German Sinti and Roma, acceptance of these obligations by the *Land* of Berlin will be withdrawn at a later time.

(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

This obligation has been accepted by the *Land* of Hesse.

Wishes to this effect have not yet been put to the *Land* by members of the minority/language group.

As of January 2001, the Federal Government will allocate funds to the *Documentation and Cultural Centre of German Sinti and Roma* in Heidelberg for establishing an "Education Section" to be staffed with two employees. The cross-*Land* tasks of this Section will include the development of materials for the supplemental homework-assistance and language classes to be taught by teachers coming from this minority/language group for interested children and, in addition, encouragement to introduce such courses in Romany also in Hesse. The Hessian *Land* Association of German Sinti and Roma will take part in these efforts. The *Land* Government will co-ordinate the assignment/employment of suitable teachers with these organizations. In the view of the *Land* Government, 8 to 10 participants coming from this minority/language group will be sufficient to warrant the introduction of a pertinent course. This also goes for the area of adult education.

- (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;*

1. Baden-Württemberg

The unqualified right to admission to a nursery school, which has been in force under Federal law since 1 January 1999, generally applies also to the children of Sinti and Roma.

This claim is to be met by the providing bodies of the responsible public child and youth services (*Stadtkreise* [municipalities] and *Landkreise* [rural administrative districts]).

As a rule, the children's day-care centres maintained by local authorities and by providing bodies of private-sector child and youth services do not offer the Romany language. However, this does not rule out that, if there is a demand for this, the providing body of a nursery school could employ tutors/tutoreses for imparting the Romany language.

The amended regulation on nursery school promotion, which entered into force as of 1 January 1999, does rule out the use of this type of staff. If professional staff are not available in sufficient numbers for attending to such a group, as laid down in the Baden-Württemberg Act on Nursery Schools, also other persons (non-professional staff) may be employed for Romany language instruction. To this extent, the providing bodies of nursery schools have their own responsibility for staffing matters. The *Land* cannot exert any influence in this respect.

2. Hesse

In this regard, cf. the comments on paragraph 1, sub-para. (a) (iii), above.

3. Rhineland-Palatinate

So far, no wishes to this effect have been put to the *Land* by members of this minority/language group.

4. Free and Hanseatic City of Hamburg

The Free and Hanseatic City of Hamburg has adopted paragraph (a) (iv) as a voluntary commitment. So far, the *Land* has not received any pertinent wishes expressed by members of this language group.

re: para. 1, sub-para. (b) - Primary Education –

- (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;*

1. Baden-Württemberg

The *Land* has not explicitly adopted the obligation under sub-paragraph (b).

So far, no requirements regarding instruction in the minority language Romany have been notified. Trained teachers able to give such instruction are not available. In Baden-

Wurttemberg, the children of Sinti and Roma are integrated into the regular classes. In Heidelberg, a *Land*-subsidized advisory service of the *Land* Association of German Sinti and Roma is available for giving guidance to teachers and to parents. In addition, co-operation is pursued with the school psychological [child guidance] services of the *Land*. Additional financial support has been promised to the *Land* Association.

By letter of 5 June 2000, the Ministry of Education and Cultural Affairs promised that, in cases where such a demand exists, Romany classes supplementing regular instruction (e.g. homework assistance or language instruction) - to comprise two 2-hour periods per week (for groups comprising 8 - 10 pupils) - will be offered on the basis of the *Lehrbeauftragten-Modell* [Temporary/Substitute Instructors Model] at two or three sites (e.g. Heidelberg/Mannheim area, Ravensburg).

2. Berlin

Berlin has accepted the obligations under sub-paragraph (b) (i) to (iv).

At the request of the Berlin/Brandenburg *Land* Association of German Sinti and Roma, the acceptance of the obligations under sub-paragraph (b) (i) to (iii) by the *Land* of Berlin will be withdrawn at a later time.

The obligation under sub-paragraph (b) (v) will be implemented only if and where the language group so requests. This wish has not been expressed during the period under review.

3. Hesse

The *Land* of Hesse has accepted the obligation under sub-paragraph (b) (iv).

In this regard, cf. the comments on paragraph 1, sub-para. (a) (iii), above.

4. Free and Hanseatic City of Hamburg

Hamburg has accepted the obligation under sub-paragraph (b) (iv).

Since 1992, Hamburg has made contracts of employment with Roma and Sinti to fill positions based on the separate job description "Roma and Sinti as Teachers and Social Workers".

At seven schools in Hamburg (one elementary school and six secondary modern schools and *Realschulen* [secondary technical schools]), Romany is offered by four Roma teachers and Roma school social workers. Teaching in the mother tongue is integrated into regular instruction, by having Roma teach the classes with the support of a team partner. Part of the educational materials are bilingual. In this regard, care is taken to include the history and the literature of the Roma and Sinti.

Another focus of the educational work with Roma children is musical education. If they so wish, children can take part in dancing, singing and guitar lessons and are familiarized with the various forms of Roma and Sinti music. Also non-Roma can take part in this musical education.

In addition, if the parents and children so wish, small learning groups are taught in the mother tongue. Parent-teacher talks are also conducted in Romany, as are all guidance talks with pupils and with parents.

re: para. 1, sub-para. (c) - Secondary 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;*

1. Baden-Wurttemberg

None of the obligations under sub-paragraph (c) has been explicitly adopted by this *Land*.

In this regard, cf. the comments on Article 8, para. 1, sub-para. (b) (iv), above.

2. Hesse

In this regard, cf. the comments on para. 1, sub-para. (a) (iii).

3. Free and Hanseatic City of Hamburg

In this regard, cf. the comments on para. 1, sub-para. (b) (iv), above.

re: para. 1, sub-para. (d) - Technical and Vocational Education –

- (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;*

1. Hesse

In this regard, cf. the comments on para. 1, sub-para. (a) (iii), above.

2. Free and Hanseatic City of Hamburg

Hamburg has newly adopted this obligation. No information is available on any experience gained in this respect.

re: para. 1, sub-para. (e) - University and Other Higher Education –

- (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*

The obligations under sub-paragraph (e) (i) to (ii) have been accepted by Berlin. At the request of the *Land* Association of German Sinti and Roma, acceptance of these obligations will be withdrawn at a later time.

re: para. 1, sub-para. (e) iii

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

1. Baden-Württemberg

Baden-Württemberg has notified adoption of this provision in the sense of "undertake ... to allow" since, in this sense, it is met under the established law with reference to the freedom of science and research, as guaranteed under Article 5, para. 3, of the *Basic Law*, and to the autonomy of institutions of higher education* deriving from those constitutional provisions.

2. Berlin

At the request of the Berlin/Brandenburg *Land* Association of German Sinti and Roma, acceptance of this obligation by the *Land* of Berlin will be withdrawn at a later time.

3. Free and Hanseatic City of Hamburg

Hamburg has newly adopted this obligation. No information on any experience is yet available.

4. Hesse

In this regard, reference is made to para. 1, sub-para. (a) (iii), above.

* "(3) Art and scholarship, research, and teaching shall be free. The freedom of teaching ..."

5. North Rhine/Westphalia

The *Land* of North Rhine/Westphalia has notified adoption of this provision in the sense of "undertake ... to allow" since, in this sense, it is met under the established law with reference to the autonomy of institutions of higher education* as guaranteed under Article 5, para. 3, of the *Basic Law*.

6. Rhineland-Palatinate

Rhineland-Palatinate has notified adoption of this provision in the sense of "undertake ... to allow" since, in this sense, it is met under the established law with reference to the autonomy of institutions of higher education* as guaranteed under Article 5, para. 3, of the *Basic Law*.

re: para. 1, sub-para. (f) - Adult Education –

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

This obligation has been accepted by the Federal Republic of Germany.

The provision of sub-para. (f) (iii) is met at the national (i.e. federal) level by the public funding of the *Documentation and Cultural Centre of German Sinti and Roma* since, on the basis of this funding support and by virtue of the principle of self-management, it is up to the responsible representatives of this minority/language group, when deciding on the Centre's activities, to include pertinent measures in the field of adult education and to implement them within the limits of the overall funds available.

Baden-Württemberg, while not having explicitly adopted this obligation, meets the requirement of this provision by being the only *Land* co-funding the *Documentation and Cultural Centre of German Sinti and Roma* in Heidelberg, i.e. in the *Land* of Baden-Württemberg, with a share of 10 % of the Centre's total expenses. This financial support is seen as an encouragement to offer Romany as a subject of adult and continuing education. This funding makes it possible, in the context of self-management, for the responsible representatives of this ethnic group to adopt, organize and implement adult education measures when deciding on the activities to be pursued by the Centre.

re: para. 1, sub-para. (g) - Teaching of the History and Culture Education –

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

This undertaking has been entered into by the Federal Republic of Germany.

* "(3) Art and scholarship, research, and teaching shall be free. The freedom of teaching ..."

On account of the historical events during the Nazi rule of force, the history and the culture of the German Sinti and Roma, which is reflected in the Romany language, is included in school education throughout the Federal Republic.

Given the federal structure of the Federal Republic of Germany, the implementation of this provision is primarily the responsibility of the *Länder*. In the field of education in the *Länder*, promoting the knowledge of the culture, history, languages and religion of the respective minorities/language groups as well as of the majority population is part of the curricula of publicly maintained and private schools and of the mandate of the *Land* Centres and Federal Centre for Political Education.

As regards imparting of the knowledge of the history and culture of the German Sinti and Roma who live dispersed in almost all parts of the Federal Republic, the following examples can be given:

In Hesse, school education includes the history and culture of the Sinti and Roma, as provided under the framework curricula for schools. On behalf of the Hessian Ministry of Education and Cultural Affairs and in co-operation with *Fritz-Bauer-Intitut*, the Hessian *Land* Institute for Pædagogics has developed pertinent educational materials. In 1998, the Hessian Ministry of Culture established the *Pädagogisches Büro Nationale Minderheiten: Sinti und Roma* [Educational Bureau for National Minorities: Sinti and Roma] and integrated it within the Hessian *Land* Institute for Pædagogics. With the establishment of this agency, the *Land* of Hesse wishes to further pursue the course chosen for the implementation of the tasks resulting from the Framework Convention for the Protection of National Minorities.

The educational offers by the *Land* of North Rhine/Westphalia are primarily aimed at imparting the history and culture of the Sinti and Roma. Thus, for instance, materials for class instruction and regional follow-up training - which provide information on the culture group and history of the Sinti and Roma - have been developed, with the participation of the local Sinti and Roma, in the cities of Hamm and Cologne. The involvement of Roma in parental counselling in Cologne, in connection with literacy programmes, helps to enhance the confidence-building process between schools and families.

In Baden-Wurttemberg, the following measures have been agreed by the Ministry of Education and Cultural Affairs in co-operation with the Baden-Wurttemberg *Land* Association of German Sinti and Roma: At the *Land* Institute for Education and Instruction in Stuttgart, a Working Group *Sinti und Roma in Deutschland* [Sinti and Roma in Germany] is to be established, to co-operate with the *Documentation and Cultural Centre of German Sinti and Roma* in Heidelberg. Teachers and educators, representatives of the "Union of German Sinti and Roma - Baden-Wurttemberg *Land* Association" and of the Heidelberg-based *Documentation and Cultural Centre* are represented on this Working Group. The Working Group is to give new impulses for the inclusion, in school education, of the history, culture, and suffering of German Sinti and Roma. The *Documentation and Cultural Centre* will be included in the number of non-school educational institutions, e.g. with the task of preparing school trips to Heidelberg. The *Land* Institute for Education and Instruction is preparing a brochure to be used in class for analyzing, and attempting to come to terms with, the history of the Sinti and Roma. In addition, the *Land* Government endeavours to induce educational publishing companies to take increased account of the Sinti and Roma in textbooks and other educational media.

In imparting knowledge of the culture of the majority population and of national minorities and ethnic groups in schools and in the extra-curricular sector, an important role is played by the public institutions for political education, i.e. the *Federal Centre* and the *Land Centres* [for Political Education]. The materials compiled by these Centres with regard to issues of the co-existence of the various cultures represented in Germany are used as instruction material both in schools and in adult education.

Within the Senate Authority for Schools, Youth and Sports in the *Land* of Berlin, staff members from both the schools and youth services sectors, deal with the current situation of Sinti and Roma. They are represented on an interdepartmental Regional Committee.

The provisional Framework Curricula for Education and Instruction at the Berlin Schools for the subjects 'history' and 'political science' include, of course, the Sinti and Roma in the treatment and discussion of the Nazi ideology and its enforcement by means of persecution and extermination. The Berlin schools also avail themselves of the opportunity to invite Sinti and Roma as external speakers/lecturers. The Berlin *Landesbildstelle* offers twelve media units, mainly films, on this subject.

Information on the activities and situation of the German Sinti and Roma is provided by the *Land* Government of Schleswig-Holstein primarily through the aforementioned Minority Report [cf. p. 21], which was published in brochure form.

Information on the persecution of the German Sinti and Roma is provided, for instance, in the brochures "*Nationalsozialismus - Band III*" ["National Socialism - Volume III"] and "*KZ Dachau*" ["Dachau Concentration Camp"] published by the Bavarian *Land* Centre for Political Education. Also, the *Land* Centre plans to publish, in 2001, a general survey of the culture, history, language and religion of the German Sinti and Roma, which will be made available to all public institutions and to schools. Also, it is planned to discuss further measures at the forthcoming meetings of the competent expert commissions, where the content of the various subjects covered by the teacher examination regulations will be revised. In addition, the new curricula place greater emphasis than before on intercultural education, especially with regard to primary and secondary modern schools. This is also to include treatment of the language, culture, history and religion of the German Sinti and Roma.

In Hamburg *Land*, political education activities increasingly provide for public information regarding the history and identity of this minority traditionally resident in Germany. Thus in Hamburg, a number of books and brochures have been published on the subject of the living together of different cultures and nationalities; among these is the publication entitled "*Wir sprechen viele Sprachen*" ["We speak many languages"] (a reading book with picture writing, which is also used as a first reader in classes attended by Roma). In addition, the Hamburg Senate has published a brochure entitled "Roma and Sinti in Hamburg" which is designed to foster understanding of the culture and history of the Roma and Sinti in Hamburg.

The Lower Saxon *Land Centre for Political Education*, within the framework of activities related to memorial sites, deals with the history of the persecution of the Sinti and Roma during the Nazi era. It holds meetings on this subject, and carries out research on the fate suffered by the Sinti and Roma in the concentration camp of Bergen-Belsen. Discrimination against the Sinti and Roma in post-war Germany was the subject of several meetings which also dealt with matters related to indemnification for wrongs suffered during the Nazi era.

In the *Land* of Baden-Württemberg, a brochure entitled "*Zwischen Romantisierung und Rassismus: Sinti and Roma 600 Jahre in Deutschland*" ["Between romanticizing and racism: 600 years of Sinti and Roma living in Germany"] was published in November 1998 jointly by the Baden-Württemberg *Land Centre for Political Education* and the *Union of German Sinti and Roma - Baden-Württemberg Land Association*. It contains contributions from writers and scholars, and is first of all intended for teachers and for professionals in adult education. It is to impart the basic and background knowledge that helps to counter the development of prejudices and to develop and raise public awareness.

The Rhineland-Palatinate *Land Centre for Political Education* has, together with the State Pædagogical Centre, developed educational materials on the subject of "*Sinti and Roma - Eine deutsche Minderheit*" ["Sinti and Roma - A German minority"]. A key feature of these materials is that, rather than developing a "minority science" [a body of knowledge about minorities] as seen from the perspective of the majority population, the perspectives of both the majority and the minority are represented to the same extent.

The *Bundeszentrale für politische Bildung* (BpB - Federal Centre for Political Education) also has intensively dealt with this subject-matter, especially in various publications of the series "*Informationen zur politischen Bildung*" ["Information on Political Education"] which reach a large number of teachers/educators and other multipliers.

The Federal Government and the *Länder* endeavour to further improve the education and information currently offered, outside the traditional settlement areas, on the subject of national minorities and ethnic groups. The national minorities and ethnic groups regard the education/information activities outside the central settlement areas as insufficient and, in particular, miss a nation-wide survey concerning the four [minority language] groups concerned.

re: para. 1, sub-para. (h) - Basic and Further Training of Teachers –

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

This obligation has been accepted by the Federal Republic of Germany.

As regards the general situation of Romany in a school context and the realization of the self-management principle through the promotion of the *Documentation and Cultural Centre*, reference is made to the implementation measures described with regard to Article 8 [p. 121], and to the comments in Part C on Article 8 [p. 43 above]. Also, reference is made to the detailed description of the information materials regarding the culture and history of this minority/language group, which are used for teacher following-up training and are included as educational material in school instruction.

In teacher follow-up training, in particular, coverage of the interests of this minority/language group has become a regional focus.

Various schools in Hamburg, with a larger share of Roma children, have Roma employed as teachers and/or school social workers. The Teacher Follow-up Training Institute organizes follow-up training for Roma working at Hamburg schools.

Since 1993, the *Institut für Lehrerfortbildung* [Teacher Follow-up Training Institute] in Hamburg has promoted and supported school education of Roma and Sinti children. This includes:

- conceptual development of school programmes for Roma and Sinti children;
- follow-up training of teachers and of Roma employed in schools;
- development of educational material;
- production of an information film on school-related issues, also in the language of the German Sinti and Roma, for Roma and Sinti parents;
- counselling for parents, pupils, schools and the competent authority.

In Hesse, the aforementioned *Pädagogisches Büro Nationale Minderheiten: Sinti und Roma* [Educational Bureau for National Minorities: Sinti and Roma] offers follow-up training for teachers and supports projects carried out by schools. As a first step, the subjects relating to the history and present-day life of the Sinti and Roma and to anti-Gypsy attitudes were incorporated in the framework curricula for sociology, history and social studies, which were adopted in 1995. Subsequently, under a 2-year project, educational materials were developed for history instruction which were made available to schools in the 1998/99 school year. At present, the Bureau is working on material designed for teachers on the subject of "Sinti and Roma in films - Information on documentaries and feature films". One example of a larger-scale project is the "*Zeitzeugenprojekt*" ["Contemporary Witness Project"] referring to events during the Nazi era, which is carried out jointly by the newly founded Marburg-based *Gesellschaft für Antiziganismusforschung* [Society for the Study of Anti-Gypsy Attitudes] and by institutions of the Netherlands and of Israel. The establishment of the Bureau is the third step of the envisaged fundamental educational concept, within the framework of the Hessian *Schools Act* of 1997, for the inclusion of the history and culture of the Sinti and Roma in school education.

The Educational Bureau is to create, in the Hessian schools, the conditions for introducing the history and present-day life of the Sinti and Roma, the subject of anti-Gypsy attitudes and the culture of the Sinti and Roma in a form adapted to the respective age groups and school subjects. Teachers are to be provided with reliable information on this subject matter which so far has been neglected by scholarly research and which is subject to quite a few stereotyped ideas. The target group of these awareness-raising efforts is the majority population so as to reduce information deficits and prejudices on a long-term basis. Therefore, they are designed to have a *Land*-wide and regional impact. Follow-up training for teachers includes lectures and seminars, research and supply of literature, and the introduction to, and presentation of, newly developed educational material. In addition, the Bureau gives advice to schools and initiatives and co-ordinates regional and local projects. It disseminates current research findings and co-operates with scholarly institutions and with its counterparts in other *Länder* and with institution of organizations of the Sinti and Roma. Events and meetings help to develop a dialogue between the minority and majority populations.

In North Rhine/Westphalia, similar activities are carried out for teacher follow-up training. For instruction and regional follow-up training, materials have been developed to provide information on the culture and history of the Sinti and Roma. A teacher follow-up training project carried out in Hamm covers the discussion and analysis of the experience made with the project, and co-operation between various projects and an exchange of experience with other projects (Hamburg, Bremen, and Denmark and the Netherlands). In addition, the

related documentation provides for the information of, and exchanges with, individuals and groups other than those involved in the projects.

In Lower Saxony, as part of the follow-up training scheme "*interkulturelles Lernen*" [intercultural learning], regionally and centrally organized teacher follow-up training courses are occasionally offered which impart knowledge of cultural, social and historical aspects of the situation of the Sinti and Roma to teachers, and also offer didactic/methodological aids in view of promoting schooling progress and integration. The Lower Saxony Association of German Sinti, as well as local initiatives, are involved in designing and organizing these follow-up training courses.

In Rhineland-Palatinate, the State Pädagogical Centre and the *Land* Centre for Political Education have developed information material on the subject of "Sinti and Roma - a German Minority". This material is made available to the schools of this *Land*.

In Bavaria, the central agency for teacher follow-up training continuously deals with the problems of ethnic linguistic minorities. Current educational objectives are tolerance, understanding, and respect for linguistic and cultural minorities. *Land*-organized teacher follow-up training courses, which also cover intercultural education, regularly deal with these subjects. This includes follow-up training of teachers with regard to the culture, history, language and religion of the German Sinti and Roma.

In the *Land* of Berlin, the *Berliner Institut für Lehrerfort- und Weiterbildung und Schulentwicklung* (BIL - Berlin Institute for Follow-up and In-Service Training of Teachers and School Development) organizes various follow-up training courses on the subject of "Intercultural Learning", which include the language group of the Sinti and Roma. As part of its Working Papers series, the BIL published the "*Geschichte der Sinti und Roma in Deutschland; Darstellung und Dokumente*" ["History of the Sinti and Roma in Germany; Description and Documents"] and, in the series *Didaktische Materialien*, the volume entitled "*Von Berlin nach Łódź und Auschwitz, Materialien zum nationalsozialistischen Massenmord*" ["From Berlin to Łódź and Auschwitz - Materials on the Nazi-era Massacre"].

re: para. 1, sub-para. (i) - Supervisory Bodies –

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

1. Berlin

The prerequisite for the implementation of this provision is that the minority/language group must, with regard to the obligations under Article 8 of the Charter, specify their requirements for instruction in the Romany language. As regards the present status, cf. the pertinent comments on the preceding provisions of Article 8.

2. Free and Hanseatic City of Hamburg

The Hamburg *Institut für Lehrerfortbildung* (IfL - Teacher Follow-up Training Institute) also takes care of the counselling of specialized teachers who receive follow-up training or additional qualification for teaching in the regional language Low German and the minority language Romany. The Institute keeps a list of the relevant courses offered by Hamburg schools; information on such activities is given in the periodical "*IfL aktuell*" ["IfL current news"].

With regard to any extension required or the qualification of the offered courses, the responsible lecturers of the Institute confer with the supervisory school authorities and with the 'German Language' Section of the Senate Authority for Schools.

3. Hesse

In this regard, reference is made to the above comments under "1. Berlin".

re: Art. 8, para. 2

- (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.*

This obligation has been accepted by the *Länder* of Berlin, Hesse and North Rhine/Westphalia and, as a newly assumed voluntary commitment, by the Free and Hanseatic City of Hamburg.

As regards colleges and universities, the obligation - in the sense of "undertake ... to allow" - is met for the entire territory of the Federal Republic by virtue of Article 5, para. 3, of the *Basic Law* (autonomy of institutions of higher education*).

On account of the situation of this minority/language group in terms of school education, as discussed in detail in Part C, under Article 8 [p. 43 above], this provision is not of relevance in practice.

Article 9

Judicial Authorities

- (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:*

re: para. 1, sub-para. (b) - Civil Proceedings –

* "(3) Art and scholarship, research, and teaching shall be free. The freedom of teaching ..."

- (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;*

re: para. 1, sub-para. (c) - Proceedings before Courts concerning Administrative Matters –

- (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;*

Both obligations have been accepted by the Federal Republic of Germany.

With the proviso that documents and evidence drafted in a minority language must be presented in a form obviating misunderstandings or errors with regard to their translation, this obligation is met by the legal situation prevailing in Germany. Therefore, no special measures have been taken.

As regards proceedings before administrative courts, it should be noted that these courts are obliged to conduct *ex officio* investigations and, where necessary and appropriate, will on their own initiative rely on the services of interpreters. Thus, the members of this language group suffer no prejudice by the use of their language.

For Baden-Württemberg, the additional information is provided that, over the past years, the Ministry of Justice has learnt of only one case where, in civil proceedings, a court contacted the Ministry of Justice in search of a qualified interpreter for the Romany language, who was then located with the help of the *Bundesverband der Dolmetscher und Übersetzer e.V.* (BDÜ - Federal Association of Interpreters and Translators, reg'd).

Generally, the existing procedural regulations ensure that qualified interpreters will be called in if a person appearing in court does not have a full command of the German language, and/or for translating legal documents and evidence submitted in such proceedings. In its Official Gazette, the Baden-Württemberg Ministry of Justice has, as a practical aid, included an interpreter for the Romany language in a list of interpreters for rarely used languages; at the same time, all courts and Public Prosecutor's Offices were requested to give the names of interpreters for rarely used languages who are not yet included on the list.

re: Art. 9, para. 2, sub-para. (a) - Validity of Legal Documents –

- (2) *The Parties undertake:*
(a) *not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or*

This obligation has been accepted by the Federal Republic of Germany and is met by the prevailing law in Germany and all of its *Länder*.

Article 10

Administrative Authorities and Public Services

(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:*

re: para. 1, sub-para. (a) v - Submission of Documents –

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

The obligation under sub-paragraph (a) (v) has been accepted by the *Land* of Schleswig-Holstein.

The legal basis for the adoption of this obligation by the *Land* of Schleswig-Holstein is Article 82a, para. 2, of the *Land Administration Act*. This discretionary regulation provides for the general possibility to submit applications, petitions, records, deeds or other documents in a foreign language, i.e. a language other than the official language.

"Section 82a - Official language

(1) The official language is German.

(2) If applications or petitions, records, deeds or other documents drafted in a foreign language are submitted to an authority, the latter may require a translation to be produced. (...)"

In a letter (of 16-07-1998) to the Minister-President [of Schleswig-Holstein], the *Central Council of German Sinti and Roma* objected to the adoption of this undertaking and asked for withdrawal of its notification to the Council of Europe. The *Central Council* obviously proceeds from the assumption that legal documents drafted in the minority language shall be (i.e. "must be") submitted to all authorities.

In her reply, the Minister-President stated that acceptance of this obligation was an offer by the State. It was left to the minority to make use of that offer or not. Since Schleswig-Holstein had entered into this undertaking also for its other minority and regional languages, renunciation, confined to Romany, of the protection afforded under Article 10, para. 1, sub-para. (a) (v), might give rise to the allegation that this constitutes a form of discrimination.

At the present time, it is not known whether any use has already been made of the facilities afforded under this provision.

re: Art. 10, para. 2

(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:*

re: para. 2, sub-para. (b) - Submission of Applications –

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

This obligation has been accepted by the *Land* of Schleswig-Holstein.

The legal basis for the adoption of this obligation by the *Land* of Schleswig-Holstein is Article 82a, para. 2, of the *Land Administration Act*. This discretionary regulation provides for the general possibility to submit applications, petitions, records, deeds or other documents in a foreign language, i.e. a language other than the official language.

"Section 82a - Official language

(1) The official language is German.

(2) If applications or petitions, records, deeds or other documents drafted in a foreign language are submitted to an authority, the latter may require a translation to be produced. (...)"

Schleswig-Holstein has accepted this provision for Low German and Romany. After this had been notified to the Council of Europe, the *Central Council of German Sinti and Roma*, in a letter (of 16-07-1998) to the Minister-President, objected to the acceptance of this obligation and requested the withdrawal of its notification to the Council of Europe.

As regards use of the Romany language in dealings with public authorities, it should be pointed out that the German Sinti and Roma see Romany as a language used within the families and family clans of the Sinti and Roma. In their dealings with German authorities, they use the German language and object to their language being learnt and used by administrative officials who are not members of this minority. However, the German Sinti and Roma wish that there should be no problems involved in the use of Romany in contacts of Sinti and Roma as administrative staff members, on the one hand, and as citizens seeking advice, on the other.

In view of the fact that the German Sinti and Roma grow up as bilingual speakers of Romany and German and, as a rule, have full command of both languages, the need to use Romany in relations with administrative authorities has not yet emerged.

re: para. 2, sub-paras. (e) and (f) - Use by Regional and Local Authorities of the Minority Language in Debates in Their Assemblies –

- (e) *the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*
- (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;*

These obligations have been accepted by the *Land* of Hesse.

In a press release on the decision taken by the *Land* Government on 14 July 1998, it was pointed out that speeches in the Romany language may be made in the assemblies of local authorities. In this context, reference was made to debates conducted, on several occasions, in the German *Bundestag*. In the view of the Hessian *Land* Government, recognition of minority rights of Hessian Sinti and Roma and the entry into force of the anti-discrimination provisions of the Regional/Minority Language Charter and of the Framework Convention for the Protection of National Minorities will generate a growing interest and facilitate representation, through democratic parties, on local councils and regional parliaments. If two or more members of the national minority are represented on such councils/assemblies and occasionally use their language, use of that language is admissible under the Regional/Minority Language Charter. As required, the German version of statements in that language is to be included in the minutes.

re: Art. 10, para. 3

- (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:*

re: para. 3, sub-paras. (c) - Requests in the Minority Language

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

This obligation has been accepted by the *Land* of Hesse.

In administrative practice, no request to this effect has yet been submitted by a member of this minority.

re: Art. 10, para. 4

(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:*

re: para. 4, sub-para. (c) - Appointment of Public Service Employees having a Knowledge of a Regional or Minority Language –

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

1. Baden-Wurttemberg

If there is any relevant demand and if a staff member within the *Land* Administration expresses a wish regarding such an appointment, the scope for complying with the request will be examined. So far, however, there have been no requests to this effect at the level of the supreme *Land* authorities.

2. Hesse

So far, no requests to this effect have been made by public service employees.

3. Schleswig-Holstein

With a view to implementing this obligation, an announcement to this effect was made at the *Personalreferentenkonferenz* (PRK - Conference of Personnel Officers) on 24 June 1999. The PRK brings together the personnel officers of the supreme *Land* authorities at regular meetings with the aim of co-ordinating and harmonizing the essential cross-departmental decisions in the field of personnel management.

If a staff member within the *Land* Administration expresses a wish regarding such an appointment, the scope for complying with the request will be examined. So far, however, there have been no requests to this effect at the level of the supreme *Land* authorities.

re: Art. 10, para. 5

(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.*

This obligation has been accepted by the Federal Republic of Germany. In this regard, reference is made to the comments in Part C above on Article 10 [pp. 44 *seq.*].

Article 11

Media

(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:

re: para. 1, sub-para. (b) - Radio Broadcasting –

(b) (i) to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; or

This obligation has been accepted by the *Land* of Berlin.

There are no legal provisions preventing implementation of this provision. However, the minority/language group so far has not made any use of this possibility so that this provision is not of relevance in practice.

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

1. Berlin

In view of ensuring pluralism of opinions among approved private broadcasters, Article 20, para. 1, of the *State Treaty between the Länder of Berlin and Brandenburg on Co-operation in the Field of Broadcasting* of 29 February 1992 stipulated the following: "The private broadcasters licensed in the area of application of this State Treaty shall reflect the essence of the plurality of opinions in the contents of their programmes. The relevant political, philosophical/ideological and social actors and groups shall be given adequate scope for expressing their opinions in the respective generalist (overall) programmes and in specialist (thematic) programmes with a focus on information; opinions of minorities shall be taken account of."

The *State Treaty between the Länder of Berlin and Brandenburg on Co-operation in the Field of Broadcasting* also laid down a provision on "minority programmes". Section 45 of the *State Treaty* reads as follows: "In statutes adopted by it, the Media Council can lay down the overall conditions for experimental programmes on a cable TV channel and an FM broadcasting channel, in which special account is taken of the interests of minorities. If in that context foreign-language programmes are planned, the overall programme shall foster the living together of foreigners and the German population in Berlin and Brandenburg. Before adopting statutes, the *Land* supervisory authority for private broadcasters [MABB] will, in co-operation with the *Land* public-service broadcasting corporations, identify the demand for such programmes and study the scope for developing them."

The Berlin-based radio station *SFB 4 Multikulti*^{*}, which also broadcasts a programme in the Romany language of the Roma of South Eastern Europe (every first and third Thursday of the month, at 18.45 - 19.00 hours), addresses this programme mainly to Roma living in the Greater Berlin region and, in particular, to foreign Roma.

2. Free and Hanseatic City of Hamburg

There are no special offers for Romany at present. As regards the practical possibilities generally existing for this language group, reference is made to the comments in Part C on Article 11 [pp. 46 *seqq.* above].

3. Hesse

In the *Land* of Hesse, Section 13, para. 1, of the *Gesetz über den privaten Rundfunk* [Act on Private Broadcasters] stipulates that programmes shall contribute "to the protection of ethnic, cultural and linguistic minorities".

4. Schleswig-Holstein

In a letter of 29 September 1999, the Minister-President of Schleswig-Holstein *Land* has encouraged the station programme directors of *Norddeutscher Rundfunk (NDR)*, *Zweites Deutsches Fernsehen (ZDF - Second German Television, or Channel II)*, *DeutschlandRadio*, *Radio Schleswig-Holstein (R.SH)*, *NORA (NordOstseeRadio)*, *delta radio* and *POWER RADIO Nord* to integrate "linguistic particularities which are among the features determining the specificity of our *Land*" in their programmes; intensification of first action already taken in this respect would be welcomed. In the spirit of the Regional/Minority Language Charter, the Minister-President urged that "further avenues should be explored for integrating contributions in the minority languages and in the regional language Low German into their programmes, as a service for the citizens and in support of this element of the culture of Schleswig-Holstein".

Since the German Sinti and Roma minority use, and pass on, their language only within the family and their minority, radio broadcasts in Romany are not to be expected for the time being; or at any rate, the *Land* Government does not know of any such plans.

In addition, the following provisions have been laid down:

- The broadcasting corporation under public law (*Norddeutscher Rundfunk - NDR*) has the legal mandate to report on the cultural diversity and the special features of the respective *Land* and to give its support to the protection of minorities.
- ...
- Programming principles for private broadcasting: "programmes shall help to ... achieve protection and promotion of minorities".
- Protected minorities have access to the media, and scope for participation, on the same conditions as other groups of society. The provisions of the *Land* Broadcasting Act promote programming diversity and the variety of broadcasters.
- The *Land* Broadcasting Act was amended in 1999. In future, the previous Assembly of the supervisory authority *Unabhängige Landesanstalt für das Rundfunkwesen (ULR - the Schleswig-Holstein Land broadcasting institution for private broadcasters)* will be replaced by a Media Council. Any socially relevant group, organization or association of

* SFB = *Sender Freies Berlin*; "Multikulti" colloquially refers to "multicultural" [T's Note]

supraregional standing is entitled to make nominations for the election of the Media Council.

- In addition, the ULR operates two radio broadcasting 'Open Channels' in Schleswig-Holstein. Through these Open Channels, anybody who is not a broadcaster himself, can disseminate his or her own contributions via radio broadcasting.

Legal Bases:

Inter-State Treaty on *Norddeutscher Rundfunk* [NDR State Treaty] (of 1 March 1992):

Article 3, para. 3; Article 5, para. 2, 1st sentence; Article 7, para. 2, 3rd sentence;

Inter-State Agreement on the Public Corporation "Zweites Deutsches Fernsehen" (of 26 January 1998): Article 5, para. 2;

Land Broadcasting Act (of 13 October 1999): Section 17, para. 2, nos. 1 and 2; Section 24, para. 3; Section 34, para. 1, 1st - 3rd sentences; Section 54, para. 3.

re: para. 1, sub-para. (c) ii - Broadcasting of Television Programmes –

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

1. Berlin

In this regard, reference is made to the comments above on para. 1, sub-para. (b) (ii) - "1. Berlin".

2. Free and Hanseatic City of Hamburg

In this regard, reference is made to the comments on sub-para. (b) (ii) - "2. Hamburg", above.

3. Hesse

In the *Land* of Hesse, television programmes in Romany can be broadcast over the 'Open Channel'. At present, such facilities exist in the cities of Kassel, Gießen and Offenbach/Frankfurt.

The *Land* Government will inform the Hesse-based *Hessischer Rundfunk* (HR) of the obligations entered into under sub-paras. (b) (ii) and (c) (ii) and, while observing the constitutional rule of governmental non-intervention, is prepared to initiate a dialogue between the Hesse *Land* Association of German Sinti and Roma and the Hessian *Landesrundfunkanstalt* [*Land* public service broadcasting corporation]. The *Central Council of German Sinti and Roma* has pointed out to the *Land* Government that in the Council's view, programmes with Sinti and Roma music might be a possibility.

4. Rhineland-Palatinate

In Rhineland-Palatinate, individuals and groups can, on their own responsibility, broadcast television programmes over the so-called 'Open Channel'. It is not known whether any programmes in Romany have been broadcast so far.

5. Schleswig-Holstein

In this regard, reference is made to the comments above on para. 1, sub-para. (b) (ii) - "4. Schleswig-Holstein".

re: para. 1, sub-para. (d) - Audio and Audiovisual Works –

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

This obligation has been accepted by the Federal Republic of Germany.

As regards the production of such works and their dissemination outside the broadcasting sector, State promotion of the *Documentation Centre of German Sinti and Roma* meets this provision. On the basis of this funding support and by virtue of the principle of self-management, it is up to the responsible representatives of this minority/language group in this institution, when deciding on the Centre's activities, to decide on the adoption of pertinent measures and to implement them within the limits of the overall funds available.

re: para. 1, sub-para. (e) - Newspaper Articles –

There is little scope for state action/influence on account of the freedom of the press guaranteed by the Constitution (in this respect, cf. the comments in Part C on Article 11 [pp. 46 *seqq.* above]).

Publication of print media in the Romany language would be against the fundamental view of the German Sinti that their language should be used within their families and family clans only, and that no written form should be developed. However, the *Documentation and Cultural Centre of German Sinti and Roma* regularly disseminates articles and comments in German which are released to the press and also are made available to its affiliated associations for information. Other organizations of the German Sinti and Roma as well provide information through information services and/or circulars. Roma organizations also use their Romany for this purpose. The *Documentation and Cultural Centre* publishes a series of booklets (in German).

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

1. Berlin

In the *Land* of Berlin, the journal "*Romano Lil*" is published by the Romani Union Berlin/Brandenburg for the third year already. The articles are written in Romany and German. The journal is subsidized with funds of the European Commission.

2. Hesse

So far, the members of the minority in this *Land* have not expressed any intention to create their own journal.

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

1. Federal Republic of Germany

As regards the Romany language, the provision of subpara. (e) (ii) is met by the State promotion of the *Central Council of German Sinti and Roma* and of the *Documentation and Cultural Centre of German Sinti and Roma*. On the basis of the State promotion of the press activities of the two institutions and under the principle of self-management, it is for the responsible representatives of this ethnic group in the two institutions to decide on the release of articles in Romany to the press and to disseminate them within the framework of the overall funds available.

2. Berlin

In this regard, reference is made to the comments on sub-para. (e) (i), above.

re: para. 1, sub-para. (f) ii - Financial Assistance for Audiovisual Productions –

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

This obligation has been accepted by the Federal Republic of Germany.

Direct financial assistance by the State is problematic, due to the freedom of broadcasting guaranteed by the Constitution (in this respect, cf. the comments in Part C on Article 11 [pp. 46 *seqq.* above]).

This provision is met, as regards the Romany language, by the State promotion of the *Documentation and Cultural Centre of German Sinti and Roma* since, on the basis of such promotion and under the principle of self-management, it is up to the responsible representatives of the ethnic group in this institution to use the available public funds also for audiovisual productions.

re: para. 1, sub-para. (g) - Training of Journalists –

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

This obligation has been accepted by the Federal Republic of Germany.

The State promotion of the *Documentation and Cultural Centre of German Sinti and Roma* meets this provision with regard to the Romany language. On the basis of such promotion and under the principle of self-management, it is up to the responsible representatives of the ethnic group in this institution to use such public funds also for basic and follow-up training

and/or to organize other professional follow-up training with regard to the use of the minority language.

re: Art. 11, para. 2 - Freedom of Direct Reception of Broadcasts, and Freedom of Expression –

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

This obligation has been accepted by the Federal Republic of Germany.

As regards the fundamental conditions governing freedom of expression and reception of broadcasts, reference is also made to the detailed comments in Part C above on Article 11 [pp. 46 *seqq.*]. Within the limits of the law as described in Part C, this obligation is met by constitutional provisions and ordinary laws in Germany.

Article 12

Cultural Activities and Facilities

(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:

As regards the general State promotional measures, reference is made to the comments in Part A, no. 4.3.4, above [p. 17].

- (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;*

1. Baden-Wurttemberg

Baden-Wurttemberg meets this obligation by promoting the *Documentation and Cultural Centre of German Sinti and Roma*. In this way, the Centre can launch initiatives which are typical of the forms of cultural expression specific to the minority language Romany, and it can facilitate access to relevant works by providing, in particular, its own publications.

2. Berlin

As in the case of other obligations under Article 12, implementation of this obligation is accomplished indirectly by *Land* promotion of the *Land* Association of German Sinti and Roma. For specific cultural activities, the Senate Authority for Cultural Affairs makes additional funds available to the *Land* Association.

In 1990, the *Land* Association established a social services/youth work Counselling Bureau. The staff members of this Bureau are Sinti. Its main tasks are social counselling and general assistance with the enforcement of indemnification claims of victims of the Nazi regime who are members of this national minority. In addition, awareness-raising activities forming part of school and out-of-school education and adult education, or presented at public events, are carried out with the aim of providing basic information about Sinti and Roma in order to reduce misconceptions and prejudices.

3. Free and Hanseatic City of Hamburg

Through its Senate Authority for Cultural Affairs, Hamburg assists cultural initiatives and artists of minorities, including Sinti and Roma, in the organization of cultural projects and events. The aim is to help minorities with the preservation and further development of their culture. Priority is given to promoting intercultural projects, i.e. projects involving, or reaching out to, people from different backgrounds.

4. Hesse

The *Land* Government has declared its willingness to foster the means of access to works produced in the Romany language, with regard to cultural institutions and activities, especially libraries, cultural centres, museums, theatres, and literary works and film productions.

5. Lower Saxony

The *Land* of Lower Saxony sees literature and language as an essential element of the identification of the individual and the community. Therefore, the *Land* subsidizes many associations and unions, with various activities designed to cultivate their minority language which is spoken in the *Land* of Lower Saxony. The Ministry of Scientific and Cultural Affairs is interested in promoting initiatives in the area of culture, especially literature. The

Ministry encourages relevant events. Thus, a meeting on the ranking and significance of the literature in the regional or minority languages will be held in the course of the year 2000.

The focus of the above activities is on the the regional language Low German. No applications have so far been filed for promotion of Romany. In talks with the organizers of events, the *Land* regularly points out the existing and necessary scope for implementation with regard to the Romany language.

6. North Rhine/Westphalia

Since 1993, this *Land* has provided financial promotion for the Roma "*Pralipe*" Theatre in Mülheim/Ruhr. By giving guest performances of stage plays - which comprise elements of both the Romany language of their home country and the Romany of the German Sinti and Roma - in Germany and neighbouring countries, this theatre company, which originally was domiciled in what now is the Former Yugoslav Republic of Macedonia, helps to preserve essential elements of the identity of Roma and Sinti, such as language, tradition and cultural heritage. Special grants by the *Land* Government in 1998 have enabled the "*Pralipe*" Theatre to go on an additional tour of guest performances to present its plays to a larger audience. With the support of the *Land* it is possible to present the types of expression specific to the respective languages and to foster access to works produced in those languages.

Here, it should be pointed out that the *Pralipe* Theatre in October 1998 received the Lorca Award of the International Institute of Mediterranean Theatre. At the same time, the Theatre, together with the North Rhine/Westphalia Ministry of Education and Cultural Affairs, was awarded a prize by this Institute for their commitment in fighting xenophobia.

7. Rhineland-Palatinate

In Rhineland-Palatinate, as part of the overall cultivation of culture, the Sinti and Roma "*Aven*" festival, which is regularly held in Landau, is supported with funds of the registered association "*Kultursommer e.V.*".

Since 1999, the *Land* Association of German Sinti and Roma has received institutional promotional funds which are also used for promoting the Romany language.

8. Schleswig-Holstein

Implementation of this obligation is primarily accomplished indirectly by the *Land* promotion of the Secretariat and the Advisory Bureau of the *Land* Association of German Sinti and Roma in Kiel.

To give a specific example: in 1997, the Ministry for Education, Science, Research and Cultural Affairs and the *Land* Association of German Sinti and Roma organized an expert meeting within the framework of a cultural project. Sinti and Roma from several European countries discussed issues related to the self-perception and the culture of the Sinti and Roma as well as aspects of any potential loss, or preservation, of culture. The meeting was also attended by representatives from other national minorities and ethnic groups of the *Land* of Schleswig-Holstein. The Official Residence for Guests of the *Land* Government was made available for the duration of the expert meeting. The meeting concluded with a musical programme.

Since 1998, a specific title (departmental budget of the Ministry for Education, Science, Research and Cultural Affairs) of the *Land* Budget has been assigned to the cultural work of the German Sinti and Roma.

re: para. 1, sub-para. (d) - Taking Account of the Regional or Minority Language in Cultural Activities –

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

1. Baden-Wurttemberg

This obligation is met by the *Land* co-funding the *Documentation and Cultural Centre of German Sinti and Roma* in Heidelberg, with a share of 10 % of the Centre's total expenses.

2. Berlin

The Berlin Senate established the cultural centre *Werkstatt der Kulturen* (WdK - Multicultural Workshop) in 1993, and since then has provided funds on an annual basis. The WdK is an encounter centre for people of different nationalities, cultural backgrounds or religions. Here, artists, clubs and associations, and initiatives are given 'space', technology and guidance for their own social, cultural or political activities; this offer is also used by Sinti and Roma. Thus, for instance, two groups of Roma artists presented music, dances and poems of the Roma on two stages at street parties. The two Berlin-based associations of Sinti and Roma have exchanges with the WdK. Since March 1999, the *Romani Union Berlin* has organized a series of readings under the motto "*Die Welt der Roma-Literatur*" ["The World of Roma Literature"]. In 2000, the first book of a planned series was published by the *Romani Union* with the support of the European Commission: the book entitled "*Ausgegrenzt*" ["Marginalized"] by Josef Müller.

3. Free and Hanseatic City of Hamburg

The Hamburg Senate Authority for Cultural Affairs, in handling applications for support for Romany literary projects, gives equal priority to such projects and to those related to standard German and Low German. However, hardly any applications for literature promotion have been filed. In addition, though, the 'Intercultural Projects' Section of the Authority has an additional mandate also in the field of Romany and encourages the organizations receiving funding to take special account of the Romany language.

4. Hesse

The Hesse *Land* Government promotes the cultural work of the Hessian *Land* Association of German Sinti and Roma. In co-operation with that *Land* Association, events were held under the motto "*ROM SOM*" covering the tradition of the poetry, music and narrative art of the Sinti and Roma (at *Museumszentrum* in Lorsch on 28 May 1999; in Darmstadt on 20 August 1999; and in Rodgau on 31 October 1999). Further cultural activities referring to the

history and literature of the Sinti and Roma were organized by the *Land* Association at the Frankfurt *Literaturhaus* on 5 March 1999 and in Wiesbaden on 30 January and 23 September 1999.

5. Lower Saxony

In this regard, reference is made to the comments on para. 1, sub-para. (a) - "5. Lower Saxony", above.

6. North Rhine/Westphalia

With the funding of the *Pralipe* Theatre, which performs in Romany, as described under para. 1, sub-para. (a) - "6. North Rhine/Westphalia" [p. 142 above], the *Land* of North Rhine/ Westphalia at the same time ensures that the bodies responsible for organizing cultural activities make appropriate allowance for incorporating the knowledge of the culture of this minority in the undertakings organized by these bodies.

7. Rhineland-Palatinate

In this regard, reference is made to para. 1, sub-para. (a) - "7. Rhineland-Palatinate", above.

8. Schleswig-Holstein

With the promotional funds provided by Schleswig-Holstein, the *Land* Association of German Sinti and Roma ensures that appropriate allowance is made for incorporating the knowledge and use of the Romany language and the culture of the German Sinti and Roma in its own activities.

The *Land* Association of German Sinti and Roma also takes part in the *Schleswig-Holstein-Tag* [a day dedicated to the special character of the *Land*], which is organized every two years, in varying places of Schleswig-Holstein, and provides information on its work and on the culture of this minority.

The *Land* Association is a partner in the project *Kulturen, Sprachen, Minderheiten: Die dänische Grenzregion - Beispiel einer Konfliktlösung* [Cultures, Languages, Minorities: The Danish Border Region - An Example of Conflict Management] sponsored by Schleswig-Holstein *Land* as part of the World Exhibition EXPO 2000 [in Hanover]. For this reason, also staff of the *Land* Association took part in preparatory meetings.

re: para. 1, sub-para. (f) - Participation of Representatives of the Group Speaking the Given Language in Cultural Activities –

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

1. Baden-Württemberg

Reference is made to the comments on sub-para. (d) above.

2. Berlin

In Berlin, the responsible Senate Authorities have the two local associations of this language group - the Berlin/Brandenburg *Land* Association of German Sinti and Roma and the *Romani Union Berlin/Brandenburg e.V.* - participate as points of contact in the planning of cultural activities.

In 1999, the *Romani Union*, together with *Regionale Arbeitsstelle für Ausländerfragen* [Regional Workshop for Matters relating to Foreigners] in Storkow, organized an international Summer School for the Language and Culture of the Sinti and Roma. The Summer School was subsidized also by the Federal Ministry of the Interior and was organized under the auspices of UNESCO.

3. Free and Hanseatic City of Hamburg

The Hamburg Senate Authority for Cultural Affairs is willing to encourage representatives of this language group to participate in the work of cultural institutions and in planning cultural activities. So far, however, pertinent requirements have only seldom been notified by the language group.

4. Hesse

In this regard, reference is made to the comments on para. 1, sub-para. (d) - "4. Hesse" [p. 143 above].

5. Lower Saxony

In this regard, reference is made to the comments on para. 1, sub-para. (a) - "5. Lower Saxony", above.

6. North Rhine/Westphalia

Promotion of the *Pralipe* Theatre encourages representatives of this language group to participate directly in the planning of cultural activities, and they actually make use of this opportunity in practice.

7. Schleswig-Holstein

Every two years, this *Land* organizes *Schleswig-Holstein-Tag* [a day dedicated to the special character of the *Land*] as a central cultural event. The organizations of the minority of German Sinti and Roma are also invited to participate in this event and to take part in arranging and organizing it.

Since 1995, the *Land* Association of German Sinti and Roma has been a member of the festival's organizing body *Landeskuratorium Schleswig-Holstein-Tag*.

re: para. 1, sub-para. (g) - Creation of Archive Bodies –

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

This obligation has been accepted by the Federal Republic of Germany.

Given the funding provided by the *Bund* [Federal Administration] and by the *Land* of Baden-Wurttemberg to the *Documentation and Cultural Centre of German Sinti and Roma*, this obligation is met nation-wide with regard to the Romany language since the tasks of this Centre include collecting, keeping copies of, and publishing such works.

re: Art. 12, para. 2

- (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.*

In the Federal Republic of Germany, cultural activities keeping within the framework of the law in force are not subject to any permit procedure or restrictions. Thus, the above obligation is already fulfilled by the system of law in the Federal Republic of Germany. In addition, several *Länder* have adopted this provision additionally in the sense of "undertake ... to allow"; such adoption does not entail any requirement for special implementation measures. In this context it should be noted that the Sinti and Roma live dispersed in the various *Länder*, with concentrations in the large cities (in this regard, reference is made to the detailed comments in Part A, no. 3.4 [p. 7 above]), so that for this reason alone, it is not possible for the *Länder* to confine their measures to a particular region of the respective *Land*.

This obligation has been accepted by the *Länder* of Baden-Wurttemberg, Hesse, North Rhine/Westphalia and Schleswig-Holstein.

re: Art. 12, para. 3

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

Adoption of this obligation has been notified by the Federal Republic of Germany for the entire federal territory since activities in the Romany language or related to the culture reflected by Romany - e.g. guest performances by theatre companies or musical performances - can be organized in the context of Germany's cultural policy abroad. Examples are the following activities:

- *Häns'sche Weiss Ensemble* (Sinti jazz), South East Asia tour in 1991, and Hispano-America North in 1994 (Goethe-Institut)

- *Möttes Band* (Roman and Ricardo REINHARD; Sinti music and Yiddish songs), in New York in 1998 (Goethe-Institut)
- *Pralipe* (Roma Theatre), at the *Festival of Central European Culture* in London in 1998.

Article 13

Economic and Social Life

- (1) *With regard to economic and social activities, the Parties undertake within the whole country:*
 - (a) *to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*
 - (c) *to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*
 - (d) *to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.*

The obligations under sub-paragraphs (a), (c) and (d) have been accepted by the Federal Republic of Germany. They are in compliance with the established law of the Federal Republic of Germany and thus are already fulfilled nation-wide for all regional or minority languages.

Implementation of the provision of sub-para. (d) is accomplished, for instance, by the promotional funds provided by the *Bund* [Federal Administration] and by the *Land* of Baden-Württemberg to the Bureau of the *Central Council of German Sinti and Roma*, which is active in political and social life nation-wide, since the structures established for the self-management of the users of regional or minority languages increase the practical scope for using the respective language outside the family. Similarly, the funding, by the *Länder*, of the contact and counselling bureaus operated by *Land* Associations or clubs of German Sinti and Roma - and given that such funding at the same time encourages and facilitates the use of the Romany language - constitutes compliance with the aforementioned obligation.

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;*

Acceptance of this provision has been notified by the Federal Republic of Germany for the entire federal territory. The Framework Convention for the Protection of National Minorities, upon its entry into force for the Republic of Austria, complies with this provision of the Charter with regard to the Romany language. Co-operation between the *Documentation and Cultural Centre of German Sinti and Roma* and the *Kulturverein Österreichischer Roma* [Cultural Association of Austrian Roma], which is also State-subsidized, has developed for a number of years already. Both sides keep up continuous exchanges of information and share each other's publications. This co-operation also extends to the fields of culture, education, vocational training and permanent education.

As of: 13 September 2000

Low German

Article 8

Education

- (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:*

re: para. 1, sub-para. (a) - Pre-School Education –

- (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;*

The *Länder* noted below have accepted the obligation under sub-paragraph (a) (iv).

1. Brandenburg

In Brandenburg *Land*, pre-school education is the responsibility of local authorities. Under the Act on Financing Local Authorities, these latter receive funds for the purpose, *inter alia*, of promoting institutions and measures in the field of pre-school education, e.g. day-nurseries or children's day-care centres.

The Low German language is spoken in the northerly *Landkreise* of Uckermark, Prignitz, Ostprignitz-Ruppin and Oberhavel. Not only does the *Land* Government not discourage the

use of the Low German language⁵ in pre-school education, but it even takes a very positive approach to this matter. However, no statistics are available on the extent to which Low German is used.

2. Free and Hanseatic City of Hamburg

In March 1999, the [Senate] Authority for Schools, Youth, and Vocational Training wrote to all Hamburg schools and asked them, and schools in rural areas in particular, to accept cultivation of the Low German language as an educational mandate. The extent to which this request is complied with by the Hamburg pre-school establishments is not known since these are not subject to any reporting requirements.

3. Free Hanseatic City of Bremen

Bremen has organized advisory services for children's day-care centres wishing to integrate Low German into pre-school education.

4. Mecklenburg-Western Pomerania

Under its para. 1, the Concept for the Promotion of Low German in Schools, Colleges/Universities and Linguistic and Cultural Work (Decision of the Mecklenburg-Western Pomerania *Landtag* of 16 May 1991, Parliamentary Publication 1/93, pp. 1 - 4) provides for measures designed for nursery schools or preparatory schools. It is recommended to familiarize children of pre-school age with the Low German language. For this purpose, four model projects might be carried out in co-operation with the universities and the *Landesinstitut Mecklenburg-Vorpommern für Schule und Ausbildung* (L.I.S.A. - Mecklenburg-Western Pomerania *Land* Institute for Schools and Training). The contact persons for the children concerned should be either tutoresses proficient in the Low German language or primary-school teachers.

In 1999, the actual status in the pre-school sector was as follows: In 56 children's day-care centres of *Volkssolidarität** *Mecklenburg-Vorpommern*, Low German is occasionally presented in the form of rhymes/verses, songs or play and games. The Schwerin, Rostock-Stadt and Rügen *Kreis* Associations, have special interest groups (5 special groups with about 58 - 68 children). The children study songs, verses, rhymes, dances and stories and present these both as part of their own activity programmes and at events organized by *Volkssolidarität*.

Also in children's day-care centres which are provided by the German Red Cross (DRK), children rehearse a Low German programme for special occasions. The Siggelkow children's day-care centre of the Parchim *Kreis* Administration has two groups dealing with Low German. The children in these groups are familiarized with the Low German language and take part in various regional activities. Also, the Geschwister Scholl Day-Care Centre of the Güstrow *Kreis* Administration has two working groups with children attending nursery school or day-nursery. Two years ago, a position under the Job Creation Scheme was established at the *Volkskulturinstitut* [Institute of the *Kulturbund* for Folk Culture] in

⁵ a **regional language**; territorial scope: **Lower Saxony**, **Schleswig-Holstein**, the Free and Hanseatic City of **Hamburg**, the Free Hanseatic City of **Bremen**, North Rhine/Westphalia, **Mecklenburg-Western Pomerania**, Brandenburg, Saxony-Anhalt

* "People's Solidarity": a social service provider for all generations [Translator's Note]

Rostock, with the task of instructing pre-school and day-nursery children at Rostock children's day-care centres in the Low German language.

Teaching of Low German is situation-based. The materials used for this instruction are the "*Niederdeutsches Liederbuch*" ["Low German Songbook"] (publ. by Hinstorff-Verlag Rostock 1984) and "*Mecklenburgische Spiele und Tänze für lütt Lüüd*" ["Mecklenburg Songs and Dances for Little People"] (publ. by *Volkskulturinstitut Rostock*).

The institutions of *Volkssolidarität Mecklenburg-Vorpommern* as well as the German Red Cross (DRK) have based their work on suggestions furnished by the *Volkskulturinstitut Mecklenburg und Vorpommern im Kulturbund e.V.* [Institute of the *Kulturbund* for Folk Culture, Mecklenburg and Western Pomerania], the *Landesheimatverband Mecklenburg-Vorpommern e.V.* [Mecklenburg-Western Pomerania *Land* Union for Local and Regional Traditions, reg'd] and the *Landesinstitut Mecklenburg-Vorpommern für Schule und Ausbildung* [Mecklenburg-Western Pomerania *Land* Institute for Schools and Training].

For pre-school education, long-term provisions must be made for the training and further education of tutoresses regarding the Low German language.

5. Lower Saxony

In the period 1997 - 2000, the Model Test "Bilingualism in Nursery Schools" was run at 36 nursery schools in Ostfriesland [Lower Saxony]. The success of this test is an encouragement to continue the use of Low German in pre-school education. The Report on the first year of the Model Test is available to interested readers. A final evaluation is expected to be made in 2001. In its Further Training Programme for 2000, the Lower Saxony *Land* Youth Welfare and Youth Service Office has, in co-operation with [the public-law corporation] *Ostfriesische Landschaft*, for the first time offered two *Land*-wide further training activities on the subject of bilingualism (standard German/Low German) in children's day-care centres.

6. Saxony-Anhalt

Pursuant to the Decision of 19-11-1991 adopted by the *Landtag* of Saxony-Anhalt (Parliamentary Publication 1/24/908 B), the *Land* Government is obliged to promote, in particular, the Low German language, together with its cultural traditions. The Directives on the Allocation of Grants, *inter alia* for the cultivation and preservation of local/regional customs, explicitly lay down that promotion of Low German - in the form of musical, literary or language-related activities in the pre-school and extracurricular sectors, for instance in clubs, workshops and self-organized groups - is eligible for allocation of funds. On the basis of these Directives, natural persons and associations can receive *Land*-funding to a maximum amount of 70 per cent of the expenses eligible for allocation of funds.

For a major part, cultivation of the Low German language in Saxony-Anhalt is pursued by dedicated individuals, clubs, societies or interest groups, among whose stated aims are the cultivation, fostering and preservation of Low German as part of the general local/regional milieu. The activities range from everyday use of the language to Low German workshops and dialect meetings in which major numbers of children and youngsters from the various regions take part.

The extent to which the many and various offers are made use of by pre-school establishments run by local authorities is not known since these establishments are not subject to any obligations of reporting.

7. Schleswig-Holstein

In pre-school education, children are to be tutored, assisted and educated according to their developmental level and on the basis of a holistic approach. The professional staff and the other staff members in children's day-care centres and other day care establishments support, complement and expand family-based education. They orient themselves by the needs of the children and families and co-operate with parents/guardians. The aim of the work in children's day-care centres is, *inter alia*, to foster the living together of children from different national and cultural backgrounds.

The regional language Low German is spoken throughout the *Land* of Schleswig-Holstein. Many children's day-care centres have tutors/tutoresses proficient in this language for passing on Low German to the children.

Since 1998, the *Arbeitsgemeinschaft Deutsches Schleswig* (ADS - Working Group "German Schleswig Region") has offered Low German as part of a Language Encounter Project at seven of its nursery schools.

re: para. 1, sub-para. (b) - Primary 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; or*

1. Free Hanseatic City of Bremen

Bremen at present reviews the pertinent curricula for compatibility with the accepted obligation. Where any deficits are identified, the necessary adjustments will be made.

2. Free and Hanseatic City of Hamburg

All Hamburg curricula for the subject 'German' provide that Low German should occasionally be included in teaching, for instance in connection with grammatical phenomena or in literature classes. The extent to which such suggestions are taken up in class largely depends on the interest taken by the teacher in the subject and on his/her proficiency in the Low German language.

At two-year intervals, the Low German reading competition "*Jungs un Deerns leest Platt*" ["Boys and Girls reading Low German"], which is supported by *Hamburger Sparkasse* [Hamburg Savings Bank] and is very popular among its 'established clientele' at some 50 schools, is organized for grades 3 to 10 and for the upper secondary grades (of grammar schools). The final event of the competition, which meets with much attention by the media, is held as a *matinée* at the *Ohnsorg-Theater*. In the years between, the reading competition "*Schoolkinner leest Platt*" ["School Children reading Low German"] is organized for the same age groups in the *Bezirk* of Harburg/Wilhelmsburg/Süderelbe. The organizing body is the *Vereen Plattdüütsch leevt e.V.* [Registered Association "Low German is Alive"], and the sponsor is *Hamburger Bank*. This competition, too, is attended by many participants from

the regional schools of all types. Both competitions are promoted by the [Senate] Authority for Schools, Youth, and Vocational Training with publications, publicity, jury work and by payment of fees to the co-ordinators.

3. Mecklenburg-Western Pomerania

In Section 2, para. 3, of the Mecklenburg-Western Pomerania *Land* Schools Act of 15 May 1996, cultivation of the Low German language has been laid down as an essential component part of the educational mandate; the provision reads as follows: "The attachment of pupils to their natural, social and cultural environment, and the cultivation of the Low German language shall be promoted".

The "*Konzeption zur Förderung des Niederdeutschen in der Schule, an den Hochschulen und in der Sprach- und Kulturarbeit*" ["Concept for the Promotion of Low German in School, Colleges/ Universities and in Linguistic and Cultural Work"] (Decision of 16 May 1991, adopted by Mecklenburg-Western Pomerania *Landtag*, Parliamentary Publication 1/93) already provided, in its para. 2, that "Low German shall be offered on a facultative basis in general-education schools and vocational schools". This refers, in particular, to the relevant elements of the subjects 'German', 'local history and geography, and elementary science', 'music', and 'arts and design'. Access to Low German is also provided in the context of compulsory subjects of choice [required elective subjects] and in a wide range of out-of-school activities.

Low German is not explicitly included in the Ordinance of 3 June 1996 on Approved Subject Hours in Primary Education; but Low German can be integrated into German and elementary science lessons. Under para. 3.12, the draft Decree on Primary Education provides the following: "On the basis of the framework curricula, Low German shall be included in classroom instruction - primarily in German, elementary science, and music - as well as in out-of-school activities".

The findings and conclusions of an evaluation conference are reflected in a revised version of the Framework Curriculum 'Low German 1999'. In 1999, a Framework Curriculum for Low German (applying to all types of schools and to the various grades/age-groups) entered into force for general-education schools, i.e. including primary schools.

Guidance material regarding the Low German Framework Curriculum was published already in May 1996. It contains instructions on how to apply the Framework Curriculum, i.e. general and subject-related literature recommendations, addresses of contact persons for Low German, and extracts from policy publications on the assessment and cultivation of the Low German language in Mecklenburg-Western Pomerania.

In November 1997, the *Landesinstitut Mecklenburg-Vorpommern für Schule und Ausbildung* (L.I.S.A. - Mecklenburg-Western Pomerania *Land* Institute for Schools and Training) conducted a survey covering, *inter alia*, the situation of Low German in primary schools. 125 primary schools took part in that survey. The number of primary schools where Low German is used in the context of festivities and ceremonies is, with 92.4 %, at a very high level. The findings of the survey show that pupils and teachers take a keen interest in dealing with Low German in primary school. At the 125 primary schools participating in the survey, Low German was included, with a share of 94 %, in regular class instruction (e.g. German, music, performing play, elementary science, geography) and, with a share of 23 %, in

was used, for instance, in the context of activity groups, theatre programmes or the Low German competition.

The Low German reading and recital competition "*Wi snacken platt*" ["We're talking in Low German"] - which is granted financial support by the Ministry for Education, Science, Research and Cultural Affairs and by the savings banks of the *Land* of Mecklenburg-Western Pomerania - has proved an excellent means for promoting the Low German language ("*Niederdeutsch*" or "*Plattdeutsch*"). The *Land*-wide Low German competition is supported and organized jointly by the *Landesheimatverband Mecklenburg-Vorpommern e.V.* [Mecklenburg-Western Pomerania *Land* Union for Local and Regional Traditions], the *Volkskulturinstitut Mecklenburg und Vorpommern im Kulturbund e.V.* [Institute of the *Kulturbund* for Folk Culture, Mecklenburg and Western Pomerania] and the *Landesinstitut Mecklenburg-Vorpommern für Schule und Ausbildung* (L.I.S.A. - *Land* Institute for Schools and Training). At the primary schools and all general-education secondary schools, pupils participate in the Low German competition. Some 2,000 children and youngsters are reached every year by the Low German competition, for which special educational materials are available.

4. Schleswig-Holstein

According to the education targets (Section 4 of the Schleswig-Holstein Schools Act), schools shall, *inter alia*, foster an open attitude among young people towards cultural diversity.

Already in 1992, the Ministry of Education once more stressed the importance of Low German for the education of pupils in Schleswig-Holstein and adopted policy guidance to be followed by the schools of this *Land*. The "Low German in School" Decree of 07-01-1992 provides the framework for the promotion of the Low German language and for the mandatory inclusion of the culture of Northern Germany, which owes its special character to Low German. The curricula comprise modules for Low German.

A mandatory task of schools is to impart knowledge of the Low German literature and language in subjects suited for the purpose and to include those spheres of life, which are determined and influenced by Low German, in classroom instruction. In addition, schools shall foster the ability to speak Low German and encourage use of the Low German language.

For primary schools, Low German is included in the curriculum. Thus, the keynote theme "*Früher und Heute erforschen*" ["Exploring the Past and the Present Time"] comprises the subject "*Das Niederdeutsche als die Weltsprache des Nordens*" ["Low German as the World Language of the North"] (during the period of the Hanseatic League) and "*Landessprache heute kennen lernen*" ["Getting to know today's vernacular"].

Schools carry out a reading competition "*Schüler/innen lesen Platt*" ["Pupils reading Low German"]. On the occasion of the 1998 competition, the Schleswig-Holstein *Sparkassen- und Giroverband* [savings banks and their clearing association] distributed 75,000 readers to elementary and secondary modern schools, *Realschulen* [secondary technical schools] and *Gymnasien* [grammar schools] and comprehensive schools.

- (b) (iv) *to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;*

1. Brandenburg

Low German is not offered as a regular subject of classroom instruction in Brandenburg. However, such instruction is not the only means for school-based promotion of the Low German language and culture; at the Brandenburg schools it is also possible to institute activity groups where interested pupils can study the Low German language and culture. Activity groups of this type have been established at three schools in the northern region of the *Land*. On demand, additional activity groups can also be established at other schools.

Also, 'local history and geography' lessons can familiarize pupils with the special cultural features of their home region. In the northern *Landkreise* of Brandenburg, which have received decisive stimuli from the Low German language and culture, instruction of this type is ensured.

2. Saxony-Anhalt

The Framework Curricula for the subject 'German' recommend use of Low German literature and/or of texts characterized by vernacular forms of expression, with due regard to the particular local features and forms of the German language (especially Low German), and phased instruction in the vernacular. However, teachers are not under an obligation to follow these recommendations since conditions and circumstances vary from one region to another. As a general rule, such teaching is to be based on the pupils' current proficiency in the language and on the situation within the respective learning group.

All schools in the Low German speech area of Saxony-Anhalt have, as a suggestion for classroom instruction and out-of-school activities, received the brochure "*Niederdeutsche Texte aus Sachsen-Anhalt*" ["Low German Texts from Saxony-Anhalt"] which in 1992 was developed by the *Arbeitsstelle Niederdeutsch* [Workshop for Low German] of what then was the Teacher Training College (now Otto von Guericke University) in Magdeburg. Also, the *Arbeitsstelle Niederdeutsch* at the Institute for German/Germanic Philology of Otto von Guericke University in Magdeburg in 1992 and 1997 published brochures entitled "*Niederdeutsch im Unterricht - Arbeitshilfe für den schulischen Umgang mit dem Niederdeutschen in Sachsen-Anhalt*" [Low German in classroom instruction in Saxony-Anhalt]. The 1997 brochure includes a CD, with Low German text samples, which was produced by the *Landesinstitut für Lehrerfortbildung Sachsen-Anhalt* (LISA - Land Institute for Follow-up Training of Teachers).

In addition, the activities to be encouraged in schools can, on the one hand, be carried out within the framework of activity groups and optional-subject courses and, on the other, take the form of out-of-school activities. The latter are supported, for example, by the following promotional programmes:

- Programme "*Gesundes Leben, gesunde Umwelt, Schule als kultureller Lernort*" ["A healthy life; a healthy environment; schools as a place of cultural learning"];
- Directive on the Promotion of Youth-Related and Educational Projects for Guidance on Lifestyle Choices;
- school-based leisure-time education as a contribution, at publicly maintained schools and by private providing bodies, to social prevention.

In addition, the schools in Saxony-Anhalt are urged to co-operate with non-school providing bodies/organizers, especially in the case of out-of-school activities.

The traditional Low German reading competition, which since 1995 has been organized annually - under the auspices of the Ministry of Education and Cultural Affairs - by the *Landesheimatbund Sachsen-Anhalt e.V.* [Saxony-Anhalt *Land* Union for Local and Regional Traditions] and the *Arbeitsstelle Niederdeutsch* of Otto von Guericke University in Magdeburg *Land*-wide at all elementary and secondary schools and *Gymnasien* [grammar schools] in the Low German speech area of the *Land* of Saxony-Anhalt, has in the meantime become an important factor in promoting the Low German language. The past few years have seen a marked increase in the numbers of pupils participating in the competition: while in 1997 and 1998, 40 schools in Saxony-Anhalt took part in the Low German reading competition, their number rose to 45 already in 1999. The majority of these schools already had established activity groups for the cultivation and fostering of Low German; in some cases, the institution of such activity groups was prompted by this competition so that the latter has in the meantime become an important factor in promoting the Low German language in Saxony-Anhalt. Every two years, a brochure containing suitable texts is developed for this competition and, through the Ministry of Education and Cultural Affairs, is distributed to all schools in the Low German region of the *Land*. These brochures can also be used in German lessons since they contain age-appropriate texts.

Another - out-of-school - form of promoting the proficiency of interested and particularly talented children in the Low German language was the first *Mundartcamp* [Dialect Camp] - open for participation nation-wide - organized by the *Landesheimatbund Sachsen-Anhalt e.V.* [Saxony-Anhalt *Land* Union for Local and Regional Traditions] in Schierke in Sachsen-Anhalt from 30 July - 8 August 1999. In view of its success, another *Mundartcamp* will, with *Land* funding, take place also in 2000.

re: para. 1, sub-para. (c) - Secondary 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*

The following *Länder* have accepted the obligation under sub-paragraph (c) (iii).

1. Free Hanseatic City of Bremen

Bremen at present reviews the pertinent curricula for compatibility with the accepted obligation. Where any deficits are identified, the necessary adjustments will be made.

2. Free and Hanseatic City of Hamburg

In a Circular addressed to all Hamburg schools, attention was drawn to the possibility to offer Low German, on a facultative basis, in the lower secondary grades [secondary education stage I], depending on the type of school, as part of a two-year or even four-year course, as a required elective subject. For this purpose, the [Senate] Authority for Schools, Youth, and Vocational Training published guidance material entitled "*Plattdüütsch för Lüüd*".

in Hamburg un ümto" ["Low German for People in Hamburg and its Environs"] which provides the didactic bases and examples for learning the Low German language, as well as many Low German texts, sketches and songs for classroom use. So far, little information is available on the extent to which use has been made of these facilities, since schools are not subject to any obligations of reporting.

Upon request, a two-semester elementary course 'Low German' can be offered in the second stage of secondary education [i.e. upper secondary grades]. For this purpose, the Authority for Schools, in co-operation with schools and Hamburg University, has developed an educational concept.

In all other respects, cf. the comments under sub-para. (b) (iii) above - "2. Hamburg".

3. Mecklenburg-Western Pomerania

On the basis of the 1991 "*Konzeption zur Förderung des Niederdeutschen in der Schule, an den Hochschulen und in der Sprach- und Kulturarbeit*" ["Concept for the Promotion of Low German in School, Colleges/Universities and in Linguistic and Cultural Work"] and of the Mecklenburg-Western Pomerania *Land* Schools Act of 15 May 1996, a Framework Curriculum for Low German as an Optional Compulsory Subject [Required Elective] was developed in 1995 by a Commission.

Already in 1995, a Commission developed a Low German Framework Curriculum for secondary modern schools, *Realschulen* [secondary technical schools], *Gymnasien* [grammar schools] and comprehensive schools.

The Low German Framework Curriculum applies to instruction in a required elective subject and is geared to modern trends in the design of curricula and in classroom instruction. On the one hand, the Framework Curriculum applies to all types of schools and year-groups so that the same objectives and contents form the basis of required elective courses in Low German in all schools of the *Land*. On the other hand, the Low German Framework Curriculum - with its rational form focusing on priority tasks, objectives, educational fields and subjects - gives the individual teacher a wide scope for his/her own ideas and/or for joint decisions with the pupils.

The topics listed in the Framework Curriculum give suggestions also for the inclusion of Low German in other subjects, mainly German, and arts and design, but also history, geography, social studies and performing play, and for instruction in facultative subjects and leisure-time activities. The 1995 Framework Curriculum has been tested and proved effective.

The Framework Curriculum applies to secondary modern schools, *Realschulen* [secondary technical schools], *Gymnasien* [grammar schools] and comprehensive schools. After a test phase, the Low German Framework Curriculum was, in 1999, declared mandatory for primary schools and all general-education secondary schools (of all types and for the various grades/age groups).

In November 1997, the *Landesinstitut Mecklenburg-Vorpommern für Schule und Ausbildung* (L.I.S.A. - Mecklenburg-Western Pomerania *Land* Institute for Schools and Training) carried out a survey of the situation regarding coverage of the Low German language in the general-education schools of Mecklenburg-Western Pomerania. The following general-education schools responded to this questionnaire-based survey:

Elementary schools:	125
Combined secondary modern schools and <i>Realschulen</i> with a primary school:	111
Combined secondary modern schools and <i>Realschulen</i> :	51
<i>Realschulen</i> :	36
Comprehensive schools:	12
<i>Gymnasien</i> :	37
Special schools (for handicapped children)	21
total (100 %)	393

For 22.4 % of the respondents, Low German is of no significance; in the view of 16.4 %, Low German is very important and/or significant in terms of tradition; and 45.2 % state that Low German is used in the context of school festivities and ceremonies.

The respective quality of Low German instruction is shown by the breakdown of the various forms of Low German instruction/activities:

	Forms:			
	1	2	3	4
Elementary school	0 %	0 %	94 %	23 %
Combined secondary modern school and <i>Realschule</i> with primary school	10 %	10 %	30 %	15 %
Combined secondary modern school and <i>Realschule</i>	37 %	8 %	57 %	16 %
<i>Realschule</i>	44 %	11 %	64 %	8 %
Comprehensive school	8 %	42 %	75 %	58 %
<i>Gymnasium</i>	16 %	14 %	38 %	24 %
Special schools (for handicapped children)	0 %	5 %	43 %	10 %

- 1 = subjects chosen from a compulsory group [required elective subjects]
- 2 = instruction in facultative subjects
- 3 = regular classroom instruction (e.g. German, music, performing play, elementary science, geography)
- 4 = other (e.g. activity groups, performances within the framework of programmes, Low German competition, amateur theatricals)

The base of the percentages given in the above breakdown is not 100 for all figures, since multiple replies were included.

The figures for language proficiency of the teachers in Mecklenburg-Western Pomerania are 10.2 teachers/school for understanding Low German, and 3.1 teachers/school for speaking the Low German language. Notwithstanding the relatively high ratio of teachers proficient in the language, the number of those prepared to teach Low German is small. For the *Landesinstitut Mecklenburg-Vorpommern für Schule und Ausbildung*, this entails the particular task of further training linguistically competent teachers in such a way that they will be able to integrate Low German in their classes.

According to the assessment made, by the majority of respondents, of the problems involved in the cultivation of Low German in the schools of Mecklenburg-Western Pomerania, the scope for speaking and learning the Low German language has been curtailed over the past two or three years. One of the reasons given is that, for the major part, the Approved Subject Hours [i.e. allocation of teaching periods among subjects in each school year as prescribed by the Ministry] do not explicitly include the Low German language. Also, the discontinuation of courses substituting religious instruction in secondary schools has resulted in eliminating what has been described as an essential means for cultivating the Low German language. Another reason given for the decrease in activities for the

cultivation of Low German is the retirement of many teachers of pensionable age or early-retirement age. Also, pupils show a deplorable lack of interest in this matter.

For the reinforcement of Low German activities in secondary education, the following long-term measures should be taken:

1. establishing a network of multipliers for Low German;
2. provision of a class-hour pool for Low German;
3. designation of school commissioners for Low German.

4. Schleswig-Holstein

Already in 1992, the Ministry of Education once more stressed the importance of Low German for the education of pupils in Schleswig-Holstein and adopted policy guidelines to be followed by the schools of this *Land*. The "Low German in School" Decree of 07-01-1992 provides the framework for the promotion of the Low German language and for the mandatory inclusion of the culture of Northern Germany, which owes its special character to Low German.

The curricula which entered into force as of 01-08-1997 establish Low German as a task area of general educational significance; various subject-specific curricula (German, history, political science, etc.) explicitly include the Low German language.

The *Institut für Praxis und Theorie der Schule* [Institute for Practical and Theoretical School Matters] and the Centres for Low German in Leck and Ratzeburg assist schools by providing, *inter alia*, guidance material for designing/organizing classroom instruction, and readers for use in class. In addition, a network of *Land*, Regional and *Kreis* Commissioners has been established.

- (c) (iv) ***to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;***

1. Brandenburg

In this respect, reference is made to the comments on Article 8, para. 1, sub-para. (b) (iv) [p. 154 above].

2. Saxony-Anhalt

In this respect, reference is made to the comments above on para. 1, sub-para. (b) (iv).

As regards the future detailed implementation of the obligations in the field of education, it should be noted that since 1999, a scientific survey has been conducted by the *Arbeitsstelle Niederdeutsch* of Otto von Guericke University in Magdeburg on the use of, proficiency in, and assessment of, the Low German language by pupils. Interim findings are expected to be available in the second half of the year 2000.

re: para. 1, sub-para. (d) - Technical and Vocational 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; or*

1. Free and Hanseatic City of Hamburg

German language/literature instruction at vocational/technical schools, which now is mostly called 'Language and Communication', largely focuses on working-life processes. In this respect, there is little room for interfacing with Low German. However, wherever feasible, the Low German language is taken into account.

2. Mecklenburg-Western Pomerania

The 1991 *Konzeption zur Förderung des Niederdeutschen in der Schule, an den Hochschulen und in der Sprach- und Kulturarbeit* [Concept for the Promotion of Low German in School, Colleges/Universities and in Linguistic and Cultural Work], in its para. 2 - "school instruction", explicitly includes vocational/technical schools with regard to Low German instruction.

The 1999 Low German Framework Curriculum for primary schools and all general-education secondary schools (of all school types and for the various grades/age groups) contains many suggestions for integrating the Low German language into other subjects taught in class - primarily German, arts and design, but also history, geography and social science.

These conceptual approaches can also be applied to the vocational training sector.

re: para. 1, sub-para. (e) - University and Other Higher Education –

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

1. Free Hanseatic City of Bremen

Bremen University regularly offers Low German language and literature courses. The University is planning additional courses, especially as regards the teacher course of study regarding the subject 'German'. In addition, the University is planning to increase its Low German activities through co-operation with other colleges/universities in the Low German speech area (*inter alia*, Oldenburg University in Lower Saxony).

2. Free and Hanseatic City of Hamburg

Hamburg University offers seminars in the Low German language and literature. Low German can be chosen as a minor for the examination for the Master's Diploma. This choice does not, however, exist under the teacher examination regulations.

3. Mecklenburg-Western Pomerania

In Mecklenburg-Western Pomerania, colleges/universities offer a large variety of Low German courses.

- 3.1 In the 1992/93 winter semester, a chair for Low German Philology was re-instituted at Rostock University. At present, however, provision of materials for this professorate is at a very low level. Low German is part of the German/Germanic philology course of study (teaching profession and Master's degree). Courses in Low German can be recognized as credits for that course of study. For all trainee teachers majoring in German, participation in the course "*Überblick über die Niederdeutsche Sprache und Literatur*" ["Survey of the Low German Language and Literature"] (2 hours a week per semester) is mandatory.

For students following a course of study for the teaching profession at *Gymnasien* [grammar schools], secondary modern schools and *Realschulen* [secondary technical schools], a required elective subject, of the main course of studies, is language history including, in particular, the historical language stages 'Old Saxon' and 'Middle Low German'. An important element of the subject-specific didactics for 'German' is "*Niederdeutsch und Schule*" ["Low German and the School"].

M.A. students, too, can select Low German as a main subject (for a main course of studies, at least 8 hours a week per semester).

For all courses of study (teaching profession/Master's degree) students can also take, as equivalent subjects, courses in Early German Literature, Modern German Literature, Language History, and Present-Day Speech. Like the courses "Learning Low German", these courses (especially lectures and seminars) are offered as part of courses in general education.

The practice-oriented approach to the teaching of the Low German language is manifested, *inter alia*, by the fact that it has been possible to recruit members of the *Niederdeutsche Bühne Rostock* [Low German Theatre in Rostock] as lecturers.

The integration of the *Wossidlo-Forschungsstelle* [Wossidlo Research Institute] has been a particular acquisition to the Faculty of Humanities. Richard Wossidlo (1859 - 1939) is considered the founder of the study of the Mecklenburg culture and customs. His collection of traditional linguistic knowledge regarding the vernacular is uniquely complete and authentic in the German speech area. This collection also provided the basic stock of the "*Mecklenburgisches Wörterbuch*" ["Mecklenburg Dictionary"] which is not just a language dictionary but also a reference work on folklore [study of the material culture and customs]. The task of the "*Institut für Volkskunde (Wossidlo-Archiv)*" ["Institute for the Study of the Material Culture and Customs (Wossidlo Archives)"] is to study the folk culture of Mecklenburg and of Western Pomerania, which is the subject of comparative studies in the sense of European Ethnology (focusing on Northern and Eastern Europe).

Research is focused on: research on narrative art, maritime folklore, research on customs and traditions, and child-specific culture. Teaching covers the entire canon (including folk art, handicrafts, construction and housing, clothing and food). To the

extent possible, references to present-day affairs and ideas are included in the study of cultural history.

While for research on narrative art (Mecklenburg and Pomeranian fairy and folk tales, legends, droll stories/anecdotes, fables, proverbs, etc.) and for song research the Low German language forms the medium, folklore subjects and the respective vernacular names and words are interwoven in the remainder of the canon. Thus, the study of regional folklore at the same time serves to illustrate the dialectal linguistic heritage.

Until the introduction of a major or minor in folklore study, pertinent credits can only be obtained for courses offered by the *Institut für Germanistik*, the *Institut für Geschichte* [Institute for History] and the *Institut für Schulpädagogik* [Institute for School Pedagogy].

Students show a keen interest in Low German courses and lectures.

- 3.2 With the establishment, in 1992, of a professorship for Low German at Ernst Moritz Arndt University in Greifswald, the *Institut für Deutsche Philologie* for the first time acquired a Low German Section. A research assistant and a part-time secretarial help have been assigned to the Low German professorate. This resulted in the development of an independent Low German course of study at the Greifswald University. In addition, this Section has the task of participating in the education offered by the following departments: Early German Language and Literature, German Language, Modern and Contemporary German Literature, German as a Foreign Language.

Low German instruction has intentionally been structured in such a way that *Land*-specific priorities are set across the whole spectrum ranging from exercises for learning the Low German of Mecklenburg-Western Pomerania to the assignment of topics for State Examination and M.A. dissertations and for doctoral theses. In this way, the students of the Greifswald University are to be specifically prepared for their later employment, in Mecklenburg-Western Pomerania, as teachers or in cultural institutions or the media.

Examples of *Land*-specific priority subjects are courses on

- Low German idioms and the standard German colloquial language in Mecklenburg-Western Pomerania;
- Low German in schools and churches of Pomerania from the [Protestant] Reformation until our times;
- the use and ranking of Low German in Mecklenburg and Pomerania from the 16th until the 20th Century;
- Fritz Reuter, John Brinckman and other Low German poets and writers of this *Land*;
- superstitions, historical customs, and folk tales in Mecklenburg and Pomerania.

The Low German faculty section offers three courses of study, including university places for students and examination regulations:

- "Low German as a subsidiary subject" as part of the general course of study in German/Germanic philology, for students graduating as teachers for *Realschulen* [secondary technical schools] and *Gymnasien* [grammar schools];

- "Study of the Low German language and literature, as a minor subject" as part of the M.A. course of study;
- "Low German as an additional course of studies" for students of subjects other than German/Germanic philology, for graduates and grammar school teachers in training.

The various courses of study include courses and lectures on folklore [material culture and customs] which are also carried out by this faculty section. Low German may be chosen as one of the subjects of the State Examination, the examination for a Master's diploma or for taking a doctor's degree.

Also, Ernst Moritz Arndt University in Greifswald will, as of the 2000/2001 winter semester, institute a new Low German course of study leading to a B.A. degree (Bachelor of Arts). This 6-semester course of study is to impart regional cultural competence, comprising basic knowledge of the Low German language as well as the ability to reflect on regional cultural processes. The novelty presented by the Greifswald model is the structuring, both in terms of form and contents, of this course of study. Placing greater emphasis on the students' future professional practice, the model aims at basic knowledge without specialization. The specific subjects of study are complemented by general studies: language instruction in German and English, and courses in the fields of economics and law, study of civilization, and pedagogics. Both the subject-specific course of study and the general studies are organized in modules comprising courses and lectures on interrelated topics. An internship is to complement the B.A. studies.

In addition, at the initiative of the Faculty of Humanities, a concept entitled "*Nord- und osteuropäische Kulturen - Interdisziplinäre Ostseeraumstudien*" ["Cultures of Northern and Eastern Europe - Interdisciplinary Studies on the Baltic Region"] is being developed which, *inter alia*, integrates Low German into the field of Baltic Region research.

The "*Pommersches Wörterbuch*" ["Pomerian Dictionary"] is collated at the Greifswald Ernst Moritz Arndt University.

4. Lower Saxony

Two major universities in Lower Saxony offer courses on Low German. The Low German Language and Literature Department of the *Deutsches Seminar* [Institute for German] of Göttingen University is responsible for the independent course of study 'Low German Language and Literature' where the Low German language and literature are studied in the component subject areas of linguistics, literature, and medievalist studies. Main study fields are, *inter alia*, historical and contemporary dialectology of Low German, and sociolinguistic research on Low German. The professor holding this chair is one of the initiators, and a collaborator, of the "*Grammatik des Niederdeutschen*" ["Low German Grammar"] and editor of the "*Niedersächsisches Wörterbuch*" ["Lower Saxon Dictionary"] which on a continuing basis is developed further by the Göttingen University *Arbeitsstelle* directed by this professor.

As the Chairman of the *Ostfälisches Institut* [Eastphalia Institute], the professor holding the chair dedicates his efforts to the cultivation of Low German as used in Ostfalen.

The Institute is designed as an academic/scholarly centre and fulfils the following tasks:

- a) collection, classification and scientific analysis of works in the Low German language, with particular regard to the present time;
- b) editing the work results for the general public;
- c) co-ordination of, and support for, all efforts aimed at cultivating and preserving the Low German language;
- d) maintenance and development of links with similar institutions, also abroad.

In this way, the institution promotes scientific purposes. Thus, it is of service, at the same time, to education in general and to popular education, and to international understanding. It exclusively and directly pursues nonprofit/public-benefit and scientific purposes.

5. Schleswig-Holstein

As part of the course of studies for the teaching profession, a requirement stipulated by the Universities in Kiel and Flensburg for admission to examinations in the subject 'German' is proof of attendance of a course in Low German or Frisian. In addition, Low German may be selected as a supplementary subject for all courses of study for the teaching profession.

The *Germanistisches Seminar* [Institute for German/Germanic Philology] of Kiel University has its own Low German Language and Literature Department. For the major part, the credits obtained for courses/lectures of this Department can be taken over for the course of study in German/Germanic philology. Within the latter course of study, a main subject can be chosen from the Low German study field. The same can be done in the 'German' course of study for grammar school teachers. In addition, Low German exercises in subject-specific didactics are offered also to students graduating as teachers for other subjects.

Within the framework of university education, the Low German Language and Literature Department offers a wide range of courses and lectures also for students enrolled in other faculties. Thus, for instance, one course per semester is held specifically for students of theology, on the subjects of Low German preaching and parochial work. The annual "*Internationaler Wissenschaftlicher Ferienkurs der Universität Kiel*" ["International Academic Holiday Course of Kiel University"] entitled "*Deutschland heute - Sprache, Gesellschaft, Staat, Kultur*" ["Present-Day Germany - Language, Society, State, Culture"] offers a series of courses and lectures on Low German, which are attended by the foreign participants.

- (e) (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;*

This obligation has been accepted by the *Land* of North Rhine/Westphalia.

In North Rhine/Westphalia, universities or colleges can offer instruction in Low German or a course of study in the Low German language.

Within the framework of their mandates, the Low German Language and Literature Department of Münster University and the Faculty of Linguistics and Literature of Bielefeld

University, in particular, dedicate their efforts to the cultivation of the Low German language and literature. Thus, for instance, Münster University during the 1996/97 [winter] semester held seminars on the subjects of *"Von Emden bis Maastricht: Sprache im deutsch-niederländischen Grenzraum"* ["From Emden zu Maastricht: Language in the German/Dutch border area"] and *"Münsterländer Plattdeutsch"* ["Münsterland Low German"], and during the 1998/99 semester offered lectures on *"Niederdeutsch in der Schule"* ["Low German in school"]; during the 1999/ 2000 semester it held seminars on *"ältere Sprachstufen des Deutschen (Niederdeutsch)"* ["early linguistic stages of German (Low German)"] and on the *"Dialektologie des Niederdeutschen"* ["Study of Low German Dialects and Dialectal Variations"]. Research priorities of the Low German Language and Literature Department of Münster University during the period 1997/1998 included, for instance, *"Niederdeutsch-hochdeutscher Sprachwechsel"* ["Low German/High German language transition"], *"Niederdeutsche Toponomastik"* ["Low German Toponomastics*"], *"Studien zur mittelniederdeutschen Literatur"* ["Studies on Middle Low German Literature"], and *"Studien zum Werk von Augustin Wibbelt"* ["Studies on Augustin Wibbelt's Work"]. Over the past few years, the Research Group 'Study of Literature' of Bielefeld University has dealt with the following research subjects: 'Low German and National Socialism [Nazism]', 'Low German cultural scene'/Low German literature', Reference Grammar of Low German Usage, and the Low German spoken by repatriates. At Bielefeld University, research is carried out on the subject: *"Sprachinselforschung: Niederdeutsch in den USA"* ["Speech Island Research: Low German in the U.S."]. Also, during the 1999/2000 semester, Bielefeld University offered a lecture on *"Niederdeutsche Autorinnen des 20. Jahrhunderts"* ["20th Century Female Authors writing in Low German"]. During the 2000 summer semester, Ruhr-Universität in Bochum holds a seminar on *"Aktuelle Forschungen zum Niederdeutschen"* ["Topical Research on Low German"].

re: para. 1, sub-para. (f) - Adult Education –

- (f) (i) *to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or*

This obligation has been accepted by the Free Hanseatic City of Bremen.

The adult education centres of the *Land* offer courses in the Low German language and literature.

- (f) (ii) *to offer such languages as subjects of adult and continuing education; or*

This obligation has been accepted by the Free and Hanseatic City of Hamburg.

The Hamburg adult education centre at present offers two courses for learning and practising the Low German language (one in the city district Hamburg-Mitte, and one in the city district Hamburg-Ost).

* study of the body of all place names; toponymy research [Translator's Note]

- (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;*

1. Brandenburg

Section 4, paras. 1 and 2, of the *Act to regulate and promote Continuing Education in Brandenburg Land* (abbrev. *BbgWBG*, or *WBG*) of 15 December 1993 embodies the Land's obligation to promote continuing education and to support the recognized providing bodies of continuing education. Under Section 27 of the *WBG*, the *Land* shall fund a share of the personnel expenses and of the cost of materials. In addition, courses can be subsidized by residential educational institutions and model projects focusing on topical subjects. Care must be taken to ensure diversity of providing bodies.

The Brandenburg part of the Low German speech area has four *Kreisvolkshochschulen*, i.e. the *Kreis* Adult Education Centres of Uckermark, Prignitz, Ostprignitz-Ruppin and Oberhavel. Detailed programming is the responsibility of the respective *Kreis* Adult Education Centres themselves. Generally the willingness to include the Low German language and the Low German cultural heritage does exist. In instances, however, language courses were not held on account of insufficient demand. Nevertheless, attempts will be made also in future, for instance in the Uckermark region, to offer such courses. There also have been occasional activities in the framework of co-operation projects, for instance readings by Low German writers.

2. Lower Saxony

In Ostfriesland, Low German is offered by various adult education centres, both for language learning and as proficiency consolidation and conversation courses.

3. Schleswig-Holstein

In Schleswig-Holstein, there are many possibilities of following continuing education for people wishing to learn and study Low German. In 1999, more than forty adult education centres in Schleswig-Holstein offered courses for the learning and practising of the Low German language.

The *Zentrum für Niederdeutsch* [Centre for Low German] in Ratzeburg pursues specific public information/education activities in this field.

Courses and seminars are also offered - in part with funding provided by the *Land* - by associations committed to the promotion of the Low German language, especially by the *Schleswig-Holsteinischer Heimatbund* [Schleswig-Holstein Union for Local and Regional Traditions].

re: para. 1, sub-para. (g) - Teaching of the History and Culture Education –

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

Given the federal structure of the Federal Republic of Germany, the implementation of this obligation is primarily the responsibility of the *Länder*. In the field of education in the *Länder*, promoting the knowledge of the culture, history, languages and religion of the respective minorities/language groups as well as of the majority population is part of the curricula of publicly maintained and private schools. An important role in imparting knowledge of the culture of the language groups, in and outside schools, is played by the state institutions for political education - i.e. the Federal Centre and the *Land* Centres for Political Education.

The Federal Centre for Political Education (BpB) has the task, through political education activities, to promote, among the German people, the understanding of political facts and processes, to strengthen democratic consciousness, and to encourage greater readiness for political involvement. It also has the particular task of providing scientifically sound and substantiated information on political key issues, strengthening the democratic basic consensus and, on these foundations, promoting the development of a culture of (democratic) political dispute on the basis of a rational dialogue. This also includes information on the living together of the various cultures represented in Germany, and on the reduction of prejudice and xenophobia (e.g. the monographs on "*Argumente gegen den Hass - Über Vorurteile, Fremdenfeindlichkeit und Rechtsextremismus*" ["Arguments against hatred - About prejudices, xenophobia and right-wing extremism"], 3rd reprint 1997, and the "*Lexikon der ethnischen Minderheiten in Deutschland*" ["Encyclopædia of the Ethnic Minorities in Germany"]). A broad-based study, which was presented at the end of 1997, confirmed that the materials prepared by the *Federal Centre for Political Education* are used, with extraordinary frequency, in classroom instruction and for the preparation of lessons. The high degree of acceptance of these publications and materials was attributed primarily to their politically well-balanced presentation.

During the "European Year against Racism [and Xenophobia]" (1997), the Federal Centre for Political Education, under the motto of "Dialogue of Cultures", organized a Congress which was attended by more than 3,000 participants. At the suggestion of the Federal President, a concept was developed for related events/meetings, centred around the work of many nongovernmental organizations (NGOs) which come out against racism and stand up for tolerance, international understanding and humanitarianism. At some 80 meetings/events held centrally and decentrally, the participants analysed and discussed various subjects and the actual implementation of the intercultural dialogue.

All of the *Länder* of the Federal Republic of Germany have established *Land* Centres for Political Education which fulfil similar tasks with special reference to the respective *Land*. The materials developed by these institutions on issues relating to the co-existence of the various cultures represented in Germany are used as teaching materials both in schools and in adult education.

The Federal Government and the *Länder* endeavour to further improve the available educational and informational offers regarding the language groups concerned outside their settlement areas. The language groups regard the education/information activities which so far have been carried out outside the central settlement areas as insufficient and, in particular, miss a nation-wide survey concerning the five language groups.

The undertakings entered into by the *Länder* ensure that also non-speakers of Low German have access to this language.

1. Brandenburg

In Section 4, para. 5, sub-para. 11, of the Brandenburg Schools Act of 12 April 1996, the *Land* has embodied the obligation of schools to ensure that, in imparting knowledge, skills and value concepts, the readiness and ability of pupils to understand their own culture as well as other cultures, also within their own country, will be particularly promoted. This includes imparting of the Low German culture which, as an autochthonous culture of Northern Germany, plays an important role in this respect. The additional obligation to impart these cultural foundations also to those pupils whose culture is not the Low German culture ensures that, at least in the Low German speech area and cultural area, also those pupils whose family roots are not in the Low German area will be instructed in the fundamentals of the Low German culture.

The educational objectives shall not be pursued in one subject only, but shall be included in all appropriate subjects. Thus, it must be ensured that both the historic aspects of the Low German culture and the diversity of present-day forms of cultural expression will be reflected in literature, music, visual arts, etc.

2. Free Hanseatic City of Bremen

Bremen at present reviews the pertinent curricula for compatibility with the accepted obligation. Where any deficits are identified, the necessary adjustments will be made.

3. Free and Hanseatic City of Hamburg

In Hamburg, the Low German language was flourishing at the time of the Hanseatic League and determined daily life. History lessons in school draw attention to this fact and inform about this particular part of history and culture.

4. Mecklenburg-Western Pomerania

One particular task of the Low German professorates at Rostock University and Ernst Moritz Arndt University in Greifswald (in this regard, cf. also the comments above on subpara. (e) (ii) - "3. Mecklenburg-Western Pomerania") is to point out the extremely rich history of Low German and its many and various cultural achievements. The impact of Low German as a contact language (*lingua franca*) of the North Sea and Baltic Sea regions during the Hanseatic era is one of the subjects of the Low German course of study. This range of subjects is also supported by the chairs of History at Rostock University and by the chair of Hanse Research at Greifswald University.

Low German has, for centuries, moulded the particular identity of the autochthonous population of Northern Germany. Until this day, the vernacular and the Low German culture have continued to be the decisive features/characteristics of this Low German community. The culture and history of this Low German region are imparted, in particular, by the extremely diversified activities related to linguistic culture (e.g. by theatre groups, by Low German authors, and by the *Institut für Volkskunde (Wossidlo Archiv)* [Institute for the Study of the Material Culture and Customs (Wossidlo Archives)] at Rostock University, the *Landesheimatverband Mecklenburg-Vorpommern e.V.* [Mecklenburg-Western Pomerania Land Union for Local and Regional Traditions], the *Volkskulturinstitut Mecklenburg und Vorpommern im Kulturbund e.V.* [Institute of the *Kulturbund* for Folk Culture, Mecklenburg and Western Pomerania] and the *Landesinstitut Mecklenburg-Vorpommern für Schule und*

Ausbildung (L.I.S.A. - Mecklenburg-Western Pomerania *Land* Institute for Schools and Training).

5. Lower Saxony

Under the extended educational mandate laid down in the Lower Saxony Schools Act as amended in 1993, pupils shall be enabled to develop their faculties of perception and sensitivity and their capacity for expressing themselves, with the inclusion of the relevant regional variety of Low German or of Frisian.

Implementation of this mandate in classroom instruction can be supported by all school subjects. Particularly suited are 'German', the subjects covered by world history and geography and social sciences (history, geography, politics) as well as elementary science, arts, music, and religious instruction; for vocational/technical schools, the preferred subjects are German and politics.

The Ministry of Education and Cultural Affairs - in co-operation with schools, the *Niedersächsischer Heimatbund* [Lower Saxony Union for Local and Regional Traditions], the *Landschaften* or *Landschaftsverbände* [regional local authorities] and the *Bezirk* Governments - develops a differentiated support system. In detail, this involves the following:

The Ministry of Education and Cultural Affairs - with the Decree on "*Die Region im Unterricht*" ["Our Region in classroom instruction"] (1997) and the Framework Curricula which have already been revised on this basis - takes account of the required emphasis on regional education in school subjects suited for the purpose. Through the completed pilot project "*Plattdeutsch in der Schule*" ["Low German in school"], the school-based model test at the Obenstrohe (Varel) secondary school, which also includes "*Niederdeutsch im Unterricht*" ["Low German in Classroom Instruction"] as one of the priority subjects, is to give a clear idea of the way in which, and the extent to which, the Low German language is imparted. Also, following the "Model Test: Bilingualism in Nursery School", Low German is to be included in the instruction given at primary schools in Ostfriesland.

At the level of the *Bezirk* Governments, the Commissioners for Low German in Classroom Instruction who were first designated in 1997 have, in co-operation with representatives of the *Landschaften* and *Landschaftsverbände* or of local associations, begun to establish regional working panels. These latter are considered appropriate institutions for identifying existing activities, pursued in and outside school with regard to the regional language, for mutually complementing them and for improving them for the school sector through regional further training.

Finally, the *Bezirk* Governments can, in the procedure for inviting applications for a position, indicate school-specific requirements in addition to the subjects to be taught by the applicant. During job interviews, these special requirements, e.g. Low German in classroom instruction, can be taken into account.

At the level of the schools, education department officers, especially the Commissioners for Low German in Classroom Instruction, assist the various schools in their efforts to develop a regional education concept, taking particular account of the regional language.

Within the framework of optional-subject courses and of courses in subjects chosen from a compulsory group at *Realschulen* [secondary technical schools] and in courses in required

elective subjects at secondary modern schools, teachers already make use of the possibility to offer Low German and to include it in marking.

The teaching material and learning aids developed by *Ostfriesische Landschaft* within the framework of the pilot project "*Plattdeutsch in der Schule*" ["Low German in school"] respond to the need of many teachers for appropriate educational material; they are based on the extended educational mandate of schools, and take account of the pupils' previous knowledge. Thus, in terms of their approach, they can be adapted to the work in other regions. The same goes for the questionnaires developed for pupils and for teachers. With the development of the teaching and learning system and of the survey instruments by *Ostfriesische Landschaft*, the *Land* Government has provided basic prerequisites for modern promotion of regional languages, which should now be applied in practice in the various regions.

The task of supraregional specialist conferences, organized by *Niedersächsischer Heimatbund* [Lower Saxony Union for Local and Regional Traditions] in co-operation with the Ministry of Education and Cultural Affairs) in a three-year cycle, is to present the work of these regional institutions from aspects of methodology/didactics and to interlink those activities in a long-term perspective. The next specialist conference of this type will take place in 2000, with presentations and working group meetings on the following subjects:

- Globalization: Is a sense of regional identity [regionalism] still up to date?
- Regionalism, as exemplified by the language and taking account of the educational value of language
- Meetings of working groups
- "Towards a School Programme - the region in classroom instruction"
- Regional languages in school
- Educational materials for unfolding the regional dimension
- Forms of classroom instruction for unfolding the regional dimension

Under the "*Leitbild für die Schulaufsicht in Niedersachsen*" ["Model for Supervisory School Offices in Lower Saxony"], it is the responsibility, first of all, of the individual school to achieve the pedagogical, subject-related and organizational objectives specified by State authorities and agreed internally. This entails the task of the school to develop its regional education concept on the basis of the State-defined requirements and of its competencies for in-school and extracurricular activities. This can be done, for instance, in the course of the development of the school programme. Aids are already provided by the results of the pilot project "*Plattdeutsch in der Schule*" ["Low German in school"], and by further training measures in various regions and at centres for environmental education, by the documentation published by regional working panels or school discussion groups dealing with the region, e.g. from a linguistic, geographic, historical or economical angle.

6. North Rhine/Westphalia

In North Rhine/Westphalia, the Guidelines and Curricula issued by the Schools Ministry encourage the discussion and study of specific regional aspects. Thus, the Guidelines for the Lower Secondary Grades of *Gymnasien* [grammar schools] call upon schools to develop a school programme which, *inter alia*, will cover the "cultural traditions of the local environment and home region". Regional languages are included in the learning field "*Reflexion über Sprache*" ["Reflections on Language"] forming part of the grammar school curriculum for the subject 'German'. Also the curricula for the secondary grades and for the

primary education level of schools of other types provide for inclusion of an adequate proportion of regional languages in German lessons.

In addition, since the start of the new school year 1999, Low German lessons are given, or are expertly supported, at Schalksmühle primary school by several members of the *Niederdeutscher Arbeitskreis* [Low German Working Panel] of the *Geschichtsverein Schalksmühle* [Schalksmühle Historical Society]. Also, a school in Lüdenscheid will offer Low German instruction in future.

7. Saxony-Anhalt

In Saxony-Anhalt, language has, for many centuries, determined daily life. The Framework Curricula for the subjects 'History' and 'German' take account of this fact and recommend to provide information on the history, language and culture, for instance in connection with regional or local topics.

Cf. also the comments above on sub-para. (b) (iv) [p. 154].

8. Schleswig-Holstein

The curricula of publicly maintained schools provide for many ways of including Low German in classroom instruction. Thus, the 'German' curriculum provides for the "discussion and study of the languages and speech communities in Schleswig-Holstein".

Reference is made to the comments above on sub-paras. (b) iii [p. 153] and (c) iii [p. 158].

re: para. 1, sub-para. (h) - Basic and Further Training of Teachers –

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

1. Free Hanseatic City of Bremen

The *Landesinstitut für Schule* [Land Institute for Schools] offers regular teacher follow-up training in the Low German language and culture.

2. Free and Hanseatic City of Hamburg

While teachers can study Low German at Hamburg University and select it as a minor for the M.A. examination, this is not possible as regards the examination for the teaching profession at Hamburg University (at other universities, however, such inclusion is possible, e.g. in Bremen). For the major part, teachers wishing to deal with Low German in school have not studied this language at university; most of them know it from their childhood.

The *Institut für Lehrerfortbildung* [Teacher Follow-up Training Institute] offers continuing education both on a regular basis and within the framework of special activities. The one-time course "*Platt in de Grundschool*" ["Low German in elementary school"] organized in August 1999 had fifteen participants while the "*Plattdüütsche Schoolmesterkrink*" ["Low German Teachers' Circle"], which met every two weeks, was attended by six to twelve persons.

3. Mecklenburg-Western Pomerania

University studies of Low German are based on the Training and Examination Regulations of the Rostock and Greifswald Universities. Continuing training of teachers for schools offering general education is governed by the provisions of the Schools Act. During the second training phase at the *Landesinstitut Mecklenburg-Vorpommern für Schule und Ausbildung* (L.I.S.A. - Mecklenburg-Western Pomerania Land Institute for Schools and Training), teachers in training in the primary school sector or for the subject 'German' in secondary schools can select and treat, from a pedagogical angle, topics referring to Low German aspects, in their special-subject paper or the trial lessons to be prepared for the Final State Examination. These are mostly instruction sequences which they have tried out themselves in the classroom. These activities build up on, and continue, the Low German training taken up at Greifswald University and the course of study followed at Rostock University, with Low German as a main subject.

Since 1992, follow-up training of teachers for Low German in schools has been organized by the *Landesinstitut Mecklenburg-Vorpommern für Schule und Ausbildung* (L.I.S.A.). The focus is on didactics/methodology support for teachers; in this respect, the principle of the trainees' self-initiative and own work - in addition to information and reading lists - is an important element.

Since the start of the 1997/1998 school year, follow-up training has, for the major part, been offered on the basis of a modular concept, divided into basic courses, continuation courses and special courses. These courses provide an appropriate framework for meeting different requirements since they allow for a process of selection. The follow-up training organized by the L.I.S.A. aims at encouraging novices to foster Low German at their schools, and at providing novel, interesting suggestions through special topics offered to advanced learners.

Over the past few years, an Advisory Centre for Low German in Schools has developed at L.I.S.A. headquarters. In addition to follow-up training, the Centre also offers materials, publications, information and addresses of contact persons. Also, follow-up training activities on specific issues are carried out in close co-operation with the *Landesheimatverband Mecklenburg-Vorpommern e.V.* [Mecklenburg-Western Pomerania Land Union for Local and Regional Traditions] and the *Volkskulturinstitut Mecklenburg und Vorpommern im Kulturbund e.V.* [Folk Culture Institute of the *Kulturbund*, Mecklenburg and Western Pomerania].

For the first six-month period of the 1999/2000 school year, the L.I.S.A. Institute offers the following further training for Low German:

- *"Mecklenburgische Volksmusik: Musikanten und Instrumente des späten Mittelalters und der frühen Neuzeit"* ["Mecklenburg Folk Music: Musicians and Instruments of the Late Middle Ages and the Early Modern Age"]
- *"Aust-Tied: Erntebräuche in Mecklenburg"* ["Harvest Time: Folk Customs in Mecklenburg"]
- *"Richard Wossidlo - Professor des Volkes: Aus seinem Leben und seiner Sammlungstätigkeit"* ["Richard Wossidlo - A Professor of the People: About His Life and Collector's Activities"]

4. North Rhine/Westphalia

The Circular [Decree] on "*Niederdeutsch in der Schule*" ["Low German in school"], issued by the Münster *Bezirk* Government, contains guidance on the inclusion of regional language culture in the curricula. In addition, the Münster *Bezirk* Government offers follow-up training conferences on linguistic theory and practice. A volume for use at such meetings and entitled "*Niederdeutsch in der Schule - Beiträge zur regionalen Zweisprachigkeit*" ["Low German in school - material on regional bilingualism"] was published already in 1989.

5. Saxony-Anhalt

Training and continuing education of teachers in Saxony-Anhalt in the field of the Low German language are ensured, on the one hand, by the *Arbeitsstelle Niederdeutsch* [Workshop for Low German] of the *Germanistisches Institut* of Otto von Guericke University in Magdeburg (Teacher Training: Aspects of Language Cultivation, and Facultative Offers for Participants Interested in Linguistics) and, on the other hand, through follow-up and further training activities offered on a regular basis by the *Landesinstitut für Lehrerfortbildung Sachsen-Anhalt* (LISA - Saxony-Anhalt *Land* Institute for Follow-up Training of Teachers) in co-operation with the *Landesheimatbund Sachsen-Anhalt e.V.* [Saxony-Anhalt *Land* Union for Local and Regional Traditions]. In addition, many courses and lectures on Low German and on regional Low German history take place every year at Otto von Guericke University in Magdeburg and Martin Luther University in Halle, and teacher follow-up training activities on the Low German spoken in Saxony-Anhalt and on regional Low German history in the *Land* are carried out by the *Arbeitsstelle Niederdeutsch*.

6. Schleswig-Holstein

Training and continuing education of teachers are regulated in Training and Examination Regulations. In future, proof of attendance of a course in Low German or Frisian will be required for admission to the Final State Examinations in the subject 'German'.

As part of a supplementary course of study for the teaching profession for all schools, which comprises about 20 hours a week per semester, an additional exam can be taken in Low German and Frisian.

Within the limits of the capacities available, colleges and universities offer further training in Low German. In the 1998 summer semester, the Universities of Kiel and Flensburg introduced Low German seminars for students training to become teachers for all types of schools.

The Low German Language and Literature Department of Kiel University provides advisory services on a continuous basis, including counselling for teachers, who also have access to the holdings of its library.

re: para. 1, sub-para. (i) - Supervisory Bodies –

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

1. Free and Hanseatic City of Hamburg

The 'German Language' Section of the Authority for Schools, Youth, and Vocational Training has been assigned the responsibility for the European Charter for Regional or Minority Languages.

The Hamburg *Institut für Lehrerfortbildung* (IfL - Teacher Follow-up Training Institute) provides support for specialist teachers who receive further training, or additional qualifications in teaching, in the regional language Low German and the minority language Romany. The Institute keeps a list of the activities offered at Hamburg schools, which are reported in the Institute's periodical publication "*IfL aktuell*".

With regard to any extension required or the qualification of the offered courses, the responsible lecturers of the Institute confer with the supervisory school authorities and with the 'German Language' Section of the Senate Authority for Schools.

2. Mecklenburg-Western Pomerania

In publications and on the occasion of further training activities or at meetings, the *Landesinstitut Mecklenburg-Vorpommern für Schule und Ausbildung* (L.I.S.A. - Mecklenburg-Western Pomerania *Land* Institute for Schools and Training) provides information on the situation of Low German at the general-education schools in Mecklenburg-Western Pomerania.

In 1996, the Ministry of Education founded a *Niederdeutsch-Beirat Mecklenburg-Vorpommern* [Mecklenburg-Western Pomerania Low German Consultative Council]. This body has 15 members and is chaired by the Minister of Education. The members of the *Niederdeutsch-Beirat* represent all main subject areas (schools, science and research, linguistic and cultural work). The *Niederdeutsch-Beirat* has the function to discuss and network the various Low German activities in Mecklenburg-Western Pomerania. For more efficient and effective use of the staffing and financial resources, knowledge of the main study areas in the various fields of activity relating to Low German is essential. Moreover, there is an urgent requirement for discussing and handling a large number of subjects regarding the cultivation and promotion of Low German.

3. Lower Saxony

In November 1997, a Working Group was established, with representatives from the *Landschaften* and *Landschaftsverbände* [regional local authorities], the *Niedersächsischer Heimatbund* [Lower Saxony Union for Local and Regional Traditions] and the schools offices. The task of this Working Group is to monitor the proper implementation of the obligations under the Charter which have been accepted by the *Land*.

Responsibility for the preparation and regular publication of the Report on Education lies with the Lower Saxony Ministry of Education and Cultural Affairs.

4. Schleswig-Holstein

At primary schools, secondary modern schools and *Realschulen* [secondary technical schools], the Education Offices [supervisory school authorities] of the *Kreise/kreisfreie Städte* [county-type administrative districts/non-district municipalities] are responsible for supervising the measures taken. For the *Gymnasien* [grammar schools], comprehensive

schools and vocational schools, responsibility for supervision lies with the Ministry for Education, Science, Research and Cultural Affairs.

Among the tasks of the supervisory school authorities are the co-ordination and monitoring of measures taken for the promotion of Low German. Responsibility for subject-specific matters lies with the *Land* Commissioners for Follow-up Training, the regional commissioners and the *Kreis* specialist commissioners.

Nordfriesland, for instance, has the "*Plattdütsche Stuvv*" ["Low German Parlour"], a centre installed at the initiative of the supervisory school authority. It runs a lending library for Low German writings. At the same time, it is a meeting place for teachers interested in Low German.

As an important measure for cultivating and promoting Low German in and outside school, the two "*Zentren für Niederdeutsch*" ["Centres for Low German"] for the *Land* regions of Schleswig (in Leck) and Holstein (in Ratzeburg) were established as working centres by the *Land* Government in 1994. As of August 2000, the teachers temporarily assigned to those Centres are released from their regular teaching duties, amounting to two established posts.

The task of the two Centres for Low German is to advise the schools, providing bodies for education and further education, individuals, associations and other organizations dealing with Low German, and to support and, where appropriate, to co-ordinate their activities. This includes the development of support and guidance materials for designing/organizing classroom instruction. A landmark activity is the production of readers which were developed in close co-operation with the foundation *Stiftung Mecklenburg*. As part of their tasks, the Centres for Low German Public Information/Education pursue specific public information/education activities.

The *Institut für Praxis und Theorie der Schule* (IPTS - Institute for Practical and Theoretical School Matters) also supports the schools. Five regional commissioners, one *Land* and Further Training Commissioner and ten *Kreis* commissioners advise the schools on matters regarding the regional language Low German.

re: Art. 8, para. 2

- (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.*

As regards colleges and universities, the obligation - in the sense of "undertake ... to allow" - is met for the entire territory of the Federal Republic by virtue of Article 5, para. 3, of the *Basic Law* (autonomy of institutions of higher education^{*}).

1. North Rhine/Westphalia

This obligation is met in North Rhine/Westphalia in the sense of "undertake ... to allow". Any instruction - at colleges and universities - in the regional language Low German is, of course, "allowed" also in *Land* regions other than those where the regional language is spoken. A State-imposed ban, with regard to institutions of higher education, would not be compatible with the constitutional provisions of Article 5, para. 3, of the *Basic Law*.

2. Schleswig-Holstein

This obligation is met in Schleswig-Holstein in the sense of "undertake ... to allow".

Article 9

Judicial Authorities

(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:

re: para. 1, sub-para. (b) - Civil Proceedings -

(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;

This obligation has been explicitly accepted by the *Länder* of Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine/Westphalia and Schleswig-Holstein.

With the proviso that documents and evidence drafted in a minority language must be presented in a form obviating misunderstandings or errors with regard to their translation, this obligation is met by the legal situation prevailing in Germany (cf. the comments, in Part C above [p. 43], on obligations under Part III, Article 9). Therefore, it has not been necessary to take any special measures.

re: para. 1, sub-para. (c) - Proceedings before Courts concerning Administrative Matters -

^{*} "(3) Art and scholarship, research, and teaching shall be free. The freedom of teaching ..."

- (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;*

This obligation has been explicitly accepted by the *Länder* of Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine/Westphalia and Schleswig-Holstein.

In this regard, reference is made to the comments on Article 9, para. 1, sub-para. (b) (iii).

As regards this branch of the judiciary, it must be pointed out that administrative courts are obliged to conduct *ex officio* investigations and, where necessary and appropriate, will on their own initiative rely on the services of interpreters. Thus, the members of the language group suffer no prejudice by using their language.

(2) *The Parties undertake:*

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

This obligation has been explicitly accepted by the *Länder* of Brandenburg, Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine/Westphalia, Saxony-Anhalt and Schleswig-Holstein.

In this regard, reference is made to the comments on Article 9, para. 1, sub-para. (b) (iii).

Article 10

Administrative Authorities and Public Services

(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:*

re: para. 1, sub-para. (a) v - Submission of Documents –

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

1. Free Hanseatic City of Bremen

With the entry into force of the Regional/Minority Language Charter as of 1 January 1999, the provision under sub-para. (v) has become applicable law for the authorities of the Free Hanseatic City of Bremen. In order to stem the flood of legal rules, the Hanseatic City of Bremen will refrain from adopting any special administrative regulations referring to the existing applicable legal provisions.

2. Free and Hanseatic City of Hamburg

In Hamburg, as in Bremen (cf. the foregoing comments under "1."), it is possible to submit documents drafted in Low German to the authorities. No use has so far been made of this facility by members of this language group.

3. Mecklenburg-Western Pomerania

Notwithstanding the applied principle of using German as the official language, Section 23 of the *Land Administrative Procedure Act* does not, on principle, rule out use of Low German. Accordingly, documents drafted in Low German, e.g. purchase deeds, etc., can be submitted in this regional language.

4. Lower Saxony

Submission of legal documents in the Low German language is admissible. So far, no information is available regarding the extent to which members of this language group have actually made use of this facility.

5. Schleswig-Holstein

The legal basis for acceptance of this obligation by the *Land* of Schleswig-Holstein is Section 82a, para. 2, of the *Land* Administration Act. This discretionary regulation provides for the general possibility to submit applications, petitions, records, deeds or other documents in a foreign language, i.e. a language other than the official language.

"Section 82 a - Official Language

(1) The official language is German.

(2) If applications or petitions, records, deeds or other documents drafted in a foreign language are submitted to an authority, the latter can require a translation to be produced. (...)"

According to a non-representative survey carried out among subordinate agencies of the Ministry of the Interior of Schleswig-Holstein *Land*, use is made of this possibility, *inter alia*, by land survey offices [cadastral offices] and by the *Land* Statistical Office.

In this context it should be noted that, according to the legal commentary by Foerster, Friedersen and Rohde (as of 2/97; no. 1, para. 4, regarding Section 82a of the *Land* Administration Act), the term 'German language' not only covers standard German, but also dialects, including the Low German language. This is also in conformity with the supreme court decisions on the parallel regulation applying to courts, in Section 184 of the Organization of the Courts Act. The prerequisite, however, is that all parties involved understand the dialect. To this extent, the obligation is already met for Low German. Following this commentary, though, Low German would not be considered a language in its own right, but a dialect - and as such would not come under the Regional/Minority Language Charter. Linguistically, however, it is an established fact that Low German is an independent language differing from standard (High) German.

re: para. 1, sub-para. (c) - Drafting of Documents –

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

1. Free Hanseatic City of Bremen

In this regard, reference is made to the comments above on para. 1, sub-para. (a) (v) - "1. Bremen".

2. Free and Hanseatic City of Hamburg

In this regard, reference is made to the comments above on para. 1, sub-para. (a) (v) - "2. Hamburg".

3. Mecklenburg-Western Pomerania

In this area, the European Charter for Regional or Minority Languages has already had the effect that, for instance, documents, speeches, letters and messages of greeting are written in Low German both within the *Land* Administration and in local administrations. *Hanse Sail 1999*, in Rostock, and the *Landeskulturtage* [*Land* Cultural Days], in Waren-Müritz, were opened by the Minister-President of Mecklenburg-Western Pomerania *Land* in Low German. This means significant upgrading and recognition of Low German. To the extent possible, Low German letters sent by citizens will also be answered in Low German.

The employment of Low German Commissioners within the *Land* Administration and local administrations should be examined in a long-term perspective. The task of such Commissioners for Low German could be to develop concepts for increasing (oral/written) proficiency in the Low German language in administration.

4. Lower Saxony

In this regard, reference is made to the comments above on para. 1, sub-para. (a) (v) - "4. Lower Saxony".

In the context of a survey carried out among the Ostfriesland local authorities, however, the respondents assessed the scope for using Low German, also as a written language within the administration, as rather negative - for reasons of feasibility (their staff members cannot write this language) and of practical need (many speakers of Low German can read their language only with difficulty).

5. Schleswig-Holstein

This obligation has been accepted by Schleswig-Holstein in the sense of "undertake ... to allow". Cf. also the general comments above on Article 10, para. 1, sub-para. (a) (v) ["2. - Schleswig-Holstein"].

In particular, written messages of greeting for events related to Low German issues are quite frequently drafted in the Low German language. Also, a number of documents have already been drawn up in Low German. Thus, for instance, the Minister-President used the Low German language in a letter addressed by her to the Bremen-based *Institut für Niederdeutsche Sprache* [Institute for the Low German Language].

The Ministry for Rural Areas, Town and Country Planning, Agriculture and Tourism of Schleswig-Holstein *Land* presents the introductory page of the *Land* Government's Internet site also in the regional language Low German ("*Düsse sied op platt*") ["This page in Low German"], in addition to Danish and North Frisian.

re: Art. 10, para. 2

(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;

This accepted obligation - like the other obligations under paragraph 2 - is generally met by the *Länder* at least in the sense of "undertake to allow". Therefore, the members of this language group are free to make use of the pertinent provisions also in everyday life. If at all, this is at present done in a few cases only. However, practical implementation of this obligation very much depends on whether, and how many, staff members of the respective authorities have a command of the Low German language. To the extent that implementation measures in addition to the general applicability of this provision can be taken, or where *Länder* already have practical experience in this regard, examples are given below.

1. Free Hanseatic City of Bremen

With the entry into force of the Regional/Minority Language Charter as of 1 January 1999, this provision has become applicable law for the authorities of the Free Hanseatic City of Bremen. Specific measures have not been taken.

2. Free and Hanseatic City of Hamburg

In Hamburg, Civil Registry Offices can, upon request, conduct marriage ceremonies in the Low German language.

3. Mecklenburg-Western Pomerania

Under Section 23 of the *Land* Administrative Procedure Act, the official language is German. The German language, by definition, also comprises all dialects and, regarding the official language, also covers Low German as a regional language. Thus, the use of Low German as an official language is not generally precluded by the principle of German being the official language as stipulated in Section 23 of the *Land* Administrative Procedure Act. Use of Low German within the framework of regional or local authorities depends on whether suitable staff members having a command of Low German are available within the given administration.

Stavenhagen, the [native] town of [the Low German writer Fritz] Reuter, in May designated a female official of the Civil Registry Office as the Low German Commissioner. It is now possible to perform marriage ceremonies also in Low German.

Another example of the active use of the Low German language is presented by *Staatliches Museum* in Schwerin where guided tours of the museum are regularly conducted in Low German. Also guided city tours conducted in Low German, e.g. in the *Land* capital Schwerin, are very popular.

The *Landesheimatverband Mecklenburg-Vorpommern e.V.* [Mecklenburg-Western Pomerania Land Union for Local and Regional Traditions, reg'd] has developed a sticker "*Ick snack platt*" ["I speak Low German"] and a cup with the same inscription. These objects indicate the person's language proficiency, and 'canvass' for Low German.

These are only a few examples from among a wide range of other initiatives within the *Land* of Mecklenburg-Western Pomerania where Low German is also used within authorities at

the regional level. In this respect, a good basis has been provided which can be further developed in all areas.

4. Lower Saxony

In coastal regions of Lower Saxony, particularly in rural areas, many municipalities and other local governments employ staff proficient in the Low German language. In Ostfriesland and Ammerland, information on bilingualism is provided region-wide, for instance with reference to the registration of newly born children with the competent authority.

In addition, [civil] marriage ceremonies can be performed in Low German. Also at official events, representatives of the *Land* or of local governments give speeches in Low German.

In Ostfriesland and in Ammerland, representatives of *Landkreise* [rural administrative districts] and local governments have formed working panels dealing specifically with the implementation of Article 10 of the Charter.

5. Schleswig-Holstein

Use of Low German within the framework of regional or local authorities depends on whether staff members having a command of Low German are available within the given administration. Even though no statistical data are available on the use of Low German in this field, it can be assumed that, especially in rural communities, people communicate also in Low German.

Thus, for instance, the town of Schleswig has this year distributed stickers inscribed "*Ick snack Platt*" ["I speak Low German"] to those staff members who speak Low German so as to reduce any inhibitions which visitors might still have with regard to the use of the regional language in their dealings with public agencies or authorities.

re: para. 2, sub-para. (b) - Submission of Applications –

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

1. Brandenburg

This provision concerns local self-administration units. It is not known whether - and if so, to what extent - citizens have so far submitted oral or written applications in the Low German language to local authorities; in this regard, no statistical data are collected.

If a citizen submits an application drafted in Low German to an official who does not know the Low German language, it usually is easily possible to arrive at a practical solution by calling in another staff member speaking that language.

It is not planned to issue administrative rules for the specific regulation of the treatment of applications drafted in the Low German language since there is no apparent practical need for such a regulation. So far, no case has become known where a pragmatic solution was *not* found.

2. Free Hanseatic City of Bremen

In this regard, reference is made to the comments above on sub-para. (a) - "1. - Bremen".

3. Free and Hanseatic City of Hamburg

It is possible to submit texts drafted in Low German to the Hamburg Administration, but no use was made of this possibility in the years 1998 and 1999.

4. Mecklenburg-Western Pomerania

Under Section 23 of the *Land* Administrative Procedure Act, Low German may be used for oral and written communication within local and regional authorities.

5. Lower Saxony

Applications may be submitted in the regional language. Cf. also the comments below on para. 4, sub-para. (a).

6. Schleswig-Holstein

The general possibility to submit applications, petitions, records, deeds or other documents in a foreign language - i.e. a language other than the official language - derives from Section 82a, para. 2, of the *Land* Administrative Procedure Act.

In all other respects, reference is made to the comments above on Article 10, para. 1, sub-para. (a) v.

re: para. 2, sub-para. (c) - Publication of Official Documents of the Regional Authority in the Regional Language –

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

1. Free Hanseatic City of Bremen

In this regard, reference is made to the comments above on para. (a) - "1. Bremen".

2. Lower Saxony

Also the regional authorities of Lower Saxony employ staff having knowledge of the regional language. However, publication of official documents in Low German meets with some reserve. But on a case-by-case basis, the question as to whether such action is expedient and/or effective as regards the intended addressees will be considered.

re: para. 2, sub-para. (d) - Publication of Official Documents of Local Authorities in the Regional Language –

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

1. Free Hanseatic City of Bremen

In this regard, reference is made to the comments above on para. (a) - "1. Bremen".

2. Lower Saxony

The publication of official documents in Low German is admissible in the *Land* of Lower Saxony, and is not hampered by any legal stipulations. A survey conducted in the main settlement area in the Ostfriesland region of this *Land* has shown that, at present, the various local authorities have not yet established such publication practices.

re: para. 2, sub-para. (e) - Use by Regional Authorities of the Minority Language in Debates in Their Assemblies –

(e) the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;

1. Free Hanseatic City of Bremen

In this regard, reference is made to the comments above on para. (a) - "1. Bremen".

2. Free and Hanseatic City of Hamburg

Interpellations and questions in Low German have occasionally been presented in the City-State Parliament [*Bürgerschaft*] and District Councils. As a rule, these were discussed and answered in Low German.

3. Lower Saxony

So far, no empirical data are available. Where relevant, the respective authorities may include appropriate regulations in their Rules of Procedure.

re: para. 2, sub-para. (f) - Use by Local Authorities of the Minority Language in Debates in Their Assemblies –

(f) the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;

1. Free Hanseatic City of Bremen

In this regard, reference is made to the comments above on para. (a) - "1. Bremen".

2. Free and Hanseatic City of Hamburg

In this regard, reference is made to the comments above on para. (e) - "2. Hamburg".

3. Mecklenburg-Western Pomerania

In local and regional assemblies, the Low German language is used by the councillors. In 1992, for instance, the assembly of the town of Anklam held meetings in Low German.

In rural areas, use of Low German is more frequent and widespread.

4. Lower Saxony

In various places, the Council meetings are often held in Low German or are bilingual (Low German/German).

5. Schleswig-Holstein

The provision is implemented, *inter alia*, by the Schleswig-Holstein *Land* Ministry of the Interior which, in response to pertinent inquiries made by local authorities or local government supervisory authorities, will refer to Article 10, para. (2) (f), of the Charter and to the possibility to conduct assembly meetings in Low German.

In rural areas, in particular, it is quite common to hold meetings of local councils in Low German, provided that nobody objects to the use of this language.

On 21 June 1999, the town of Schleswig conducted a council meeting "*op platt*", i.e. in Low German. Also, various *Kreistag* meetings were, either for their full length or in part, held in Low German.

re: Art. 10, para. 3

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

(a) *to ensure that the regional or minority languages are used in the provision of the service; or*

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

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

The obligation under sub-paragraph (c) has been entered into by the *Land* of Brandenburg.

Sub-paragraph (c) covers the undertaking to allow persons wishing to use the Low German language to do so when submitting a request. This is interpreted by the *Land* Government to imply an obligation to refrain from action: the *Land* may not bar or prevent the use of the Low German language for the submission of requests; and this is ensured since there is no

legal provision or administrative regulation prohibiting the use of the Low German language for the submission of requests to administrative authorities. Any positive regulation laying down that use of the Low German language is admissible in this context is not considered necessary and therefore is not intended to be introduced.

In all other respects, the comments above on paragraph 2, sub-para. (b) [Submission of Applications], apply *mutatis mutandis*.

re: Art. 10, para. 4

(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:*

re: para. 4, sub-para. (a) - Translation or Interpretation

(a) *translation or interpretation as may be required;*

This obligation has been accepted by the Land of Lower Saxony.

Since the authorities of those regions where Low German is spoken, usually also employ staff having a knowledge of the regional language, problems will not be encountered as regards translation or interpretation. At any rate, no deficits have so far become known.

re: para. 4, sub-para. (c) - Appointment of Public Service Employees having a Knowledge of a Regional or Minority Language –

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

1. Free and Hanseatic City of Hamburg

Applications for re-assignments have not yet been submitted by public service employees wishing to be appointed in the territory in which Low German is used. In some District Council Offices, however, employees were asked whether they spoke Low German so that they might, if required, be appointed to appropriate posts.

2. Mecklenburg-Western Pomerania

The Mecklenburg-Western Pomerania variety of Low German is spoken throughout this *Land* so that, e.g. in the appointment of teachers, administrative employees, nursery-school teachers and doctors, account can be taken of individuals proficient in the Low German language.

This fact does not, however, establish any causal relationship between the Low German proficiency of public service employees and the definitive assignment of the place of employment.

3. Lower Saxony

The *Land* of Lower Saxony does not apply any restrictions as regards the wishes of public service employees for appointment to posts where they can make use of their knowledge of the Low German language. So far, no information is available on any cases where such requests have been made and employees have actually been appointed to such posts.

4. Schleswig-Holstein

With a view to implementing this obligation, an announcement to this effect was made at the *Personalreferentenkonferenz* (PRK - Conference of Personnel Officers) on 24 June 1999. The PRK brings together the personnel officers of the supreme *Land* authorities at regular meetings with the aim of co-ordinating and harmonizing the essential cross-departmental decisions in the field of personnel management.

If a staff member within the *Land* Administration expresses a wish regarding such an appointment, the scope for complying with the request will be examined. So far, however, there have been no requests to this effect at the *Land* Government level.

In the case of Low German, in particular, the practical relevance of the PRK announcement would seem to be negligible since Low German, as a regional language, is spoken throughout the *Land*.

Article 11

Media

(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:

re: para. 1, sub-para. (b) ii - Broadcasting of Radio Programmes –

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

1. Brandenburg

In the *Land* of Brandenburg, radio and television broadcasts of *Norddeutscher Rundfunk* (NDR) of the Free Hanseatic City of Bremen (see also the comments below - "2. Bremen") can be received in the Low German speech area. In part, the NDR broadcasts are taken over by *Ostdeutscher Rundfunk Brandenburg* (ORB) in its own programme schedule.

2. Free Hanseatic City of Bremen

The *Radio Bremen* station has, for many years already, broadcast regular Low German programmes. These are radio plays, local/regional programmes on weekends, Low German news and Low German magazine programmes (*Sünndagsradio* - "Sunday Radio"). The station urges its editors and anchormen and anchorwomen to include Low German in the programme. The station produces its own Low German programme sections which are transmitted over the four sound broadcasting frequency bands [i.e. FM, LF, MF, and HF).

3. Free and Hanseatic City of Hamburg

The Inter-State Treaty on *Norddeutscher Rundfunk (NDR)* in many and various respects takes account of the interests of the Low German language. Thus, the programming mandate under Section 5 of the Inter-State Treaty contains the stipulation that "adequate room must be given in the programme to the North German region, its culture and language". The radio broadcasting programme of "*Hamburg-Welle 90.3*" covers regular broadcasts in Low German (on Sundays: "*Wi snackt Platt*" ["We speak Low German"]; on weekdays, the news are read in Low German once per day). Once per month, the public event "*Sonntakte*"* is transmitted by *Hamburg-Welle* and often contains programme parts in Low German.

4. Mecklenburg-Western Pomerania

Both in the NDR programme *Radio Mecklenburg-Vorpommern (RMV)* and in the programme of *Antenne Mecklenburg-Vorpommern*, Low German has regular broadcasting times and enjoys unflagging popularity.

Since the Low German sector is represented also by a representative of the cultural sector on the *Land* Broadcasting Board, consideration has to be given, on a case-by-case basis, to the possibilities for including Low German also in the context of 'Open Channels'.

5. Lower Saxony

Under the Inter-State Treaty on *Norddeutscher Rundfunk* which was concluded by the Free and Hanseatic City of Hamburg and the *Länder* of Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein, the programming mandate of *Norddeutscher Rundfunk*, as a broadcasting corporation under public law, stipulates, *inter alia*, that adequate room must be given in the programme to the North German region, its culture and language (Section 5, para. 2, of the NDR Inter-State Treaty).

The Broadcasting Centres of the *Länder* produce *Land* programmes, as a full-day radio and regional programmes on TV, which present, *inter alia*, the cultural and social life of the respective *Land* (Section 3, para. 3, of the NDR Inter-State Treaty). This also covers various broadcasts in the Low German language, either at fixed broadcasting times or in the context of current affairs reporting.

The programme of *NDR 1 Radio Niedersachsen* [Radio Lower Saxony] covers regular daily thematic sections, including the pastoral talk in Low German ("*plattdeutsche Ansprache*"). In addition, there are two 1-hour Low German thematic broadcasts in Low German and two Low German radio plays per month. Also, a weekly 2-hour magazine programme is presented in Low German.

* wordplay on *Sonntage* (Sundays) and *Takte* (bars of music) [Translator's Note]

Generally it is to be noted that the airtime (in minutes) devoted by *Norddeutscher Rundfunk* to Low German broadcasts over the past years has, in most areas, remained constant, and in some cases has even been increased.

The Lower Saxony *Land* Broadcasting Act lays down that the programmes of private broadcasters must make appropriate allowance also for the cultural diversity of the regions and for the regional languages used in Lower Saxony (Section 17, para. 2, of the *Land* Broadcasting Act). Compliance with these requirements is also monitored by the minimum number of 41 members of the Assembly of the Lower Saxony *Land* Supervisory Authority for Private Broadcasters. All major groups of society or organizations of the *Land* are entitled to make nominations as regards representation on the Assembly.

In the past, the radio station *Hit-Radio Antenne* broadcast a programme featuring a comedy figure speaking Low German, and now is planning further regional-language activities as part of its regional programme.

On the other hand, the radio station *radio ffn* does not provide programme sections in minority languages because it considers that integration of such broadcasts would be very difficult in a private medium striving for success and catering for a mass audience.

Niedersächsischer Landesrundfunkausschuss, the *Land* supervisory authority for private broadcasters of Lower Saxony, also supports non-commercial local broadcasters and the 'Open Channels'. It is especially in these programmes with a focus on regional and local settings that specific cultural features and linguistic minorities are included and presented.

The multifarious programme structure of the Open Channels and local broadcasting stations provides for Low German broadcasts, some of them on a regular basis. Thus, for instance, *Offener Kanal Emsland - Grafschaft Bentheim* on Wednesdays and Thursdays airs a 1-hour Low German programme. *Radio Jade* broadcasts Low German news every day at 16.30 hours, and once per month, on Wednesdays, airs a 2-hour broadcast entitled "*Wi snackt platt - för jeden wat*" ["We speak Low German - something for everybody"]. Also, *Offener Kanal Osnabrück* airs a half-hour programme entitled "*Wi küert platt*" on Wednesdays.

Also in view of their own interest, broadcasters strive to meet the legal requirements. In addition, the *Land* of Lower Saxony - within the limits of its scope for exerting an influence - encourages radio and television broadcasters to take account of regional special features of the culture and language.

6. Saxony-Anhalt

In Saxony-Anhalt, radio and TV broadcasting corporations under public law as well as private broadcasters regularly air programmes in the Low German language and report on Low German events.

In the Northern part of Saxony-Anhalt, radio and TV broadcasts of *Norddeutscher Rundfunk* (NRD) can be received in the Low German speech area. In part, broadcasts of *Ostdeutscher Rundfunk Brandenburg* (ORB) are taken over by *Mitteldeutscher Rundfunk* (mdr) in its own programme schedule.

In Saxony-Anhalt, Open Channels and local broadcasting stations are still in the process of organization but, depending on local demand, already include Low German broadcasts in

their programmes (for instance, *Magdeburger Lokalsender*: live broadcast of the *Land* elimination contest regarding the 1999 Low German Reading Competition).

7. Schleswig-Holstein

In a letter of 29 September 1999, the Minister-President of Schleswig-Holstein *Land* has encouraged the station programme directors of *Norddeutscher Rundfunk (NDR)*, *Zweites Deutsches Fernsehen (ZDF - Second German Television, or Channel II)*, *DeutschlandRadio*, *Radio Schleswig-Holstein*, *NORA (NordOstseeRadio)*, *delta radio* and *POWER RADIO Nord* to integrate "linguistic particularities which are among the features determining the specificity of our *Land*" in their programmes; intensification of first action already taken in this respect would be welcomed. In the spirit of the Regional/Minority Language Charter, the Minister-President urged that "further avenues should be explored for integrating contributions in the minority languages and in the regional language Low German into their programmes, as a service for the citizens and in support of this element of the culture of Schleswig-Holstein".

In addition, the following provisions have been laid down:

- The broadcasting corporation under public law (*NDR*) has the legal mandate to report on the cultural diversity and the special features of the respective *Land* and to give its support to the protection of minorities.
- Adequate room must be given in the programme to the North German region, its culture and language.
- Programming principles for private broadcasting: "programmes shall help to (...) achieve protection and promotion of minorities".
- Protected minorities have access to the media, and scope for participation, on the same conditions as other groups of society. The provisions of the *Land* Broadcasting Act promote programming diversity and the variety of broadcasters.
- The *Land* Broadcasting Act was amended in 1999. In future, the previous Assembly of the supervisory authority *Unabhängige Landesanstalt für das Rundfunkwesen (ULR - the Schleswig-Holstein Land broadcasting institution for private broadcasters)* will be replaced by a Media Council. Any socially relevant group, organization or association of supraregional standing is entitled to make nominations for the election of the Media Council.
- In addition, the ULR operates two radio broadcasting 'Open Channels' in Schleswig-Holstein. Through these Open Channels, anybody who is not a broadcaster himself, can disseminate his or her own contributions via radio broadcasting.

The legal bases include:

Inter-State Treaty on *Norddeutscher Rundfunk* [NDR State Treaty] (of 1 March 1992):

Article 3, para. 3; Article 5, para. 2, 1st sentence; Article 7, para. 2, 3rd sentence;

Inter-State Agreement on the Public Corporation "*Zweites Deutsches Fernsehen*" (of 26 January 1998): Article 5, para. 2;

Land Broadcasting Act (of 13 October 1999): Section 17, para. 2, nos. 1 and 2; Section 24, para. 3; Section 34, para. 1, 1st - 3rd sentences; Section 54, para. 3.

Examples of pertinent broadcasts are:

The sound broadcasting department of *Landesfunkhaus [Land Broadcasting Centre]* in Kiel has a Low German central office. The latter is responsible for the regular programme "Low German Radio Play" and the programme "*Niederdeutsche Chronik*" ["Low German Chronicle"].

NDR 1 - Welle Nord airs many Low German programmes:

- "*Von Binnenland und Waterkant*" ["Inland and Seaside Life"]
- "*Bi uns to Huus*" ["At home, in our region"] (parts are in Low German)
- "*Hör mal'n beten to*" ["Just listen for a bit"]
- "*Ünner't Strohdack*" ["Under the thatch roof"] (North German reading)
- "*Vertell doch mal*" ["Tell me ..."] (Low German story-telling competition)*

In addition, there are broadcasts with Low German sections (consumer topics in Low German, the Low German weekly review, and the Low German morning prayers).

Also, at irregular intervals, *Radio Schleswig-Holstein* (R.SH) airs [Low German] broadcasts dispersed throughout its overall programme.

re: para. 1, sub-para. (c) ii - Broadcasting of Television Programmes –

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

1. Brandenburg

In this regard, reference is made to the comments above on Article 11, para. (1), sub-para. (b) (ii) - "1. - Brandenburg".

2. Free Hanseatic City of Bremen

In Bremen, the Nativity story is broadcast in Low German regularly during Christmastide.

3. Free and Hanseatic City of Hamburg

The broadcasting station *N 3* of *Norddeutscher Rundfunk* (NDR) regularly broadcasts the talk show "*Talk op Platt*" ["Talk in Low German"]. The daily "*Hamburg Journal*" programme reports on local events and, occasionally, on events in which Low German plays a special role.

4. Mecklenburg-Western Pomerania

The television *Land* programme of *Landesfunkhaus Mecklenburg-Vorpommern* [Mecklenburg-Western Pomerania *Land* Broadcasting Centre] only sometimes features the Low German language in occasional broadcasts as part of the programmes "*Nordmagazin*" ["Magazine of the North"], "*Zwischen Elbe und Oder*" ["Region between the Elbe and Oder Rivers"], "*Mecklenburg-Vorpommern heute*" ["Mecklenburg-Western Pomerania today"]. At present, it is not planned to produce specific Low German programmes.

The same goes for feature broadcasts produced by *Landesfunkhaus Mecklenburg-Vorpommern* for *Norddeutsches Fernsehen N 3*, which also only occasionally include Low German texts or songs.

Regarding the TV programme of *Norddeutscher Rundfunk* (NDR), particular mention is to be made of the programme "*Talk op platt*" ["Talk in Low German"]. This two-hour live

broadcast is aired six times per year on TV Channel III of NDR from different places in the transmission area, *inter alia* from Mecklenburg-Western Pomerania. The editorial office for this programme, which is exclusively in Low German, is located in Hamburg.

5. Lower Saxony

Cf. the general comments above on Art. 11, para. 1, sub-para. (b) (ii) "5. - Lower Saxony".

Norddeutscher Rundfunk - the broadcasts of which are received in the Low German speech area Lower Saxony *Land* - regularly airs the talk show "*Talk op Platt*" ["Talk in Low German"] and stage productions of *Ohnsorg Theater*. In addition, entertainment programmes such as "*Bi uns to Hus*" ["At home, in our region"] and "*Melodie der Meere*" ["Melody of the Seas"] often feature poems and songs in the Low German language. Lower Saxony has its own 10-minute Low German broadcast which is aired every second Friday.

6. Saxony-Anhalt

In this regard, reference is made to the comments above on Article 11, para. 1, sub-para. (b) (ii) - "6. Saxony-Anhalt".

7. Schleswig-Holstein

In this regard, reference is made to the comments above on para. 1, sub-para. (b) (ii) - "7. Schleswig-Holstein".

In addition, it should be noted that the *Schleswig-Holstein-Magazin* - which is aired daily, except on Sundays, from 19.30 - 20.00 o'clock - includes broadcasts on the Low German language, e.g. the talk show "*Talk op Platt*" ["Talk in Low German"] and the transmission of stage productions of *Ohnsorg-Theater*.

re: para. 1, sub-para. (d) - Audio and Audiovisual Works –

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

1. Brandenburg

The *Land* of Brandenburg has implemented this obligation especially by means of legislative measures. The ORB's obligation is anchored in Section 5, para. 2, of the *Act on Ostdeutscher Rundfunk Brandenburg* (ORB Act), i.e. in fulfilment of its programming mandate, to rely on private-sector providers and services and in this regard to include production firms Brandenburg *Land*. This obligation also benefits the producers and distributors of audio and audiovisual productions in the northern region of the *Land*, which is part of the Low German speech and cultural area.

2. Free Hanseatic City of Bremen

Some of the productions of *Radio Bremen - Plattdeutsche Nachrichten* [Low German News], *Plattdeutscher Sprachkursus für Anfänger* [Low German Language Course for Beginners] - (cf. the comments above on para. 1, sub-para. (b) (ii) - "1. - Bremen") are disseminated, as texts with audio versions, on the Internet. The standard German version of the Low German news can, at any time, be retrieved from *Radio Bremen-Online*.

3. Free and Hanseatic City of Hamburg

Hamburg, as an important media site, welcomes the production of pertinent audio and audiovisual works by Hamburg-based media companies.

Radio and TV broadcasts in the regional language Low German are aired by *Norddeutscher Rundfunk - N 3*. Radio-play musicassettes are used in classroom instruction for the subjects 'German' and 'music'.

4. Mecklenburg-Western Pomerania

As part of cultural promotion, various projects for language promotion by audiovisual means have been carried out. Interesting materials for Low German instruction are, for instance, the video "*Norddeutsche Märchen und Sagen*" ["North German Folk Tales and Legends"] produced by Hagenow *Kreis* Adult Education Centre, the audio cassette "*Plattdütsch for juch*" ["Low German for you"] produced by *Landesheimatverband Mecklenburg-Vorpommern* [Mecklenburg-Western Pomerania *Land* Union for Local and Regional Traditions, reg'd], the cassette "*Oll Hinning vertellt*" ["Old Hinning telling his tales"] by Karl-Heinz Madauß / Parchim, and the CD edited by Werner Völschow and published by the "*Nordkurier*" newspaper and containing texts from Fritz Reuter's work "*Dörchläuchting*" ["Serene Highness"].

The *Stiftung Mecklenburg* in Ratzeburg, a foundation jointly subsidized by Schleswig-Holstein and Mecklenburg-Western Pomerania, collects Low German films which also can be viewed at the Foundation headquarters. The 'Media Workshop' provides comprehensive information on the fullest range possible of persons and groups working in the Low German sector (reciters/readers, theatre groups, singer-songwriters, radio and TV programmes, etc.). The technical information levels depend on the collected material (CD, video, cassettes, etc.). The material and information offered by the *Stiftung Mecklenburg* are designed, in particular, for children and youngsters. Another aim is to collect speech samples through interviews. Also, video cameras are available for reviewing one's own rehearsals of theatre scenes.

5. Lower Saxony

The programming principles for public broadcasting corporations, as stipulated in the *NDR Inter-State Treaty*, and those for private broadcasters, as laid down in the *Land Broadcasting Act* - which are described above (cf. the comments under para. 1, subparas. b and c) - are also intended to provide incentives for the production and dissemination of audio and audiovisual works in the Low German language.

Upon application, the *Land* of Lower Saxony, in view of supporting such productions within the framework of cultural promotion, grants subsidies to the production costs.

6. North Rhine/Westphalia

In the context of the preservation of regional traditions, the *Landschaftsverband* [regional local authority] *Westfalen-Lippe* which promotes the Low German language mainly in the cultural sector (see also the comments below on Article 12) subsidizes the production costs

of sound recordings regarding Low German subjects. The production and dissemination of audiovisual works in Low German are also encouraged in this way.

7. Saxony-Anhalt

Pursuant to the Decision of 19-11-1991 adopted by the *Landtag* of Saxony-Anhalt (Parliamentary Publication 1/24/908 B), the *Land* Government is obliged to promote, in particular, the Low German language, together with its cultural traditions. The Directives on the Allocation of Grants, *inter alia* for the cultivation and preservation of local/regional customs, explicitly lay down that promotion of Low German - in the form of musical, literary or language-related activities in the pre-school and extracurricular sectors, for instance in clubs, workshops and self-organized groups - is eligible for allocation of funds. On the basis of these Directives, natural persons and associations can receive *Land* funding to a maximum amount of 70 per cent of the expenses eligible for allocation of funds. Within the framework of such *Land* funding, it is also possible to grant subsidies for the production of visual or audiovisual media in the Low German language. The production and dissemination of audiovisual works in Low German are also encouraged in this way.

8. Schleswig-Holstein

This provision is implemented in Schleswig-Holstein in the following way:

The programming principles embodied in the *Land* Broadcasting Act provide an indirect incentive to public service broadcasting and to private broadcasting: the Act lays down that (...) the broadcasting programmes shall contribute (...) to the protection and promotion of (linguistic) minorities. The programming principles provide for the production of audiovisual works in the minority/regional languages, e.g. "*Talk op Platt*" ["Talk in Low German"].

The *Unabhängige Landesanstalt für das Rundfunkwesen* (ULR) is entitled to provide financial support to non-profit organizations with cultural aims, especially in the audiovisual sector. Additional support is provided by the *Gesellschaft zur Förderung audiovisueller Werke in Schleswig-Holstein mbH* (MSH - Limited Liability Company for the Promotion of Audiovisual Works in Schleswig-Holstein). MSH obtains funds from the NDR broadcasting corporation and from ULR [the Schleswig-Holstein supervisory authority for private broadcasters]. These funds are used for the promotion of commissioned productions and coproductions in the cinema sector, television and sound broadcasting, which are made by producers who are native to, or resident in, Schleswig-Holstein.

Legal Bases:

Land Broadcasting Act (of 13 October 1999): Section 24, para. 3; Section 53, para. 2; Section 73, para. 2.

Otherwise, it is left to the (linguistic) minorities, on the basis of the cultural promotion by the *Land* and of the principle of self-government, to decide on pertinent measures and to implement these within the limits of the overall funds available.

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

1. Brandenburg

On account of the freedom of the press guaranteed by the Constitution, there is little scope for the *Land* directly to influence the design/organization of printed media. However, the *Land* Government takes a favourable view of the publication of articles in the Low German language. Low German articles actually appear quite frequently in the printed media of the Low German speech and cultural area.

The most important daily newspapers of the region are "*Uckermark-Kurier*"*, "*Oranienburger Generalanzeiger*"* and "*Der Prignitzer*".

The newspaper "*Der Prignitzer*" which is read in the North Western region of the *Land* at regular intervals prints articles in the Low German language. These are, in particular, articles on regional history, nature study, and local history and geography, and literary items. In addition, there is reporting, also in standard German, on the work of clubs dedicated to the preservation of local and regional traditions and of similar associations devoted, *inter alia*, to the cultivation of the Low German language and culture, so as to familiarize also non-speakers of the Low German language with the work of such clubs and associations.

Every two weeks, the newspaper "*Uckermark-Kurier*" which is read in the North Eastern region of the *Land* publishes one page with Low German items. For the major part, these are stories written by contemporary authors from the region, but the works of authors from earlier epochs are included as well. There are also reports on the impact of Low German.

Oranienburger Generalanzeiger does not regularly print items in the Low German language.

2. Free Hanseatic City of Bremen

Publication of the monthly *INS PRESSE* by the *Institut für Niederdeutsche Sprache e.V.* (INS - Institute for the Low German Language) for the information of the regional and supraregional media on Low German matters.

3. Free and Hanseatic City of Hamburg

Low German articles appear every day in the daily evening paper "*Hamburger Abendblatt*" (cf. no. 7 below, information provided by the *Land* of Schleswig-Holstein) and regularly in various weeklies of the city districts (e.g. in the weekly "*Niendorfer Wochenblatt*") and in relevant information bulletins.

4. Mecklenburg-Western Pomerania

* *Kurier* = Courier; Messenger; Post - *Generalanzeiger* = Gazette

Both in towns and rural areas, dailies, advertising papers and Sunday papers play an important role in the dissemination of Low German texts. About once per week, the newspapers of the *Land* publish Low German texts which are very popular with the reading public. As a rule, Low German texts (e.g. stories, poems, "*Läuschen un Rimels*" [the title of droll stories by Fritz Reuter], features) appear in the local/regional section or the feature supplement [feuilleton]. The "*Mecklenburg-Magazin*" of *Schweriner Volkszeitung* also assigns a regular section to Low German. The "*Mecklenburg-Magazin*" is published once per week. Also, the local/regional sections of newspapers often publish articles on Low German stage performances and events/meetings organized by Low German clubs and authors.

The use of Low German as an occasional 'language of politics' is also reflected in the newspapers when these publish entire articles in Low German or often chose a Low German headline which, for instances, might be quoted from a speech.

The wide-spread popularity of Low German is demonstrated by Low German personal (birth, marriage, death) announcements or personal congratulations. Occasionally, readers also draft their letters to the editor in Low German.

Business and industry, too, have discovered the Low German language as a means having great publicity appeal. A number of advertisements - of special events or specialties of the *Land* - contain Low German texts.

5. Lower Saxony

On account of the freedom of the press as guaranteed by the Constitution, there is, on principle, no scope for direct [state] action/influence. Moreover, it is not possible, with a view to competitiveness, to impose binding requirements on publishing houses.

Also the supraregional newspapers, but especially the regional and local papers carry many and various articles in the Low German language, in part as regular columns.

On appropriate occasions, the *Land* Government repeatedly makes appeals to include and present the Low German language also in press publications. This appeal is addressed both directly to the publishing houses and through the *Verband Nordwestdeutscher Zeitungsverleger* [Association of North West German Newspaper Publishers].

6. Saxony-Anhalt

Both in towns and rural areas, the regional daily press plays an important role in the dissemination of Low German texts. Every week, the weekend edition of the "*Volksstimme*" ["People's Voice"], for its entire circulation area, runs at least one page entitled "*PLATT SPRÄKEN*" ["Speaking Low German"] covering various Low German texts. In addition, Low German texts (e.g. short stories, legends, poems, songs, recipes, features) can be found in the local/regional section or in the feature section of both the "*Volksstimme*" and other local or regional newspapers.

7. Schleswig-Holstein

There is little scope for *Land* action/influence on account of the freedom of the press guaranteed by the Constitution (in this respect, cf. the comments above in Part C on Article 11 [pp. 46 *seqq.*]).

However, the *Verband der Zeitungsverlage Norddeutschland e.V.* [Association of Newspaper Publishers for Northern Germany] takes the protection of minorities and of linguistic groups very seriously. As a result, and on account of requests to this effect by readers, reports in the Low German language have become an integral part of newspapers in Schleswig-Holstein.

In addition, the Minister-President of Schleswig-Holstein *Land*, in a letter of 29 September 1999 addressed, *inter alia*, to the *Zeitungsverlegerverband Schleswig-Holstein e.V.* [Schleswig-Holstein Association of Newspaper Publishers, reg'd], has encouraged newspaper publishers to integrate "linguistic particularities which are among the features determining the specificity of our *Land*" in their publications; intensification of first action already taken in this respect would be welcomed by her.

The press share of Low German is as follows:

- Hamburger Abendblatt** (Hamburg Evening Paper; 248,430 copies), weekly Low German section in the main edition, a 2-column article on Saturdays (100-120 characters)
- Uetersener Nachrichten** (Uetersen News; 5,848 copies), a "Low German Corner" every Saturday
- Pinneberger Tageblatt** (Pinneberg Newspaper; 16,850 copies), every Sunday about one quarter of a page
- Elmshorner Nachrichten** (Elmshorn News; 12,222 copies), occasionally Low German items
- Barmstedter Zeitung** (Barmstedt Newspaper; 2,053 copies), a Low German column about every two weeks (irregularly)
- Lübecker Nachrichten** (Lübeck News; 114,124 copies), once per week a Low German column (60-80 lines); three times per month "*Platt lesen*" ["Reading Low German"] (100 lines)
- Dithmarscher Landeszeitung** (Newspaper of Dithmarscher Land; 26,197 copies), about 5,800 lines/year
- sh:z** (Schleswig-Holstein Paper; 165,983 copies), a daily "*Extrablatt*" [extra page; supplement], once per week "*Maandagmorrn*" ["Monday mornings"], and irregularly items in the *sh:z-magazin*.
- Schleswiger Nachrichten** (Schleswig news; 15,892 copies), about once per month "*Brev up Barup*"
- Schlei-Bote** (Schlei Herald; 4,445 copies), about once per month "*Brev up Barup*"
- Kieler Nachrichten** (Kiel News; 113,083 copies), irregularly one page (about 12 pages per year)

re: para. 1, sub-para. (f) ii - Financial Assistance for Audiovisual Productions –

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

1. Brandenburg

The existing measures for financial assistance for audiovisual productions are not confined to works in the German language. Works in Low German are also eligible for such assistance.

It is planned to issue film promotion directives. These are now in the approval and certification stage. Subsidizing of Low German productions will not be curtailed under these directions.

2. Free Hanseatic City of Bremen

'Open Channel' (radio and television) productions are granted subsidies.

3. Free and Hanseatic City of Hamburg

Tape-recordings and videograms of readings by authors and of stage productions in the Low German language are on sale.

4. Mecklenburg-Western Pomerania

The making and funding of audiovisual productions in the regional language Low German can be applied for within the framework of project-oriented promotion. The basis for such applications is the cultural promotion directive. One example of successful video productions is the video "*Norddeutsche Märchen und Sagen*" ["North German Folk Tales and Legends"] produced by Hagenow *Kreis* Adult Education Centre, which is used in Low German classroom instruction.

5. Lower Saxony

In this respect, reference is made to the comments above on sub-para. (d) - "5. Lower Saxony".

6. Schleswig-Holstein

Direct financial assistance by the State is problematic, due to the freedom of broadcasting guaranteed by the Constitution. However, the following promotional/subsidizing possibilities exist:

The *Unabhängige Landesanstalt für das Rundfunkwesen* (ULR) is entitled to provide financial support to non-profit organizations with cultural (...) aims, especially in the audiovisual sector (...).

Additional support is provided by the *Gesellschaft zur Förderung audiovisueller Werke in Schleswig-Holstein mbH* (MSH - Limited Liability Company for the Promotion of Audiovisual Works in Schleswig-Holstein). MSH obtains funds from the NDR broadcasting corporation and from ULR [the Schleswig-Holstein supervisory authority for private broadcasters]. These funds are used for the promotion of commissioned productions and coproductions in the cinema sector, television and sound broadcasting, which are made by producers who are native to, or resident in, Schleswig-Holstein.

re: Art. 11, para. 2 - Freedom of Direct Reception of Broadcasts, and Freedom of Expression –

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

Free reception of radio and television broadcasts from neighbouring countries is guaranteed by the *Basic Law* throughout the Federal Republic of Germany. In this regard, cf. the detailed comments in Part C on Article 11 [pp. 46 *seq.* above].

In addition, this obligation has once more been explicitly adopted by the *Land* of Brandenburg, the Free Hanseatic City of Bremen, the Free and Hanseatic City of Hamburg and the *Länder* of Mecklenburg-Western Pomerania, Lower Saxony, North Rhine/Westphalia, Saxony-Anhalt and Schleswig-Holstein; this acceptance did not entail the need for any special implementation measures.

Article 12

Cultural Activities and Facilities

(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:

re: para. 1, sub-para. (a) - Types of Expression, and Access to Works in the Languages -

(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;

The *Institut für niederdeutsche Sprache* (INS - Institute for the Low German Language), with headquarters in the Free Hanseatic City of Bremen, plays a prominent role as regards

cultivation of the Low German language and implementation of the accepted undertakings. The Institute is subsidized by the *Länder* of Bremen, Hamburg, Lower Saxony, North Rhine/ Westphalia and Schleswig-Holstein under an Agreement concluded to this effect.

The Institute for the Low German Language in Bremen is highly esteemed by the academic community as well as by writers, the theatre, choral societies, etc. The activities of the INS refer to the entire Low German speech area, have explicitly been put on a cross-State, supraregional basis, and essentially are oriented towards all aspects of Low German language culture. A major research focus is on the facts and issues related to the social functions of regional languages in modern times. The findings and research results are passed on by the INS to the interested public. Recently, the INS placed its site on the Internet and can be contacted by e-mail so that many items of information can be obtained decentrally.

The INS publishes, *inter alia*, the "*Plattdeutsch-Hochdeutsches Wörterbuch*" ["Low German/ Standard German Dictionary"] and the "*Hochdeutsch-Plattdeutsches Wörterbuch*" ["Standard German/Low German Dictionary"]. In addition, it has developed a comprehensive exhibition on Low German. Its library comprises some 14,000 media units.

Section 2, "Purpose", of the Statute of the providing body (sponsoring Association) describes the Institute's terms of reference as follows:

"The Institute shall be organized as an academic/scholarly centre and shall fulfil the following tasks:

- e) collection, classification and scientific analysis of works in the Low German language, with particular reference to the present time;
- f) editing the work results for the general public;
- g) co-ordination of, and support for, all efforts aimed at cultivating and preserving the Low German language;
- h) maintenance and development of links with similar institutions, also abroad.

In this way, the Association promotes scientific/scholarly objectives. Thus, it is of service, at the same time, to education in general and to popular education, and to international understanding. It exclusively and directly pursues nonprofit/public-benefit and scientific purposes."

1. Brandenburg

Promotion of Low German culture is project-oriented, within the framework of the *Land's* general cultural promotion. For instance, a number of printing-cost subsidies were granted for publications in the Low German language or for objects of the North German culture. Also, other literary projects or other forms of cultural expression will, upon application, be subsidized within the limits of the available resources; Low German is not placed at a disadvantage in relation to works in the standard German language.

2. Free Hanseatic City of Bremen

In Bremen, access to works in the Low German language is ensured through the promotion and maintenance of the *Institut für niederdeutsche Sprache* (INS) which has adequate stocks of literature at its disposal. Also, a large number of works are held by the archives and libraries in Bremen. In addition, the adult education centres offer literature courses which make it possible for all sections of the population to have access to works in the Low German language.

3. Free and Hanseatic City of Hamburg

In Hamburg, this obligation is implemented through financial support provided to the INS [Institute for the Low German Language] and to the Hamburg *Ohnsorg-Theater*. Due account is taken of the applications by various institutions for funding of Low German activities (e.g. *Quickborn-Vereinigung*, *Fehrsgilde*).

4. Mecklenburg-Western Pomerania

It is with great commitment, in the context of voluntary activities, that the people of the *Land* of Mecklenburg-Western Pomerania use and cultivate the regional language Low German as "their" language. Numerous associations, literary societies, libraries, the music sector, the theatre and the literature sector pursue regional and supraregional activities which include many and various possibilities for active encounters with the Low German language and culture.

- 4.1 The ***Volkskulturinstitut Mecklenburg und Vorpommern im Kulturbund e.V.*** [Folk Culture Institute of the *Kulturbund*, Mecklenburg and Western Pomerania] in Rostock devotes its efforts to the preservation and cultivation of the Low German language in Mecklenburg-Western Pomerania. In particular, the Folk Culture Institute directs its efforts to fostering the learning and use of Low German by children and youngsters and in teacher follow-up training. With a library comprising 2000 Low German or region-specific books, brochures, journals and stage plays, the Folk Culture Institute is an important source of information for all persons and groups interested in the Low German language. Also, (phonograph) records, sound recordings and other media are available, which contain regional music and songs as well as items dealing with folk culture, customs and traditions, and regional cultural events. A documentation on bibliographic data on Low German authors can also be consulted at the Folk Culture Institute.

The current Low German projects of the *Volkskulturinstitut* include its participation - together with the ***Landesheimatverband Mecklenburg-Vorpommern e.V.*** [Mecklenburg-Western Pomerania *Land* Union for Local and Regional Traditions], the *Landesinstitut für Schule und Ausbildung* (L.I.S.A. - *Land* Institute for Schools and Training) and the savings banks of the *Land* - in the *Land*-wide Low German competition "*Kinner, wi snacken platt!*" ["Children, we're talking in Low German"].

The *Volkskulturinstitut* regularly organizes follow-up training for Low German teachers and other interested persons. The programme also includes the *Rostocker Plattdeutsch-Tag* [Rostock Low German Day] which is prepared and organized in co-operation with the representatives of the Low German groups and the Adult Education Centre of the Hanseatic city of Rostock.

The work with, and support of, Low German authors are ensured by regular workshops organized in collaboration with the *Fritz-Reuter-Literaturmuseum* in Stavenhagen. The workshops of Low German authors form the basis of the publication "*kikut*" ["look out"].

Another event included in the work programme is the Low German song festival "*Nu kaamt to hoop*" [song title "Come now in large numbers"] in Güstrow. The aim of the song festival is to show the beauty and diversity of the regional song heritage and present new Low German songs.

Another association which is also dedicated to Low German is the *Landesheimatverband Mecklenburg-Vorpommern e.V.* [Mecklenburg-Western Pomerania Land Union for Local and Regional Traditions]; this is a recognized *Land* association for cultural affairs and the preservation of regional traditions in Mecklenburg-Western Pomerania which, since 1991, has made a significant contribution to the preservation and fostering of the Low German language in Mecklenburg-Western Pomerania.

In this context, the *Landesheimatverband* has, *inter alia*, established a *Fachgruppe "Niederdeutsch"* ["Low German" Subject-Matter Group] which significantly caters for the great communication needs of the Low German clubs/associations, friends of the Low German language, etc., also in relation to the general public and in the educational sector. The *Fachgruppe "Niederdeutsch"* holds several meetings per year to help with the preparation of regional and *Land*-wide events organized by the *Landesheimatverband* (Low German Competition, and expert meetings). In addition to representatives of the *Landesheimatverband* and the co-organizers of the Low German Competition, membership of the *Fachgruppe* includes the two university professors for Low German.

In addition to close contacts with the *Schleswig-Holsteinische Heimatbund* (SHHB - Schleswig-Holstein Union for Local and Regional Traditions), the *Niedersächsischer Heimatbund* (NHB - Lower Saxony Union for Local and Regional Traditions), the *Heimatbund für Niederdeutsche Kultur des Oldenburger Landes* [Local/Regional Traditions Association for Low German Culture of the Oldenburger Land] and with citizens' groups, these activities include membership of the *Landesheimatverband* and participation in the latter's work by institutions such as the *Amateurtheaterverband SH* [Schleswig-Holstein Association of Amateur Theatrical Societies], the *Niederdeutscher Bühnenbund* [Union of Low German Theatres], the *Bund Niederdeutscher Autoren* [Union of Low German Authors] and other associations devoted to the cultivation of the Low German language.

The interests of Low German have, already since 1993, been safeguarded by a [female] representative of the *Landesheimatverband* to the *NDR-Rundfunkrat* [Broadcasting Board of *Norddeutscher Rundfunk*] (including the *Landesrundfunkrat* [*Land* Broadcasting Board]). Thus, the *Landesheimatverband* at the same time represents the interests of the North German *Land* Unions for Local/Regional Traditions on the Broadcasting Board.

In addition to having prepared and organized the *Land*-wide Low German Competitions "*Wi snacken Platt*" ["We're talking in Low German"], the *Landesheimatverband* - in co-operation with its co-organizers (*Volkskulturinstitut Mecklenburg und Vorpommern im Kulturbund e.V.* [Folk Culture Institute of the *Kulturbund*, Mecklenburg and Western Pomerania], the Mecklenburg-Western Pomerania *Land* Institute for Schools and Training (L.I.S.A.), and the savings banks of the *Land* with their partners) - has significantly contributed to the promotion of the Low German language in children's day-care centres, schools and recreational facilities.

The *Land*-wide Low German Competition has since 1992/1993 been organized every two years. This includes the organization of regional competitions in various places of the *Land* and, as the conclusion and highlight, the *Land* competition of the respective year.

Since 1994, the study of Low German texts, treatment of the subject 'schools and Low German', issues concerning Low German in the media, and the appreciation of language researchers and folklorists have been a permanent element of the expert meetings and events which are held at least twice a year.

In addition to preparing and organizing the Low German Competitions and expert meetings, other traditional and topical projects are part of the self-defined mandate of the *Landesheimatverband*:

- Since 1995, the Reuter Festival in Fritz Reuter's native town of Stavenhagen, under a motto chosen for each year, has been organized in co-operation with the town of Stavenhagen and the Stavenhagen Culture and Local Traditions Club. These Reuter Festivals are not only one of the highlights of the activities for the preservation and cultivation of Low German but, at the same time, also provide a forum and stage for Low German clubs/associations, authors, individuals and choirs. The NDR broadcasting station has been a media partner in the context of this Festival for many years already.
- As part of the yearly *Land* Cultural Days, two events have, already since 1994, been a regular item on the events schedule of the *Landesheimatverband*:
 -] meeting of Low German associations and groups (exchange of experience), and
 -] *Landeschortreffen*, a *Land*-wide meeting of choirs specializing in Low German works.
- Readings by authors, and the presentation of new young authors in the regions of Mecklenburg-Western Pomerania.
- Every five years (for the first time in 1995 in Stavenhagen), organization of "*Norddeutsche Werkstatttage niederdeutscher Autoren*" ["North German Workshops of Low German Authors"].
- Since 1995, in co-operation with the *Fritz-Reuter-Literaturmuseum* in Stavenhagen, call for nominations for "*Plattdeutsches Wort des Jahres*" ["Low German Word of the Year"].
- In 1998, events on the subject of "*Niederdeutsch in den Landkreisen mit Kitas, Schulen und Volkshochschulen - Singen, Lesen und Spielen*" ["Low German in the *Landkreise* with children's day-care centres, schools and adult education centres - Singing, Reading and Playing"] were initiated as pilot projects (*inter alia*, in the *Landkreise* of Ludwigslust and Uecker-Randow; planned to be organized in *Parchim Landkreis*).
- Co-operation, on a continuing basis, with schools, associations, institutions and the two universities of Mecklenburg-Western Pomerania in Greifswald and Rostock. A regular feature are the temporary offices in the various *Landkreise*, which are available as partners or consultation agencies also for Low German and folklore.
- Publication of reading materials and sound recordings for the Low German Competition, and other Low German publications and work materials such as *Niederdeutsche Leseblätter* [Low German Reading Papers] (1992), *Plattdüütsches Snückerbauk* [Low German Browsing Book] (1994), *Plattdeutsche Wechselverse* [Low German Couplets] as a painting book (1994), *Niederdeutsche*

- Kinderlieder* [Low German Nursery Rhymes] recorded on an MC, *Plattdütsch för grote un lütte Kinner* [Low German for Children Big and Small] (1998/1999).
- The quarterly series published by the *Landesheimatverband* and entitled "*Heimathefte für Mecklenburg und Vorpommern*" ["Booklets on Local History and Geography for Mecklenburg and Western Pomerania"] covers the Low German language in addition to articles on culture, history, nature and the environment. Since 1991, more than 500 articles, poems and short stories have been published in this series. This amounts to about 25 % of the contents of one issue. More than 1000 items regarding, or on, our Low German language are held in the archives of the editorial department.

The ***Kulturbund Landesverband Mecklenburg und Vorpommern e.V.*** also works for the preservation and cultivation of the Low German language and literature. Twenty-two groups, with more than 500 members, cultivate Low German through readings, programmes and the writing of texts. In addition, the *Kulturbund* gives co-operative support to the Low German Competition "*Wi snacken platt*" ["We're speaking Low German"]. Since 1991, the *Kulturbund* has published the journal "*Stier und Greif*" ["Bull and Griffin"]. This scholarly publication regularly publishes items on Low German.

One of the declared objectives of the foundation *Stiftung Mecklenburg* in Ratzeburg is to foster the Low German culture and to strengthen the cultural infrastructure, especially in the communities, towns/cities and *Keise* of the two *Länder* concerned [Schleswig-Holstein and Mecklenburg-Western Pomerania]. The current Low German projects of *Stiftung Mecklenburg* concern the development of a Low German school reader for Mecklenburg-Western Pomerania - i.e. a 3-volume school reader to be used for all grades (lower and upper secondary grades) in Schleswig-Holstein and Mecklenburg-Western Pomerania. The project is developed in close co-operation with the *Institut für niederdeutsche Sprache* (INS - Institute for the Low German Language) in Bremen. The involvement of the two *Länder* in this schoolbook project is clear evidence of the communality of the Low German cultural heritage in the North German region.

The *Zentrum für Niederdeutsch* [Centre for Low German], established at the foundation *Stiftung Mecklenburg* in *Haus Mecklenburg* in Ratzeburg, has the task to cultivate the Low German language and culture in the Holstein region of the *Land* and also to foster co-operation with Mecklenburg.

Work priorities are:

- provision of information on the Low German language, literature and culture;
- documentation on Low German activities in the region;
- school-based promotion: the Low German activities of schools and adult education centres are promoted by the Centre for Low German;
- supraregional co-operation: there are regular exchanges with institutions in other regions/*Länder* - for instance with Mecklenburg-Western Pomerania - so as to ensure co-ordinated efforts in promoting Low German.

- 4.2 The following examples of initiatives in the field of linguistic and cultural activities are supported by the *Land* of Mecklenburg-Western Pomerania on the basis of the Cultural Promotion Directive:

4.2.1 Clubs/associations and institutes

Verein für niederdeutsche Sprachforschung e.V. (Association for Low German Language Research, reg'd):

The objective of the Association for Low German Language Research, which was founded in 1874, is "to research and study the Low German language and its literature in the past and modern times". Priority is expressly given to research.

The aims of the Association are achieved, in particular, by:

- publication of a yearbook and a correspondence bulletin;
- publication of older manuscripts and prints;
- publication of research and other papers on the various subjects covered;
- organization of annual meetings of the Association's members, with public lectures;
- activities in local groups.

Examples of comprehensive publications referring to Mecklenburg-Western Pomerania are, *inter alia*, the essay by Jürgen Gundlach on the *Mecklenburgisches Wörterbuch* [Mecklenburg Dictionary], or the publication by Renate Herrmann-Winter on the subject of "*Sprachen und Sprechen in Pommern*" ["Languages and Speech in Pomerania"]. The Pentecost meeting of the *Verein für niederdeutsche Sprachforschung* was held in the Hanseatic town of Wismar in 1997. The 2000 Pentecost meeting is planned to take place in the Hanseatic town of Greifswald.

Institut für niederdeutsche Sprache e.V. (INS - Institute for the Low German Language) in Bremen:

Close working contacts are maintained with the Institute for the Low German Language.

The *Land* of Mecklenburg-Western Pomerania has not yet acceded to the joint Administrative Agreement of 1979 on the Funding of the Institute (cf. the general introductory remarks in the comments on Article 12, para. 1, sub-para. (a) [pp. 194 above]). So far, the tight financial situation in the 'new *Länder*'^{*} has precluded cofunding of the INS. However, the *Land* of Mecklenburg-Western Pomerania has offered the Institute to subsidize projects carried out in Mecklenburg-Western Pomerania. An example is the series of public lectures on "*Niederdeutsch in Mecklenburg-Vorpommern 1933 bis 1945*" ["Low German in Mecklenburg-Western Pomerania, 1933 - 1945"], which took place in Schwerin in 1995 on the occasion of the millenary "*1000 Jahre Mecklenburg*". The topic of that meeting was the approach to the cultivation of Low German in Mecklenburg and Pomerania during the Third *Reich*.

4.2.2 Literary Societies

Two literary societies and a literature museum are devoted to the cultivation of the heritage of the classical epoch of new Low German literature which is represented, in particular, by the authors John Brinckman and Fritz Reuter.

* i.e. those of the former East German GDR [Translator's Note]

John-Brinckman-Gesellschaft e.V. (John Brinckman Society):

The declared aim of the John Brinckman Society which was founded in 1990 is to "bring together the friends of Brinckman in order to share in the re-discovery of the poet's life and work and to make them accessible to the general public." Also, one of the tasks of the John Brinckman Society is to maintain and preserve the heritage of standard German and Low German works. The priority aim of the John Brinckman Society is to cultivate the Low German language.

Together with the publishing house Hinstorff-Verlag Rostock, the John Brinckman Society in the autumn of 1993 published a jubilee edition on the occasion of the 125th anniversary of the complete edition of "*Kasper-Ohm un ick*" ["Uncle Kasper and I"]. In 1995, a reader entitled "*John Brinckman - ein Lesebuch*" was published.

Fritz-Reuter-Gesellschaft e.V. (Fritz Reuter Society):

The Fritz Reuter Society was founded in Lübeck on 15 July 1960 to mark the 150th anniversary of Fritz Reuter's birthday and, in 1991, moved its headquarters to the town of Neubrandenburg. The Fritz Reuter Society fulfils its mandate by organizing evening lectures and recitals and by the publication of fiction and scholarly works.

Every year, Fritz Reuter Days are organized by the Fritz Reuter Society in varying places. These *Reuter-Tage* are important centres of innovation and transformation of Reuter research. The Fritz Reuter Society has published bulletins since 1966 and articles (prints of presentations given at the *Reuter-Tage*) since 1989, and promotes and supports the publication and dissemination of Low German literature. In addition, regular monthly events, with Low German recitals and presentations, have been organized since 1997 at *Neues Tor* in the town of Neubrandenburg. Also (since 1981), the Society awards the "*Ehrenbrief* [Scroll of Honour] *der Fritz-Reuter-Gesellschaft*" to honour persons, literary societies or institutes who/which have made substantial contributions to the dissemination of Fritz Reuter's works and/or to the preservation and cultivation of the Low German language.

Fritz-Reuter-Literaturmuseum (Fritz Reuter Literature Museum):

The *Fritz-Reuter-Literaturmuseum* in Stavenhagen was founded in 1960. It collects all materials which, generally and specifically, provide information on Fritz Reuter's life and work and on the recension of his works. In addition, objects are on display which serve to illustrate Fritz Reuter's life and work and to enrich the permanent exhibition on this subject. The Fritz Reuter Literature Museum also has a museum library (some 13,000 volumes) and extensive archives of articles and pictures. The permanent exhibition is complemented by special exhibitions on specific Low German topics. Also, the *Fritz-Reuter-Museum* at regular intervals holds the "*Plattdütscher Stammtisch*" ["Low German Discussion Group Meetings"], which make it possible for people interested in Low German to meet, and talk to, regional and local politicians.

The *Fritz-Reuter-Literaturmuseum* also organizes a children's event entitled "*Unkel Hers', wat seggst du?*" ["What do you say, Uncle Hers'?"], which is aimed at

initiating children of grades 1 to 4, in the form of play and entertainment, into reading and speaking Low German texts, understanding stories or visiting museums.

The Fritz Reuter Literature Museum has a major share in the organization of the Reuter Festival. This event is organized once per year in Reuter's native town of Stavenhagen.

As a public relations activity for the Low German language, and at the initiative of the Fritz Reuter Literature Museum, the *Fachgruppe Niederdeutsch* [Subject-Matter Group "Low German"] of the *Landesheimatverband Mecklenburg-Vorpommern e.V.* [Mecklenburg-Western Pomerania Land Union for Local and Regional Traditions, reg'd] issues an annual public call for the nomination of the year's Low German word in Mecklenburg-Western Pomerania.

Johannes Gillhoff Gesellschaft e.V. (Johannes Gillhoff Society):

The Johannes Gillhoff Society was founded in Glaisin, where it has its headquarters, in 1993. The Society's tasks are the preservation and dissemination of Johannes Gillhoff's works, research on the migration history of, and the contacts maintained with, the descendants of U.S. immigrants from Mecklenburg, youth work, and the organization of cultural events in the Griesen area. In Glaisin, the Johannes Gillhoff Society maintains the Gillhoff Archives, a memorial museum regarding the life, work and impact of this author and the migration history, and organizes monthly Low German readings in Glaisin. During the *Gillhoff-Tage* which have been held every year since 1993, the *Kulturkreis Mecklenburg* with headquarters in Hamburg awards the *Johannes-Gillhoff-Preis für niederdeutsche Literatur und Publizistik* [Johannes Gillhoff Award für Low German Literature and Journalism] which was instituted in 1980.

Bund Niederdeutscher Autoren e.V. (Low German Writers' Union, reg'd):

The Low Germans Writers' Union was founded in Neubrandenburg in 1990, with headquarters in Verchen. The tasks of the *Bund Niederdeutscher Autoren e.V.* are the preservation and cultivation of the Low German language and the promotion of Low German writers.

4.2.3 Publishing Houses

In Mecklenburg-Western Pomerania, there are a number of publishing houses dedicated to the promotion of Low German literature. Ranking prominently among these is Hinstorff Verlag GmbH Rostock. The Low German section of the publication programme of this publishing house which can look back on a rich tradition not only features authors like Fritz Reuter but also writers such as Richard Wossidlo, John Brinckman, Rudolf Tarnow, Johannes Gillhoff and other Low German authors. In addition, this publishing house, which in 1990 was transformed into a limited liability company, promotes contemporary authors using the Low German language.

The publishing house *Hinstorff-Verlag GmbH* regularly publishes Low German books. As a rule, both the spring and the autumn programmes cover two Low German titles each.

Quite a few publishing houses of more recent date, i.e. founded after 1990, also direct their efforts to the Low German language. This is done in the form of fiction/poetry and increasingly by means of publications intended to promote learning of the Low German language.

4.2.4 Libraries

Science libraries:

Since the beginning of the 20th Century, the Rostock University Library has been collecting Low German literature of Mecklenburg. It holds some 3,320 titles which cover the University's entire spectrum of subjects and, dating back as far as the 18th Century, mainly deal with topics of divinity, law, natural sciences and history. Holdings of more recent date are exclusively literary works.

The Rostock University Library has some 55 Low German manuscript, deeds and fragments, half of which date back to the Middle Ages, on subjects of divinity, law, medicine and history.

The library of the *Germanistisches Institut* holds some 500 literary works in the Low German language.

With about 10,000 volumes, the *Fachbibliothek Volkskunde* [Special Library for Folklore (study of the material culture and customs)] of the Rostock University Library in the *Institut für Volkskunde (Wossidlo-Archiv)* [Institute for the Study of the Material Culture and Customs (Wossidlo Archives)] constitutes the *Land's* largest specialist library on folklore and cultural history. Its basic stock is formed by Richard Wossidlo's library for scholarly research. Some 400 volumes of the reference library are Low German source texts or linguistic works, including rare dialect dictionaries.

The university library of Ernst Moritz Arndt University in Greifswald holds some 5,000 Low German volumes. The main subject areas are:

- linguistics and study of literature;
- Low German fiction and poetry;
- study of the material culture and customs.

In addition, the *Institut für Deutsche Philologie* [Institute for German/Germanic Philology], with its Chair of Low German Language and Literature, has its own study library.

Public libraries:

The overall holdings of literature in the Low German language at the Mecklenburg-Western Pomerania *Land* Library in Schwerin are estimated to comprise 2,500 titles. For the major part, these are works of fiction and poetry (belles-lettres). Various works deal with subjects of history, theology and linguistics.

The Low German literature is one of the collection priorities of the Regional Library in Neubrandenburg. Among the tasks of the Special Collection on Regional History and Geography are archiving of, and providing access to, vernacular literature as an element of the cultural/historical heritage. This Special Collection comprises some 16,000 volumes (i.e. about 20,000 books) on the history, general and political geography, the customs and traditions, and cultural history of Mecklenburg.

4.2.5 Music

The Low German song heritage in Mecklenburg-Western Pomerania is preserved and cultivated through the work of local/regional cultural clubs and associations, at schools and adult education centres and through many and various events.

For the Mecklenburg region of the *Land*, the valuable archives of Mecklenburg folk songs, kept at the *Institut für Volkskunde* [Institute for the Study of the Material Culture and Customs], cover several hundreds of song recordings. Another 5,000 song texts are held in the Wossidlo Archives.

For Pomerania, the *Volkskundliches Archiv Pommern* [Pomerian Folklore Archives] was established in Greifswald in 1929; it owned, *inter alia*, 15,000 recordings of folk songs and dances. Remaining parts of the collection of folk songs and dances are kept at the Low German Department of Ernst Moritz Arndt University.

Already in the 1920s and 1930s, a duplicate of the collections of folk songs and dances of Pomerania, of which only parts have been preserved in Greifswald, was given to the German Folk Song Archives in Freiburg so that Pomerania's song and dance traditions continue to be accessible.

The Low German folk song tradition was significantly promoted by the publication, in 1981, of the songbook by Heike Müns. The Low German song festival "*Nu kaamt to hoop*" [song title "Come now in large numbers"] and the Low German programme "*Uns Küst - uns Hüsung*" ["Our Coast - Our Homeland"] reflect the broad range and diversity of Low German and of regional songs and dances. Performances are given by choirs, musicians, dancers, shanty and folklore singers and many singer-song-writers.

4.2.6 Theatres

Niederdeutscher Bühnenbund Mecklenburg-Vorpommern e.V. (Mecklenburg-Western Pomerania Union of Low German Theatres)

The main members of the *Niederdeutscher Bühnenbund Mecklenburg-Vorpommern*, which was founded in 1991, are: *Niederdeutsche Bühne in Rostock e.V.* [Low German Theatre in Rostock], *"Plattdütsch Späldäl" to Stralsund e.V.* [Low German Drama Club of Stralsund], *Niederdeutsche Bühne [Low German Theatre] Wismar e.V.*, *Niederdeutsche Bühne der Stadt Neubrandenburg e.V.*, *"Schönberger Späldäl e.V."* [Drama Club of Schönberg] and *Niederdeutsche Bühne Grevesmühlen e.V.* The Mecklenburg-Western Pomerania Union of Low German Theatres helps its affiliated theatres with all aspects of Low German stage play.

Since autumn 1989 [peaceful revolution in East Germany], the *Niederdeutscher Bühnenbund Mecklenburg-Vorpommern e.V.* has organized two 'Theatre Days' and has become a well-known and high-profile institution for the Low German language and the Low German theatre. The Mecklenburg-Western Pomerania Union of Low German Theatres and its affiliated theatre companies with great devotion and enthusiasm work for the fostering, preservation and cultivation of the traditions of the Low German language.

Fritz-Reuter-Bühne Schwerin (Fritz Reuter Theatre, town of Schwerin)

The Fritz Reuter Theatre of Schwerin, which was founded in 1926 and which, besides the *Ohnsorg-Theater* of Hamburg, is one of the most important Low German theatres in the North German seaboard *Länder*, has its own cast. At present, negotiations are underway regarding regular performances of the Fritz Reuter Theatre in the programme of the TV station *N 3*. During its 1998/99 season, the Fritz Reuter Theatre of Schwerin gave 154 performances and entertained 26,396 theatregoers with its Low German plays.

5. Lower Saxony

The *Land* of Lower Saxony generally takes a particular interest in promoting initiatives in the cultural sphere, and especially with regard to the literature in the regional and the minority languages. Literature and language play a central role in the identification of the individual and of the community. Thus, the notion of 'language' must not be confined to the standard language; rather, it also includes regional languages such as Low German or the languages of the other ethnic groups residing here. On this basis, Low German literature can be included in all areas of the promotion of literature (promotion of production, distribution and reception) in the *Land* of Lower Saxony. In 1983, the East Frisian author Oswald Andrae was awarded the Lower Saxony artists' grant "*Künstlerstipendium des Landes Niedersachsen*" for his Low German poetry. Promotion of writings as well as the publication of literary works by Low German publishing houses are evaluated by an expert jury proficient in the Low German language. However, the literary quality of the submitted works not all too often meets the criteria applied by the jury.

Many clubs, societies and associations - which in instances are also granted *Land* subsidies - pursue various activities, also in public, for the cultivation and preservation of Low German. Among these are the Low German theatres which have been established in many places of this region.

The Ministry for Scientific and Cultural Affairs encourages events regarding the subject of Low German and organized by *Land*-subsidized institutions such as the *Literaturrat* [Literature Council] or the *Literaturbüros* [Literature Offices]. Thus, for instance, several Low German readings were held in the course of the *Land*-wide literature event "*Bücherfrühling*" ["Spring of Books"]. Next year [2001], a meeting will be held to discuss the ranking of the literature in the regional or minority languages.

Implementation of the undertakings entered into is also accomplished with the support of the *Institut für niederdeutsche Sprache* (INS - Institute for the Low German Language) in Bremen (cf. the introductory remarks in our comments on Article 12, para. 1, sub-para. (a) [p. 194 above]) and of the *Land*-funded libraries (cf. the comments above on Article 12, para. 1, sub-para. (g)).

6. North Rhine/Westphalia

Responsibility for the cultivation of cultural traditions in North Rhine/Westphalia essentially lies with the cities, towns, *Kreise* and *Landschaftsverbände*. Regarding Low German in North Rhine/Westphalia, promotion in the cultural field is pursued, in particular, by the *Landschaftsverband Westfalen-Lippe* [regional local authority of Westfalen-Lippe]. This Regional Authority has six Commissions for studies covering the history, geography and

political system of a region, with the sole task of carrying out research on the history and geography of Westphalia, publishing the findings, and holding conferences on their fields of activity. One of the subjects covered is attended to by the Commission for "Dialectology and Names Research [Onomastics, Toponymy] of Westphalia", covering research on the Westphalian language history, especially archiving of Low German word material, and registration of the Westphalian dialects, local field names and proverbs. The Commission publishes the journal "*Niederdeutsches Wort. Beiträge zur niederdeutschen Philologie*" ["The Low German Word. Articles on Low German Philology"] and two series, "*Norddeutsche Studien*" ["Low German Studies"] and "*Westfälische Beiträge zur niederdeutschen Philologie*" ["Westphalian Contributions to Low German Philology"].

Dedicated funds of the budget of the *Landschaftsverband Westfalen-Lippe* are employed for the promotion of Low German writings and language cultivation. Part of these funds are allocated to the *Augustin-Wibbelt-Gesellschaft*. The activities of this Low German literary society are focused on the work of the Low German writer Augustin Wibbelt and on the cultivation and promotion of, and research on, the Low German literature and language of Westphalia. *Inter alia*, a yearbook and a new edition of Augustin Wibbelt's work are published by the Society.

The institutional promotion of the *Institut für Niederdeutsche Sprache* (INS) in Bremen helps - also within the meaning of Article 12, para. 1 - to encourage types of expression specific to the regional language Low German and to foster means of access to works produced in this regional language.

7. Saxony-Anhalt

Promotion of cultural activities regarding music, literature, language history and history/geography is one of the sectors laid down in the Directives on the Allocation of Grants (in this regard, reference is made to the comments on Article 11, para. 1, sub-para. (d) - "7. Saxony-Anhalt").

A major part of the activities to cultivate and preserve the vernacular in Saxony-Anhalt is looked after by committed individuals, associations, societies and interest groups, the declared aims of whom/which include the cultivation, fostering and preservation of Low German in the sense of cultivating the linguistic milieu. The pertinent activities range from scholarly research and documentation on the use of the language in everyday life, to Low German working panels and Dialect Days which are also attended by large numbers of children and youngsters from the various regions. In this regard, mention is to be made of the annual expert conferences organized by the *Landesheimatbund Sachsen-Anhalt e.V.* [Saxony-Anhalt Land Union for Local and Regional Traditions, reg'd] on specific Low German subjects; a co-organizer is the *Arbeitsstelle Niederdeutsch* [Workshop for Low German] of the *Germanistisches Institut* of the Magdeburg *Otto-von-Guericke-Universität*. The findings/conclusions of these expert conferences (subsidized with funds of the Ministry of Education and Cultural Affairs) are published so that the interested individuals and groups can then have access to them through universities, libraries, clubs/associations and schools of the *Land*.

The *Arbeitsstelle Niederdeutsch* of the *Germanistisches Institut* of Otto von Guericke University in Magdeburg was founded already in 1990 with the task of looking into and dealing with matters regarding the use, acceptance and development of Low German in Saxony-Anhalt. The focus is on sociolinguistic issues and also on aspects of language

cultivation and preservation; the results of this work are used, on the one hand, in teacher training (cf. also the comments on Article 8, para. 1, sub-para. (h) [p. 170 above]) and, on the other hand, form the basis of facultative course offers for persons interested in the language. The efforts of the *Arbeitsstelle Niederdeutsch*, aimed at the fostering, dissemination and cultivation of Low German, include research on dialects and the establishment of a reference library for vernacular literature.

Another research project regarding sociolinguistic studies on Low German in Saxony-Anhalt (sociolinguistic surveys in the Southern and Eastern regions) was carried out on the basis of the project "*Untersuchungen zum Niederdeutschen im Norden von Sachsen-Anhalt*" ["Studies on the Low German Language in the North of Saxony-Anhalt"].

As part of its programme, the *Sächsische Akademie der Wissenschaften zu Leipzig* [Saxon Academy of Sciences of Leipzig] promotes the project "*Mitteldeutsches Wörterbuch*" ["Dictionary for the Middle Elbe Region"]. This project covers the recording and analysis of the vocabulary of the dialect spoken in the Middle Elbe region (Altmark, Börde, Harz mountains, Jerichower Land, Anhalt) and the presentation and description of the phonetic forms, distribution and meaning of words, including their origin and the respective subject matter to which they refer. Implementation of the project is based on the material collected in the period 1935-1958 under the direction, and with the personal commitment, of Karl Bischoff. The "*Mitteldeutsches Wörterbuch*" was subsidized by joint *Bund/Länder* funding in the period 1992-1998. Since 1999, project-related subsidies have been allocated out of research funds of the *Land*. The "*Mitteldeutsches Wörterbuch*" project closely co-operates with Martin Luther University of Halle-Wittenberg. The work of "*Mitteldeutsches Wörterbuch*" is intensively supported, in all aspects regarding the Low German language in Saxony-Anhalt, by the *Arbeitsstelle Niederdeutsch* of the *Germanistisches Institut* of Otto von Guericke University of Magdeburg and by the experts for Low German and folklore employed by the *Landesheimatbund Saxony-Anhalt e.V.* [Saxony-Anhalt Union for Local and Regional Traditions].

As of the beginning of 1998, the *Landesheimatbund Saxony-Anhalt e.V.* established the post of the head of a section for the cultivation of dialects/Low German, which is funded by the *Land* as part of the institutional promotion of the Union. Under a co-operation agreement with Otto von Guericke University of Magdeburg, the [female] Head of Section was assigned to work with the *Arbeitsstelle Niederdeutsch* and thus is directly involved in all projects of academic relevance while the university research community can share the results of the direct practice-oriented activities in the cultural sector.

At present, a research project of several years' duration is being carried out by the *Arbeitsstelle Niederdeutsch*, with the support of the *Landesheimatbund Sachsen-Anhalt e.V.*, on the subject of "*Sprachsoziologische Untersuchungen zum Niederdeutschen in Sachsen-Anhalt*" ["Sociolinguistic Studies on Low German in Saxony-Anhalt"]. First interim findings are already available. Over a period of 16 years, an overall number of 5,197 persons were interviewed in the Northern part of Saxony-Anhalt. Of these, 36.5 % have a very good command of Low German. Low German is understood well or very well by 62.1 %. Extrapolating from these figures with reference to the adult population of the *Regierungsbezirk* [*Land* administrative unit] of Magdeburg, it can be assumed that at least 250,000 inhabitants speak Low German, and more than 500,000 understand Low German.

In addition to the aforementioned *Arbeitsstelle Niederdeutsch*, the *Mitteldeutsches Wörterbuch*, and the *Landesheimatbund Sachsen-Anhalt e.V.*, also the *Arbeitskreis "Ostfälisches*

Platt" e.V. [Working Panel on "Low German spoken in Ostfalen"] and the *Ostfälisches Kulturinstitut Ummendorf* [Ostfalen Cultural Institute of Ummendorf] of the *Landschaftsverband "Deuregio" e.V.* [regional local authority "Deuregio"], the work of which is subsidized with project-related funds of the *Land*, are working on the identification and support of activities for the cultivation of dialects and, in particular, the Low German language.

Many scientific and popularized publications such as the "*Schriftenreihe der Arbeitsstelle Niederdeutsch*" ["Publication Series of the *Arbeitsstelle Niederdeutsch*"], "*Sprachsoziologische Untersuchungen zum Niederdeutschen in Sachsen-Anhalt*" ["Sociolinguistic Studies on Low German in Saxony-Anhalt"], "*Publikationen zur Dialektsituation in Sachsen-Anhalt*" ["Publications on the Situation regarding Dialects in Saxony-Anhalt"] (a series published by the *Landesheimatbund*), "*Zur Situation des Norddeutschen zwischen Wittenberg und Salzwedel*" ["On the Situation regarding the Low German Language in the Region between Wittenberg and Salzwedel"] (in: "*Festschrift für [anniversary publication in honour of] Dieter Stellmacher zum 60. Geburtstag*", Mannheim 1999) were subsidized by the *Land*.

Land funding is provided - usually within the framework of the preservation of local and regional traditions - also for Low German publications.

In addition, Low German articles are regularly published in the "*Sachsen-Anhalt-Journal*" of the *Landesheimatbund Sachsen-Anhalt*, and - to a lesser extent - literary texts appear in the literary journal of Saxony-Anhalt "*Ort der Augen*" ["Where Eyes Dwell"].

In the towns and villages of the Low German speech area in Saxony-Anhalt, there are many groups dedicated to the cultivation of dialects, which are among the registered clubs working for the preservation of local traditions or similar associations. The efforts of such groups are mainly directed at publicizing the vernacular authors of the region, at establishing activity groups in schools, and at activities, addressed to all generations, for the cultivation and preservation of the vernacular. In addition, with funds provided by the *Land*, scholarly conferences are held every year, such as those of the *Verein für Niederdeutsche Sprachforschung e.V.* [Association for Low German Language Research] and of the *Hansischer Geschichtsverein* [Hanseatic Historical Society], which were held in Quedlinburg on 25 - 27 May 1999.

8. Schleswig-Holstein

Like other undertakings under Article 12, this obligation is implemented indirectly through *Land*-sponsored promotion of institutions and associations working in the field of the Low German language and activities. If and where required, the provisions of Article 12 can be implemented by these bodies.

These include, in particular, the *Institut für niederdeutsche Sprache* (INS - Institute for the Low German Language) in Bremen, the Regional Centres for Low German in Leck and Ratzeburg, the *Schleswig-Holsteinischer Heimatbund* (SHHB - Schleswig-Holstein Union for Local and Regional Traditions), and the foundation *Stiftung Mecklenburg*.

The Centres for Low German in Leck (Schleswig region of the *Land*) and in Ratzeburg (Holstein region) were opened in 1994. These Centres are two regional institutions founded for the task of actively fostering Low German in Schleswig-Holstein and supporting the work of the groups, institutions and individuals devoted to this subject matter in the *Land*. A

Board of Curators, composed of representatives from Low German interest groups and institutions of the *Land*, monitors and supports the work of these Centres. This body is chaired by the President of the Schleswig-Holstein *Landtag*.

The Ministry for Education, Science, Research and Cultural Affairs supports the work of these Centres, has technical supervision responsibility for them and allocates funds for their current activities. Teachers have been assigned (as of 1 May and 1 August 2000, respectively) to the Centres by the provision of one established post each. This was also done in response to the endeavours to support, in particular, fostering of Low German among children and youngsters in school. The focus of the work of the two Centres is focused on information, establishing contacts, documentation, promotional activities in schools, and public information/education.

In the theatre sector, the multi-genre theatres in Kiel and Lübeck and the *Landestheater* actively and continuously dedicate their efforts to the Low German theatre. The *Niederdeutscher Bühnenbund* [Union of Low German Theatres] and the Schleswig-Holstein *Landesverband der Amateurtheater* [Land Association of Amateur Theatrical Societies] are supported with *Land* funds. About half of the performances of the members - some 110 - of these theatre unions are in the Low German language. The two unions also are granted additional funds for further training, and the Union of Low German Theatres is refunded part of the personnel costs for guest directors and the staging of plays at Low German theatres. In addition, project-related subsidies can be granted for events such as *Niederdeutsches Theatertreffen* held at the Molfsee Open-Air Museum, where Low German stage productions from Schleswig-Holstein and the neighbouring *Länder* were presented.

In the music sector, several associations receiving institutional promotion by *Land* funding, especially the *Sängerbund* [choral society] *Schleswig-Holstein e.V.* and the *Musikerverband* [Musicians' Union] *Schleswig-Holstein e.V.* also foster the musical heritage comprising Low German texts. During the 1994 *Schleswig-Holstein-Tag*, a much noted event was a *Land*-funded project of the *Land* Youth Orchestra, presenting songs of Low German texts 'made up' in modern jazz arrangements.

In the library sector, the Low German language is promoted, *inter alia*, by the Schleswig-Holstein Central Library Office which offers, and provides access to, literature in the Low German language and on the Low German language, and organizes writers' readings in Low German. For this purpose, a special readers' department was established because this sector of literature is not supported by nation-wide services.

In addition, the *Schleswig-Holsteinischer Heimatbund* (SHHB - Schleswig-Holstein Union for Local and Regional Traditions) and other institutions receive project-related funds, in instances substantial amounts, for Low German seminars (especially for children and youngsters, but also for families, and events addressed to all generations) and for Low German theatre and directing workshops.

- (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;*

1. Free Hanseatic City of Bremen

Bremen allocates funds for required translations, from Low German, of published works.

2. Mecklenburg-Western Pomerania

On the basis of the Cultural Promotion Directive, the *Land* of Mecklenburg-Western Pomerania in this context subsidizes the following projects:

- publication of Middle Low German texts, together with standard German translations;
- publication of Low German texts, with their standard German translations;
- translation of Low German stage-plays into standard German.

As regards stage productions, however, there are only few translations from Low German into standard German.

No cases of Low German/standard German dubbing, post-synchronization and subtitling are known.

3. Lower Saxony

As part of literature promotion, funds are available to translators for the translation of literary works - both into and from Low German. Also, a grant can be obtained for a study placement at a translators' centre.

In this regard, the *Institut für niederdeutsche Sprache* (INS - Institute for the Low German Language) in Bremen sees itself as a service establishment for all matters relating to translation. In Ostfriesland, translations are arranged for or made (with *Land* funds) by the *Plattdütskbüro* [Low German Office] of *Ostfriesische Landschaft*. An updated East Frisian dictionary, 'Low German - Standard German' and 'Standard German - Low German', was published by *Ostfriesische Landschaft*.

4. Schleswig-Holstein

To the extent desired and required, the Low German institutions can use promotional funds provided by Schleswig-Holstein *Land* for the translation, dubbing, post-synchronization and subtitling of works into, or in, the Low German language.

At present, several Schoolbook Commissions develop a three-volume Low German reader for Schleswig-Holstein and Mecklenburg-Western Pomerania. It will be suited for pupils of all age groups and is planned to be completed in 2000. Co-ordination of the related work and financial promotion are mainly in the hands of the foundation *Stiftung Mecklenburg*.

- (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;*

1. Free Hanseatic City of Bremen

With funds allocated to the production of Low German stage performances of plays originally written in other languages, Bremen promotes the required translations.

2. Mecklenburg-Western Pomerania

On the basis of the Cultural Promotion Directive, Mecklenburg-Western Pomerania *Land* in this context supports the following projects:

- Since the Low German theatres are interested also in staging plays of the standard German or English speech areas, there are quite a few examples of standard German or English texts having been translated into Low German.
- In the church sector, translations from standard German into the Low German language play a special role. A translation of "*Dat oll Testament dei Lihrbäuker*" [The Old Testament] by Karl Homuth from Rostock was published already in 1963. A "*Plattdüütsch Gesangbauk*" ["Low German Hymn Book"], with Low German liturgy and Low German prayers, appeared in 1989. The work "*Dat ni Testament för plattdüsch Lüüd in ehr Muddersprak oewerdragen*" ["The New Testament for Low German Speakers, translated into their native tongue"] by Ernst Voß (1886 - 1936), which appeared in 1929, was used for church work. Several - including contemporary - new editions have appeared.
- Especially with regard to the publication of children's literature, translation of standard German texts into Low German plays a particular role.
- In the commercial music sector, there is, for instance, the trend that shanty groups have folk songs or standard German folklore and sailor's songs translated into Low German since there are only relatively few Low German shanties.
- The full text of the Constitution of the *Land* of Mecklenburg-Western Pomerania was translated into Low German.

3. Lower Saxony

Reference is made to the comments above on para. 1, sub-para. (b).

4. Schleswig-Holstein

If so desired and required, the Low German institutions can use promotional funds of the *Land* of Schleswig-Holstein for the translation, dubbing, post-synchronization and subtitling of works into, or in, the Low German language.

The *Institut für Niederdeutsche Sprache* (INS - Institute for the Low German Language) in Bremen, which is subsidized also by the *Land* of Schleswig-Holstein, published a Standard German/Low German Dictionary.

At present, several Schoolbook Commissions develop a three-volume Low German reader for Schleswig-Holstein and Mecklenburg-Western Pomerania. It will be suited for pupils of

all age groups and is planned to be completed in 2000. Co-ordination of the related work and financial promotion are mainly in the hands of the foundation *Stiftung Mecklenburg*.

In early 2000, the Schleswig-Holstein *Landtag* published a Low German translation of the Schleswig-Holstein *Land* Constitution.

Already since 1995, the frank(ing stamp) of the State Chancellery has included a Low German translation of parts of Article 1 of the *Basic Law* [Constitution of the Federal Republic of Germany].

re: para. 1, sub-para. (d) - Taking Account of the Regional or Minority Language in Cultural Activities –

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

1. Free Hanseatic City of Bremen

The Parliament of the Free Hanseatic City of Bremen and the Cultural Department take account, in their work, of applications by organizations of this language group regarding promotion of the Low German language and other undertakings.

2. Free and Hanseatic City of Hamburg

The Hamburg [Senate] Authority for Cultural Affairs itself, in handling applications for support for Low German literary projects, gives equal priority to such projects and to those related to standard German. In addition, it encourages the institutions, which are firmly included in the budget, of the literature sector (*Hamburger Öffentliche Bücherhallen* [Hamburg Public Libraries], *Literaturhaus* [House of Literature], *Freie Akademie der Künste* [Academy of Liberal Arts]) to strive for equal treatment of Low German.

3. Mecklenburg-Western Pomerania

For the accomplishment of their language-related and cultural work, the associations, poets/literary societies, publishing houses, theatres, etc., have the required linguistic expertise at their disposal (cf. the comments below on Article 13, para. 1, sub-para. (a) - "4.-Mecklenburg-Western Pomerania"). Counselling is offered by the Low German Chairs of the Rostock and Greifswald Universities, by the *Volkskulturinstitut* [Institute of the *Kulturbund* for Folk Culture, Mecklenburg and Western Pomerania] in Rostock and, for several *Länder*, by the *Institut für niederdeutsche Sprache* in Bremen.

Nearly all of the members of the *Niederdeutsch-Beirat* [Low German Consultative Council] are individuals having a command also of Low German. Also, the criteria for membership of the *Kulturbeirat* [Cultural Consultative Council] of the Ministry of Education include proficiency in the Low German language, in addition to specialist qualifications.

4. Lower Saxony

Throughout Lower Saxony, regional cultural associations of local communities (so-called *Landschaften*) have been established, which include regional-language activities and products in their cultural work and are supported in this field by the *Land* of Lower Saxony.

The *Ostfriesische Landschaft* in Aurich is subsidized as an institution by the Lower Saxony Ministry of Scientific and Cultural Affairs. On the basis of the history and structure of this *Landschaft*, its tasks refer both to the cultural sector and to science and education. This ensures that the Low German language and the Low German culture are taken into consideration in keeping with the accepted obligation.

On account of its history as the last remaining representation of the historic entity of East Friesland, "*Ostfriesische Landschaft*" is deeply anchored in the awareness of the population. It continues to represent the entire population of its region. Nowadays the Assembly of *Ostfriesische Landschaft*, which is democratically legitimized by local elections and organized as a chamber of deputies, constitutes a regional cultural parliament with a regular statute.

Within the organizational structure of *Ostfriesische Landschaft*, the *Plattdütskbüro* [Low German Office] is part of the Cultural Department. It has the cross-sector task of developing the use of "East Frisian Low German" as a regional language in private, public and working life. This requires networking with all other activities pursued by the *Landschaft*.

Under Agreements concluded with the *Land* of Lower Saxony, *Ostfriesische Landschaft* has been assigned tasks such as the operation of a regional science library and of a regional educational centre, the organization and implementation of the Regional Teacher Follow-up Training scheme, or the implementation of the pilot project "*Plattddeutsch in der Schule*" ["Low German in School"].

The *Plattdütskbüro* of *Ostfriesische Landschaft* sees itself as a regional-language information and networking agency for institutions, groups and individuals in and outside Ostfriesland. It is involved in many cultural activities organized by clubs, associations or local authorities, such as the *Störtebeker-Freilichtspiele* [Störtebeker Open-Air Theatre Festival] taking place in Marienhefe since 1996.

5. North Rhine/Westphalia

The *Landschaftsverband* [regional local authority] of Westfalen-Lippe is a co-provider of the Westphalia and Lippe Local/Regional Traditions Associations which also support the cultivation of Low German in cultural areas. This ensures, within the meaning of Article 12, para. 1, sub-para. (d), of the Charter, that appropriate provision is made for the cultivation of the regional language in undertakings organized by these bodies.

6. Schleswig-Holstein

With subsidies provided by Schleswig-Holstein, the institutions of the speakers of Low German ensure that appropriate provision is made for incorporating the knowledge and use of the Low German language and culture in their cultural activities.

The regional language Low German still is, as a secondary language, widely used mainly in rural areas and by the older population.

- (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;*

1. Free Hanseatic City of Bremen

The *Ernst-Waldau-Theater* in Bremen has a drama school where young actors are familiarized with the Low German language.

2. Mecklenburg-Western Pomerania

As already stated with reference to para. 1, sub-para. (d) - "3. Mecklenburg-Western Pomerania", the institutions for language-related and cultural work have at their disposal staff members having a command of the Low German language. Further examples of the active involvement of staff speaking Low German are the *Fachgruppe Niederdeutsch* of the *Landesheimatverband* [Mecklenburg-Western Pomerania Land Union for Local and Regional Traditions] and the body co-ordinating the Low German Competition in Mecklenburg-Western Pomerania.

Speakers of the Low German language are also represented on the *Landesarbeitskreis Kultur*, a joint body of *Land* Associations which every year prepare and organize the *Landeskulturtag* [Land Cultural Days] in Mecklenburg-Western Pomerania. The 1999 *Landeskulturtag* were held in Waren-Müritz where Low German was the subject of two events concerning Richard Wossidlo.

3. Lower Saxony

Like the many other unions and associations organizing events, such as *Oostfreeske Taal* [East Frisian Low German] or *De Spieker, Heimatbund für niederdeutsche Kultur e.V.* [a local/ regional traditions association for Low German culture], *Ostfriesische Landschaft* has staff members speaking the Low German language.

4. North Rhine/Westphalia

The activities described above with regard to para. 1, sub-para. (d) - "5. North Rhine/Westphalia", promote measures, also within the meaning of Article 12, para. 1, sub-para. (e), in order to ensure that the bodies responsible for organizing cultural activities also have Low German speaking staff at their disposal.

re: para. 1, sub-para. (f) - Participation of Representatives of the Group Speaking the Given Language in Cultural Activities –

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

1. Brandenburg

Legislation to regulate the participation by Low German speakers in cultural institutions is considered unnecessary: dealing with the Low German language and culture requires proficiency in this language; thus, participation of users of the Low German language is already ensured within the institutions concerned.

2. Free Hanseatic City of Bremen

As regards the institutions described under para. 1, sub-paras. (a) to (g), and their activities and events, it is primarily persons having a command of the Low German language who are the initiators and who carry out the pertinent activities.

3. Free and Hanseatic City of Hamburg

The Hamburg [Senate] Authority for Cultural Affairs provides co-funding for the *Institut für niederdeutsche Sprache* (INS - Institute for the Low German Language) in Bremen; the Institute's full-time and voluntary staff and members carry out a considerable range of cultural planning and counselling.

4. Mecklenburg-Western Pomerania

The comments on para. 1, sub-para. (e) - "2. Mecklenburg-Western Pomerania", show that representatives speaking the regional language Low German participate in the planning and co-ordination of *Land*-wide activities (e.g. Low German Competition, *Land* Cultural Days) and are represented at many local and municipal jubilees. In 1999, the first *Land*-wide 'Low German Day' was organized at the initiative of the *Landesheimatverband Mecklenburg-Vorpommern e.V.* [Mecklenburg-Western Pomerania *Land* Union for Local and Regional Traditions].

5. Lower Saxony

As already stated with reference to para. 1, sub-paras. (d) and (e), many full-time staff and voluntary members are involved in the planning and implementation of events in the regional language. In this context, mention should be made of an event held in 1996 at the *Land* Mission of Lower Saxony in Bonn and organized in co-operation with the aforementioned associations with the aim of increasing the awareness of Members of the *Bundestag* with regard to Low German.

6. North Rhine/Westphalia

The activities of the *Landschaftsverband* [regional local authority] of Westfalen-Lippe, as described under para. 1, sub-para. (d) - "5. North Rhine/Westphalia" above, also provide, within the meaning of Article 13, para. 1, sub-para. (f), for encouraging direct participation

by representatives of the users of the Low German language in the provision and planning of cultural activities.

7. Saxony-Anhalt

Direct participation in the provision of facilities and planning of cultural activities is ensured through the *Landesheimatbund Sachsen-Anhalt e.V.* [Saxony-Anhalt Land Union for Local and Regional Traditions] (especially the Head of the Low German Section) and the *Arbeitsstelle Niederdeutsch* [Workshop for Low German] of Otto von Guericke University in Magdeburg. Both institutions usually are also the main actors as regards a wide range of Low German activities.

Participation in the planning of cultural activities is, in addition, possible through the *Landesheimatbund Sachsen-Anhalt e.V.* since the *Arbeitskreis "Ostfälisches Platt" e.V.* [Working Panel "Low German of Ostfalen"] automatically is a member of the Executive Board.

8. Schleswig-Holstein

Every two years, the *Land* of Schleswig-Holstein organizes the *Schleswig-Holstein-Tag* as a central cultural event. Among the clubs, associations and unions are many having their roots in the Low German culture. The functions of the executive secretariat of the *Landeskuratorium* for the Schleswig-Holstein Day are performed by the *Schleswig-Holsteinischer Heimatbund* (SHHB), an association which vigorously supports Low German interests. The *Land* provides moral, financial and organizational support for the organization of the *Schleswig-Holstein-Tag* and for the work of the *Landeskuratorium*.

Since 1993, the Schleswig-Holstein *Land* Mission [at the site of the Federal Government], in co-operation with the SHHB, has (previously in Bonn) organized a "Low German evening" with music, theatre and literature. Members of the *Bundestag*, from all parliamentary groups, are thus brought into contact with Low German.

On 12 September 1999, the first *Land*-wide "*Plattdeutscher Tag*" ["Low German Day"] was held at the initiative of the SHHB. For the duration of one month (September), more than 100 events were organized in many places throughout Schleswig-Holstein.

re: para. 1, sub-para. (g) - Creation of Archive Bodies –

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

1. Brandenburg

Publishers are required to offer at least one copy of every printed work that is newly published in Brandenburg to the *Staats- und Landesbibliothek* [State and Land Library]. This also covers publications in the Low German language. The extent to which use is made of such offers is not known. Otherwise, there is no central registration of Low German writings and documents.

Otherwise, there are no libraries or archives dedicated exclusively to the collection of Low German writings; rather, they are collected in public libraries and archives of various providing bodies, especially *Kreis* and municipal archives and libraries. No central surveys are made on the size and contents of such archives so that no information can be provided on the subject.

These archives provide the interested public with access to Low German writings and other materials held in the archives in accordance with the provisions of the "Act of 7 April 1994 on the Safeguarding and Use of Public Archives in the *Land* of Brandenburg". Public access to libraries is ensured anyhow.

2. Free Hanseatic City of Bremen

The archives in the *Land* of Bremen include many works by Low German writers and various writings/manuscripts in the Low German language. The public has unrestricted access. The holdings of such writings/documents and of pertinent aids (*inter alia*, dictionaries, lexicons) are complemented on a continuing basis. As a result of the close co-operation between archives and institutions, whose tasks include the cultivation and fostering of the Low German language, the records and documents of these institutions are taken over by the archives so as to make them available to the public. The *Stadtarchiv* [Municipal Archives] in Bremen promotes historical research carried out by the various associations and "*Krings*" ["Circles"] as well as research on the Low German language.

The libraries in the *Land* of Bremen make a basic stock of Low German titles available, the selection of which is based on target groups and which are treated on an equal basis with regard to other categories of books. The libraries co-operate with the *Institut für niederdeutsche Sprache* (INS - Institute for the Low German Language) within the framework of external loan services.

The collection activities of the historical museums of the Free Hanseatic City of Bremen include the fields of dialect literature and dialectology. The museum libraries maintain similar collections which are constantly expanded.

In the two cities of Bremen and Bremerhaven, the respective Department for Cultural Affairs provides advice and funding to the associations and initiatives dedicated to the promotion of the Low German language. These institutions include "*KRINGS*" [Circles] and "*Speeldeels*" [drama clubs] as well as local/regional traditions clubs which devote their efforts to the presentation of Low German literature. In Bremerhaven, the *Niederdeutsche Bühne* [Low German Theatre] is supported by the Bremerhaven *Stadttheater* [Municipal Theatre]; in Bremen, the *Ernst-Waldau-Theater* which presents a major part of its stage productions in Low German is granted an annual subsidy.

Publications in the Low German language are subsidized, for a major part, by the *Institut für niederdeutsche Sprache*.

3. Free and Hanseatic City of Hamburg

This obligation is implemented through the promotion of the *Institut für Niederdeutsche Sprache* (in this regard, cf. the introductory remarks to our comments on Article 12, para. 1, sub-para (a) above).

4. Lower Saxony

Central tasks of the *Institut für niederdeutsche Sprache* (INS - Institute for the Low German Language) in Bremen, which is also subsidized by the *Land* of Lower Saxony, are the collection, classification and scholarly analysis of Low German linguistic material. At present, the INS library comprises some 15,000 media units.

Both the *Staats- und Universitätsbibliothek* [State and University Library] in Göttingen and the library of Carl von Ossietzky University in Oldenburg have abundant holdings of Low German literature. In addition, the Municipal Libraries of the *Land* capital Hanover own the Börsmann Collection, comprising some 5,000 media units. The (*Land*-funded) library of *Ostfriesische Landschaft* also owns a collection of Low German literature.

The publishing house *Verlag Schuster* in Leer attends to the dictionaries published by the INS and by *Ostfriesische Landschaft* and the Low German Grammar; it also publishes standard works of the Low German language and folklore as well as a number of works by well-known old and new Low German authors.

5. North Rhine/Westphalia

One of the priority tasks of the "Dialects and Study of Names [Onomastics, Toponymy]" Commission of the *Landschaftsverband* of Westfalen-Lippe - cf. the comments on para. 1, sub-para. (a) - "5. North Rhine/Westphalia" - are archival recording of Low German linguistic material [and] the registration of Westphalian dialects, local field names and proverbs.

6. Saxony-Anhalt

The establishments and institutions subsidized by the *Land* of Saxony-Anhalt (cf. also the comments on sub-para. (f) above) collect Low German works and, within the framework of public information/education, make them known to a large reading public.

7. Schleswig-Holstein

The Low German language is promoted in many and various ways by the library system of Schleswig-Holstein, *inter alia* by the *Büchereizentrale Schleswig-Holstein* [Library Centre of Schleswig-Holstein]. This is done by offering and publicizing literature about, and in, Low German and by organizing writers' readings in Low German. For this purpose, a special Readers' Department was established since this sector of literature is not supported by nation-wide services. A comprehensive review of the market - advertising leaflets of publishing houses, magazines and contacts with the relevant authors - ensures that account is taken also of publications on the non-professional sector. These books are reviewed by the Readers' Department, and lists are drawn up of those recommended for purchase by libraries.

Literature about, and in, Low German is kept as a separate category so that the library customers have quick and direct access to such books.

Mention is to be made of the following libraries:

Schleswig-Holsteinische Landesbibliothek (Schleswig-Holstein *Land* Library)

One of the priorities of the Schleswig-Holstein *Land* Library is the collection of works related to the Low German language and Schleswig-Holstein Low German literature.

The printed works referring to the Low German language, covering the fields of language history, grammar, dictionaries, onomastics/toponymy, dialects and church language number some 500 titles.

To the extent possible, the aim is complete procurement of the works of all Schleswig-Holstein writers and of the literature about them. In addition, there are collections of Low German legends, folk tales, nursery rhymes, proverbs and anecdotes, and Low German songbooks and works on the history and geography of the *Land*.

The Manuscript and Unpublished Works Section of the *Landesbibliothek* owns the unpublished works of several authors writing in Low German, such as Klaus Groth, Johann Hinrich Fehrs, Hans Ehrke, and others.

Universitätsbibliothek Kiel (Kiel University Library)

Kiel University Library owns several manuscripts and incunabula in the Low German language. Of particular importance is the Middle Low German *Bordesholmer Marienklage* [Mary's Lament, of Bordesholm], of which a TV production video and a CD are available. In addition, there are several thousands of books, mainly on the subjects of linguistics, study of literature, fiction and poetry [belles lettres], and the study of the material culture and customs.

The *Germanistisches Institut* of Christian-Albrechts-Universität in Kiel has a Department for (and Chair of) Low German Language and Literature, to which the *Klaus-Groth-Archiv* for research on the beginnings of new Low German dialect literature is affiliated. With more than 5,000 Low German titles, the Department for Low German Language and Literature is one of the largest specialized libraries in this field. Almost half of the books are literary works in the Low German language published since 1850. Also, past and contemporary works referring to the Low German language and literature are collected. These holdings also include manuscripts of Low German radio plays. In addition, the Department has various collections referring to Low German.

Zentrale Hochschulbibliothek Flensburg (Central University Library of Flensburg)

The Flensburg Central University Library is developing a basic stock of Low German literature. So far, only few titles acquired recently and a small number of old holdings are available. The planned priorities are:

- Low German linguistics and study of literature;
- Low German fiction and poetry; and
- the study of material culture and customs (folklore).

re: para. 1, sub-para. (h) - Translation and Terminological Research Services –

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

1. Mecklenburg-Western Pomerania

As regards the regional language Low German, the requirement is not for any newly created translation and terminological research services. Rather, the issue is to make use of the existing capacities also for the areas of administration, commerce, economy, society, technology and law. The aim is, in particular, to develop appropriate terminology, in co-operation with the Low German Chairs of the Rostock and Greifswald Universities and with the *Institut für Volkskunde* [Institute of Folklore] of the Rostock University (Wossidlo Archives). Additional sources available are the *Mecklenburgisches Wörterbuch* [Mecklenburg Dictionary] and the *Pommersches Wörterbuch* [Pomeranian Dictionary].

Help with translations and terminology is also provided by the *Volkskulturinstitut Mecklenburg und Vorpommern im Kulturbund e.V.* [Folk Culture Institute of the *Kulturbund*, Mecklenburg and Western Pomerania] and by the *Institut für niederdeutsche Sprache e.V.* (INS - Institute for the Low German Language) in Bremen.

2. North Rhine/Westphalia

As regards the tasks of the Commission on "Dialects and Name Research [Onomastics/Toponymy]", mentioned in the comments above on para. 1, sub-para. (a) - "5. North Rhine/Westphalia", terminological research services within the meaning of Article 12, para. 1, sub-para. (h), of the Charter have been established.

3. Saxony-Anhalt

If required, the establishments and institutions listed under sub-para. (f) above provide translation and terminological research services as part of their ongoing *Land*-funded activities.

re: Art. 12, para. 2

- (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.*

In Germany, cultural activities keeping within the framework of the law in force are not subject to any permit procedure or restrictions. Thus, the above obligation is already fulfilled by the system of law in the Federal Republic of Germany. More extensive

implementation of this obligation by encouraging or providing such activities will have to be decided by the *Länder* on a case-by-case basis.

1. Lower Saxony

Since cultural promotion in Lower Saxony generally includes Low German, there are no regional limitations to the territory in which Low German is mainly spoken.

2. North Rhine/Westphalia

Under the existing system of law, cultural activities in North Rhine/Westphalia are admitted also in territorial areas other than those where the regional language Low German is traditionally used.

re: Art. 12, para. 3

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

1. Free Hanseatic City of Bremen

Within the "*Neue Hanse Interregio*" (NHI - New Hanseatic Interregio), an association of the *Länder* of Bremen and Lower Saxony, and of West-Friesland (Netherlands, provinces of Drenthe, Fryslân, Groningen and Overijssel), cultural events also include Low German as the typical language of Northern Germany.

2. Free and Hanseatic City of Hamburg

The Hamburg Senate Authority for Cultural Affairs makes provision for the accepted obligation in its activities. So far, however, no concrete information is available on participation in the cultural policy abroad.

3. Mecklenburg-Western Pomerania

Within the framework of cultural exchanges with the Baltic Republics, the Scandinavian countries and Poland, folklore ensembles from the *Land* of Mecklenburg-Western Pomerania give performances abroad. In addition to presenting the customs and traditions as a part of the Low German culture, choral works and songs also use the Low German language.

4. Lower Saxony

Cultural activities within the "*Neue Hanse Interregio*" (NHI), an association of the *Länder* of Bremen and Niedersachsen and West-Friesland (Netherlands), also include the Low German language.

Mention is to be made also of an Art School Project subsidized by the *Land* of Lower Saxony-Anhalt; under this project, Internet contacts are to be established with the descendants of Lower Saxony emigrants to America. The Low German language is used for mutual communication in this context.

5. Schleswig-Holstein

In the 19th Century, many inhabitants of Schleswig-Holstein emigrated to the United States. The focus of Schleswig-Holstein immigration was the State of Iowa, with Davenport, West of Chicago, as its central place. Until our days, people there - often the fourth or fifth generation - have been using German or Low German as their language of everyday oral communication.

Until this day, close contacts have been maintained between Schleswig-Holstein and the descendants of the former immigrants. This year, the 3rd *Plattdüütsch Konferenz* [Low German Conference] took place in Wausau (Wisconsin), in which also a group from Schleswig-Holstein took part. The Conference featured a number of presentations and examples, also with regard to the use of the Schleswig-Holstein variety of Low German in Iowa.

In 1998, with funds provided by the Minister-President, a Low German Conference was held at the Schleswig-Holstein open-air museum of Molfsee. Participants included a delegation of the *American/Schleswig-Holstein Heritage Society* (ASHHS) of Davenport. The ASHHS was founded in 1986 by descendants of immigrants from Schleswig-Holstein, and has a membership of some 1,000 in fourty U.S. States. Within the ASHHS, the Low German language is cultivated; even a Low German/English Dictionary was published. The Society keeps up close co-operation with associations in Schleswig-Holstein.

The Department of Low German Language and Literature of the Kiel University carried out a research project, funded by the *Deutsche Forschungsgemeinschaft* (DFG - German Research Foundation), on Low German speech islands in North America (Iowa) and Paraguay.

There is lively co-operation with scholars from Scandinavia, the Baltic countries, Russia, the Netherlands and Belgium in the field of Low German philology. These contacts are complemented by student exchange programmes with Groningen (Netherlands), Gent (Belgium) and Halden (Norway). Also, the *Internationaler Wissenschaftlicher Ferienkurs der Universität Kiel* [International Academic Holiday Course of Kiel University] entitled "*Deutschland heute - Sprache, Gesellschaft, Staat, Kultur*" ["Present-Day Germany - Language, Society, State, Culture"] offers a series of courses and lectures on Low German, which are attended by the foreign participants.

Article 13

Economic and Social Life

- (1) *With regard to economic and social activities, the Parties undertake within the whole country:*
 - (a) *to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority*

- languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*
- (b) *to prohibit the insertion, in internal regulations of companies and private documents, of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*
 - (c) *to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

The obligations under sub-paras. (a) and (c) have been accepted by the *Länder* of Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine/Westphalia and Schleswig-Holstein.

These obligations are in compliance with the established law of the Federal Republic of Germany and thus are fulfilled nation-wide for all regional or minority languages. Therefore, no special measures had to be taken by these *Länder*.

re: para. 1, sub-para. (d) - Facilitating the Use of the Regional or Minority Language –

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

This obligation has been accepted by the *Länder* of Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine/Westphalia and Schleswig-Holstein.

In Germany, the freedom to use one's own language - in public and in private life - is guaranteed by Article 2, paragraph 1, of the *Basic Law*. Use of minority languages in public is generally accepted by the German population. There are no reservations in this regard.

There are many and various ways in which the learning and use of minority languages are promoted by the State (cf. the comments on the various obligations), and thus, as a result of this implementation measure, use of Low German is encouraged and facilitated. In particular, efforts are encouraged among the general public to keep these languages alive by using them within the family and in extra-familiar everyday-life situations. In this regard, the cultural value of the minority languages for Germany's cultural life is particularly emphasized so that, as a result of the ensuing self-esteem and self-assurance, the younger generation will be more willing to adopt these languages and pass them on.

For the *Land* of Mecklenburg-Western Pomerania, the following information is to be added:

In the areas of product advertising and tourist advertising, use is made of the Low German language. Thus, for instance, guided city tours of Schwerin are in Low German. In addition, the *Staatliches Museum Schwerin* offers guided tours of the museum in the Low German language.

When choosing a name for themselves, restaurants, inns and pubs often use Low German words, and local/regional specialties are presented in Low German on the menu.

In terms of private enterprise, Low German is a top product which is a determining feature of the special character of Mecklenburg-Western Pomerania. Thus, for instance, a possibility would be to develop an alternative tourism programme under which tourists would not only enjoy the beautiful landscape but would, during their vacation, take a beginners' course in the Low German language, literature and culture. After two annual courses, participants could acquire the Low German Diploma - Stage 1 while the Diploma - Stage 2 would be granted only after an additional stay.

At the tourist centres, Low German theatre groups might give performances, and specific language learning courses in Low German might be taught.

Another example of tourist activities might be a summer nursery-school for holiday guests. In these summer nursery-schools, the children of tourists could learn Mecklenburg songs and dances, familiarize themselves with Low German, and get to know the Low German language and be introduced to the special features of this *Land*.

Also, it surely would be a good thing if various Low German festivals could be organized at the holiday centres within a reasonable timeframe (theatre, music, literature, etc.) so as to draw attention to the special features of the *Land* also in this way.

Pertinent initiatives should be discussed with the Tourist Association.

re: Art. 13, para. 2

- (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:*

re: para. 2, sub-para. (c) - Use of the Regional or Minority Language in Social Care Facilities –

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

1. Free Hanseatic City of Bremen

In Bremen, hospitals, retirement homes and nursing services offer their services in such a way that speakers of Low German can be admitted and treated in their own language. Various establishments are preparing lists of the staff members having a knowledge of this language. Special account is taken of the Low German language in the information brochure on the existing care and nursing facilities, which was prepared by the *Verbraucherzentrale Bremen* [Bremen Consumer Protection Centre] on behalf of governmental agencies.

2. Free and Hanseatic City of Hamburg

A number of retirement homes have occupants who still speak Low German. In such cases it is ensured, as a rule, that the nursing staff/attendants can provide such language-specific care. What the city of Hamburg cannot do, however, is to ensure that all persons in need of care can generally be provided such care also in the Low German language. Yet in view of the actual state of affairs, this would not seem necessary since, even among the elderly, there usually is nobody who understands and speaks Low German but not the standard German language. Should such cases exist, however, the respective establishment will endeavour to find an adequate solution.

3. Mecklenburg-Western Pomerania

At present, use of the regional language Low German in social care facilities, such as hospitals, retirement homes and hostels, depends on whether these facilities accommodate persons having a command of Low German. Use of the regional language Low German in social care facilities is more frequent and widespread in rural areas than in towns and cities.

4. Schleswig-Holstein

Staff members speaking Low German are available in the specialized clinics of the *Land*.

It should be pointed out that direct nursing and other care of persons in need of nursing and care is *not* a public-sector responsibility, but rather is mostly carried out by private-sector providing bodies and free nonprofit institutions. Thus, for instance, only 8 % of the more than 1,000 approved nursing facilities in Schleswig-Holstein are provided by incorporated public-law institutions. None of these facilities is provided directly by the *Land*. Therefore, it is not possible to lay down any requirements to be met by the various providing bodies as regards the use of the regional language Low German. However, the Ministries with responsibility in this field have until now not been notified of any cases which might give cause for requiring certain institutions to provide permanently for staff with knowledge of this language. Anyhow, there are no language barriers regarding oral communication in the various regions of the *Land*.

Article 14

Transfrontier Exchanges

The Parties undertake:

- (a) *to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*
- (b) *for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

1. Lower Saxony

The obligations under paragraphs (a) and (b) have been accepted only by the *Land* of Lower Saxony.

The *Neue Hanse Interregio* (NHI - New Hansa Interregio) was founded in 1991 by the Heads of Government of the German *Länder* of Lower Saxony and Bremen, and of the Netherlands provinces of Drenthe, Fryslân, Groningen and Overijssel. The agreement concluded by these co-operation partners is geared to transfrontier co-operation designed to strengthen the regions involved. The NHI's central policy areas are trade and industry, transport, research and development, environmental protection and nature conservation, agriculture and farming, culture and education, and labour market and social policy.

For the area of 'culture and education', the following was agreed, *inter alia*: "In the context of European integration and in view of the networking of regions, interregional cultural exchanges and transfrontier co-operation in the cultural area have an outstanding function because they help to bring people together and to foster mutual understanding."

In this context, increasing attention must also be given to the instruction in the various languages in schools and in all areas of adult education. Against this background, the *Länder* and Provinces work towards achieving increased co-operation among cultural institutions and in educational matters of the co-operation area. This co-operation is to focus on promoting the cultivation of regional languages and dialects in their respective speech area.

Local governments, municipalities, local authority unions, *Landkreise*, Chambers and other public-law corporations in the Netherlands Provinces of Groningen and Drenthe and, in Germany, in the *Landkreise* of Aurich, Leer, Wittmund, Emsland and Cloppenburg and in the *kreisfreie Stadt* of Emden in Ostfriesland have formed the special-purpose association *Ems-Dollart Region* (*Ems-Dollard Regio* - EDR). In addition to economic co-operation, the task of this community syndicate is to promote the region's culture in a transfrontier context.

The common language spoken in this border region was used, for instance, during the 1997 *EDR Festival*, an event commemorating the 20th anniversary of the Ems-Dollart Region and providing the occasion for holding the *European Cultural Days* in the town of Leer. Reciters, readers, writers and similar artists from the Province of Groningen were, and still are, invited to participate in events within the framework of the *Bücherfrühling* ["Spring of Books", a *Land*-wide literature event] in Lower Saxony.

2. Schleswig-Holstein

These obligations have not been explicitly adopted by the *Land* of Schleswig-Holstein. Nevertheless, reference is made, in this context, to the comments above on Article 13, para. 3 - "5. Schleswig-Holstein".

ANNEX 1: European Charter for Regional or Minority Languages

ANNEX 2: Federal Law Gazette (BGBl II) 1998, p. 1314: Act to implement the European Charter for Regional or Minority Languages of 5 November 1992 of 9 July 1998

With the consent of the *Bundesrat*, the *Bundestag* adopted the following Act:

Article 1

Consent is given to the European Charter for Regional or Minority Languages which was signed by the Federal Republic of Germany in Strasbourg on 5 November 1992, including the Declaration by the Federal Republic of Germany in Preparation of the Ratification of the European Charter for Regional or Minority Languages, of 23 January 1998, and the Declaration by the Federal Republic of Germany for the Implementation of the Obligations under the European Charter for Regional or Minority Languages regarding Part II of the Charter, of 26 January 1998. The Charter,* together with an official German translation, and the Declarations** of 23 January 1998 and of 26 January 1998 are published below.

Article 2

(1) This Act shall enter into operation on the day following its promulgation.

(2) The date on which the Charter, under its Article 19, paragraph 2, will enter into force for the Federal Republic of Germany shall be published in the *Bundesgesetzblatt* [Federal Law Gazette].

The above Act is hereby enacted and shall be promulgated in the *Bundesgesetzblatt*.

Berlin, 9 July 1998

The Federal President
Roman Herzog

The Federal Chancellor
Dr. Helmut Kohl

The Federal Minister of the Interior
Kanter

The Federal Minister for Foreign Affairs
Kinkel

The Federal Minister of Justice
Schmidt-Jortzig

* for the text of the Charter, cf. **Annex 1** above

** cf. **Annex 3** below

ANNEX 3: Declarations notified by the Federal Republic of Germany to the Council of Europe at the time of the deposit of the instrument of ratification

Federal Law Gazette (BGBl II) 1998, pp. 1334 *seq*

Declaration by the Federal Republic of Germany in Preparation of the Ratification of the European Charter for Regional or Minority Languages of 23 January 1998

(Translation)

"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 shall specify 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 1a iv; b iv; c iii/iv; d iii; e ii; f ii/iii; g; h; i; paragraph 2;

Article 9 paragraph 1b iii; c iii; paragraph 2a;

Article 10 paragraph 1a v; paragraph 4c; paragraph 5;

Article 11 paragraph 1b ii; cii; d; e ii; f ii; paragraph 2;

Article 12 paragraph 1c; d; e; f; g; paragraph 2; paragraph 3;

Article 13 paragraph 1a; c; d; paragraph 2c;

Article 14a; b.

Upper Sorbian in the Upper Sorbian language area in the Free State of Saxony:

Article 8 paragraph 1a iii; b iv; c iv; d iv; e ii; f iii; g; h; i; paragraph 2;

Article 9 paragraph 1a ii; a iii; b ii; b iii; c ii; c iii; d; paragraph 2a;

Article 10 paragraph 1a iv/v; paragraph 2a; b; g; paragraph 3b/c; paragraph 4c; paragraph 5;

Article 11 paragraph 1b ii; c ii; d; e i; f ii; paragraph 2;

Article 12 paragraph 1a; b; c; d; e; f; g; h; paragraph 2; paragraph 3;

Article 13 paragraph 1a; c; d; paragraph 2c.

Lower Sorbian in the Lower Sorbian language in Land Brandenburg:

Article 8 paragraph 1a iv; b iv; c iv; e iii; f iii; g; h; i;

Article 9 paragraph 1a ii; a iii; b iii; c iii; paragraph 2a;

Article 10 paragraph 1a iv/v; paragraph 2b; g; paragraph 3b/c; paragraph 4a; c; paragraph 5;

Article 11 paragraph 1b ii; c ii; d; e i; paragraph 2;

Article 12 paragraph 1a; b; c; d; e; f; g; h; paragraph 2; paragraph 3;

Article 13 paragraph 1a; c; d.

North Frisian in the North Frisian language area in Land Schleswig-Holstein:
Article 8 paragraph 1a iii/iv; b iv; c iv; e ii; f iii; g; h; i; paragraph 2;
Article 9 paragraph 1b iii; c iii; paragraph 2a;
Article 10 paragraph 1a v; paragraph 4c; paragraph 5;
Article 11 paragraph 1b ii; c ii; d; e ii; f ii; paragraph 2;
Article 12 paragraph 1a; b; c; d; e; f; g; h; paragraph 2; paragraph 3;
Article 13 paragraph 1a; c; d;
Article 14a.

Sater Frisian in the Sater Frisian language area in Land Lower Saxony:
Article 8 paragraph 1a iv; e ii; f iii; g;
Article 9 paragraph 1b iii; c iii; paragraph 2a;
Article 10 paragraph 1a v; c; paragraph 2a; b; c; d; e; f; paragraph 4a; c; paragraph 5;
Article 11 paragraph 1b ii; c ii; d; e ii; f ii; paragraph 2;
Article 12 paragraph 1a; b; c; d; e; f; g; paragraph 2; paragraph 3;
Article 13 paragraph 1a; 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 1a iv; e ii; g;
Article 9 paragraph 1b iii; c iii; paragraph 2a;
Article 10 paragraph 1a v; c; paragraph 2a; b; f;
Article 11 paragraph 1b ii; c ii; d; e ii; f ii; paragraph 2;
Article 12 paragraph 1a; d; f; paragraph 3;
Article 13 paragraph 1a; c;

and additionally:

- in the Free Hanseatic City of Bremen:
 - Article 8 paragraph 1b iii; c iii; f i; h;
 - Article 10 paragraph 2c; d; e;
 - Article 11 paragraph 1g;
 - Article 12 paragraph 1b; c; e; g;
 - Article 13 paragraph 2c;
- in the Free and Hanseatic City of Hamburg:
 - Article 8 paragraph 1b iii; c iii; d iii; f ii; h; i;
 - Article 10 paragraph 2e; paragraph 4c;
 - Article 11 paragraph 1g;
 - Article 12 paragraph 1g;
 - Article 13 paragraph 1d; paragraph 2c;
- in Land Mecklenburg-Western Pomerania:
 - Article 8 paragraph 1b iii; c iii; d iii; h; i;
 - Article 10 paragraph 4c;
 - Article 12 paragraph 1b; c; e; h;

Article 13 paragraph 1d; paragraph 2c;

- in Land Lower Saxony:
 - Article 8 paragraph 1f iii; i;
 - Article 10 paragraph 2c; d; e; paragraph 4a; c;
 - Article 12 paragraph 1b; c; e; g; paragraph 2;
 - Article 13 paragraph 1d;
 - Article 14a; b;

- in Land Schleswig-Holstein:
 - Article 8 paragraph 1b iii; c iii; f iii; h; i; paragraph 2;
 - Article 10 paragraph 4c;
 - Article 12 paragraph 1b; c; g;
 - Article 13 paragraph 1d; paragraph 2c.

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 the 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."

Federal Law Gazette (BGBl II) 1998, pp. 1336 seq

Declaration by the Federal Republic of Germany for the Implementation of the Obligations under the European Charter for Regional or Minority Languages regarding Part II of the Charter of 26 January 1998

(Translation)

"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 basis 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 1f iii; g; h;
Article 9 paragraph 1b iii; c iii; paragraph 2a;
Article 10 paragraph 5;
Article 11 paragraph 1d; e ii; f ii; paragraph 2;
Article 12 paragraph 1g; paragraph 3;
Article 13 paragraph 1a; c; d;
Article 14a;

and additionally:

- in Land Baden-Württemberg:
 - Article 8 paragraph 1a iv; ^{*)}
 - Article 10 paragraph 4c;
 - Article 12 paragraph 1a; ^{**)}
- in Land Berlin:
 - Article 8 paragraph 1a i/ii; b i/ii/iii/iv; e i/ii/iii; i; paragraph 2;
 - Article 11 paragraph 1b i/ii; c ii; e i/ii;
 - Article 12 paragraph 1a; d; f;
- in the Free and Hanseatic City of Hamburg:
 - Article 8 paragraph 1b iv; c iv;
 - Article 11 paragraph 1b ii; c ii;
 - Article 12 paragraph 1a; d; f;
- in Land Hessen:

Article 8 paragraph 1a iii/iv; b iv; c iv; d iv; e iii; i; paragraph 2;
Article 11 paragraph 1b ii; c ii; e i;
Article 12 paragraph 1a; d; f; paragraph 2;

- in Land North Rhine/Westphalia:
Article 8 paragraph 1e iii; paragraph 2;
Article 12 paragraph 1a; d; f; paragraph 2;

*) Article 8: paragraph 1e iii [cf. p. 5 below of Annex 3]

**) Article 12: paragraph 1d; f; paragraph 2 [cf. p. 5 below of Annex 3]

- in Land Lower Saxony:
Article 12 paragraph 1a; d; f;

- in Land Rhineland-Palatinate:
Article 8 paragraph 1a v; e iii;
Article 11 paragraph 1c ii;
Article 12 paragraph 1a; d; f;

- in Land Schleswig-Holstein:
Article 10 paragraph 1a v; paragraph 2b; paragraph 4c;
Article 11 paragraph 1b ii; c ii;
Article 12 paragraph 1a; d; f; paragraph 2.

With regard to Low German:

- in Land Brandenburg:
Article 8 paragraph 1a iv; b iv; c iv; f iii; g;
Article 9 paragraph 2a;
Article 10 paragraph 2b; paragraph 3c;
Article 11 paragraph 1b ii; c ii; d; e ii; f ii; paragraph 2;
Article 12 paragraph 1a; f; g;

- in Land North Rhine/Westphalia:
Article 8 paragraph 1e iii; g; h; paragraph 2;
Article 9 paragraph 1b iii; c iii; paragraph 2a;
Article 11 paragraph 1d; paragraph 2;
Article 12 paragraph 1a; d; e; f; g; h; paragraph 2;
Article 13 paragraph 1a; c; d;

- in Land Saxony-Anhalt:
Article 8 paragraph 1a iv; b iv; c iv; g; h;
Article 9 paragraph 2a;
Article 11 paragraph 1b ii; c ii; e ii; paragraph 2;
Article 12 paragraph 1a; 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 competences, 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."

[Draft State Report, as of 30 June 2000]

Additional Declaration by the Federal Republic of Germany for the Implementation of Obligations under the European Charter for Regional or Minority Languages, regarding 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 in accordance with the Declaration by the Federal Republic of Germany of 23 January 1998. Therefore, the objectives and principles laid down in Article 7 of the Charter shall form the basis with regard to the Romany language. With reference to the Romany language, *inter alia*, the Declaration by the Federal Republic of Germany of 26 January 1998 comprises a catalogue of provisions of Part III of the Charter, which are also met by German law and Germany's current administrative practice. For the *Land* of Baden-Württemberg, the following provisions are added to that catalogue^{*)}:

Article 8, paragraph 1e iii;

Article 12, paragraphs 1d and 1f; paragraph 2."

^{*)} cf. p. 3 above of Annex 3

ANNEX 4: List of Minority/Language Group Organizations

Danish

South Schleswig Association:

Sydslesvigsk Forening/Südschleswigscher Verein (SSV)

z.Hd. Herrn Vorsitzenden Heinrich Schultz o.V.i.A.

Norderstraße 76

D-24939 Flensburg

South Schleswig Association of Voters:

Sydslesvigsk Vælgerforening/Südschleswigscher Wählerverband (SSW)

z.Hd. Frau Vorsitzende Gerda Eichhorn o.V.i.A.

Schiffbrücke 42

D-24939 Flensburg

Sorbian

Federation of Lusatian Sorbs:

DOMOWINA – Zwajsk Łuziskich Serbow/Bund Lausitzer Sorben

z.Hd. Herrn Vorsitzenden Jakob Brankatschk o.V.i.A.

Postplatz 2

D-02625 Bautzen

Frisian

Frisian Council (Nordfriesland Section):

Friesenrat/Frasche Rädj - Sektion Nord e.V.

z.Hd. Herrn Vorsitzenden Hark Martinen o.V.i.A.

Klockries 64

D-25920 Risum-Lindholm

Frisian Council (Section East):

Friesenrat/Freeske Raad - Sektion Ost e.V.

z.Hd. Herrn Geschäftsführer Alfred Spanjer o.V.i.A.

Friesenstr. 46

D-26787 Leer

Romanes

Central Council of German Sinti and Roma:
Zentralrat Deutscher Sinti und Roma
z.Hd. Herrn Vorsitzenden Romani Rose o.V.i.A.
Bremeneckgasse 2
D-69117 Heidelberg

Sinti Alliance Germany:
Sinti Allianz Deutschland
z.Hd. Frau Natascha Winter o.V.i.A.
Postfach 103224
D-50472 Köln

Lower Saxony Association of German Sinti (reg'd):
Niedersächsischer Verband Deutscher Sinti e.V.
Herrn Vorsitzenden Manfred Böhmer o.V.i.A.
Schaumburgstr. 3
D-30419 Hannover

Low German

Institute for the Low German Language:
Institut für niederdeutsche Sprache
Schnoor 41-43
D-28195 Bremen

Low German Council for Schleswig-Holstein:
Plattdeutscher Rat f. Schleswig-Holstein
c/o Schleswig-Holsteinischer Heimatbund
Herrn Dr. Willy Diercks
Rathausstr.2
D-24103 Kiel

Institute for Folk Culture, Mecklenburg and Western Pomerania:
Volkskulturinstitut Mecklenburg und Vorpommern
z.H. Frau Gerda Strehlow
August Bebel Str. 1 c
D-18055 Rostock