



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE
Committee of Ministers
Comité des Ministres

**Resolution CM/ResCMN(2007)4
on the implementation of the Framework Convention for the Protection of National Minorities
by Germany**

*(Adopted by the Committee of Ministers on 7 February 2007
at the 986th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”);

Having regard to Resolution (97) 10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution (97) 10;¹

Having regard to the instrument of ratification submitted by Germany on 10 September 1997;

Recalling that the Government of Germany transmitted its state report in respect of the second monitoring cycle under the Framework Convention on 13 April 2005;

Having examined the Advisory Committee’s second opinion on Germany, adopted on 1 March 2006, and the written comments of the Government of Germany, received on 20 July 2006;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Germany:

a) Positive developments

Germany has adopted a number of measures to improve implementation of the Framework Convention since the adoption of the Advisory Committee’s first opinion on 1 March 2002 and the Committee of Ministers’ resolution on 15 January 2003. This has entailed a number of changes in practice and in legislation.

The German authorities have recently supplemented the mechanisms for consulting minorities at federal level with the creation of the position of Secretariat for Minorities. This is a new step forward in dialogue between minorities and the federal bodies. It helps strengthen the visibility of minorities at federal level and offers greater opportunities for minorities to voice their concerns to the federal executive and legislative. In general, the authorities continue to show a commitment to the implementation of the Framework Convention.

With regard to legislation of relevance to minorities, additional steps have been taken since the adoption of the second opinion of the Advisory Committee. These include the adoption, in August 2006, of the Act on equal treatment, which aims to enhance legislation to combat discrimination as well as other legislation that should

¹ In the context of adopting Resolution (97) 10 on 17 September 1997, the Committee of Ministers also adopted the following rule: “Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour”.

contribute to strengthening efforts to combat racism, xenophobia and discrimination. Furthermore, the Law on the promotion of Frisian in public life, adopted in 2004, strengthened the position of the Frisian minority in Schleswig-Holstein.

The authorities continue to take into consideration the specific needs of each officially recognised minority and to grant them financial support, from both federal and *Länder* level sources, the *Länder* having direct competency in a number of areas of relevance to national minorities.

Projects and activities against racially motivated crimes and in favour of tolerance and better community relations continue to be supported by the authorities.

The provision of radio broadcasts for the Frisians of Saterland (Lower Saxony), the introduction of Frisian in the 5th and 6th grades (Schleswig-Holstein) and Roma/Sinti school mediators (Schleswig-Holstein, Baden-Württemberg, for example) are also initiatives that merit being highlighted.

b) Issues of concern

There is a lack of data on the socio-economic situation of minorities. This can be an obstacle in the design and implementation of policies for equal opportunities for national minorities and it also impedes development of awareness regarding the issues involved.

The situation of the Roma/Sinti remains an issue of deep concern, even though efforts have been made to bring about an improvement. They are frequently victims of discrimination and stigmatisation in the media, and occasionally the target of racist acts or insults. Their access to public and political life remains very limited and the opportunities for consultation are fewer than for other groups. They do not always enjoy equal opportunities in the education system and this hampers their subsequent access to the labour market.

Relations between Roma/Sinti and representatives of the law enforcement agencies appear to be at times tense, and the situation is aggravated by allegations that unjustified records are kept of the ethnic background of Roma/Sinti suspects or offenders and that such information is, in some cases, given to the press. The situation of those Roma who are in a precarious situation merits particular attention.

Even though the German authorities continue to support each of the four recognised national minorities, the amount of this support has in some fields been reduced. This has led to the closure or threats of closure of schools, notably some Sorbian secondary schools in Saxony, to reduced teaching in or of minority languages, and to a certain lack of continuity in the support of projects for minorities.

National minorities still have limited access to the media, particularly the public service media.

It would be desirable to pursue further dialogue on the possibilities to expand the scope of application of the Framework Convention in Germany, taking into account Germany's declaration contained in its legal instrument of ratification.

2. Adopts the following recommendations in respect of Germany:

In addition to the measures to be taken to implement the detailed recommendations contained in chapters I and II of the Advisory Committee's opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- ensure that the gathering of personal data by the police does not entail or lead to any discrimination against or stigmatisation of persons belonging to certain groups based on their ethnic origin;
- adopt a strategy to improve substantially the situation of the Roma/Sinti in all fields, which also pays particular emphasis to women and children. Continue to take a firm stand against the racism and discrimination to which they may be exposed. Continue to raise public awareness of the history and culture of the Roma/Sinti. Improve the mechanisms for consulting the Roma/Sinti, with due regard for

their diversity in order to increase participation of persons belonging to the Roma/Sinti minority in public life;

- address the problem of the over-representation of Roma/Sinti and immigrants' children in special schools for under-achievers (*Sonderschulen*) and their low level of participation in secondary and university education;
 - continue efforts to ensure compliance with the principle of equal treatment and guarantee more long-term support for national minorities, including in the field of education. In this respect, ensure that the historical network of Sorbian schools is able to continue to operate;
 - ensure proper implementation of the legal provisions with regard to the use of minority languages in the public sphere and in bilingual signs;
 - pursue efforts to improve the access to and representation in the media of persons belonging to national minorities, particularly in the public service media;
 - continue to strengthen the mechanisms for consultation and participation of persons belonging to national minorities.
3. invites the Government of Germany, in accordance with Resolution (97) 10:
- a. to continue the dialogue in progress with the Advisory Committee;
 - b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in section 1 and 2 above.