

# COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

## **Resolution ResCMN(2003)3**

### **on the implementation of the Framework Convention for the Protection of National Minorities by Germany**

*(Adopted by the Committee of Ministers on 15 January 2003  
at the 824th 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"), and sitting in the presence of a non-member state Party<sup>1</sup>;

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 in particular rule 39<sup>2</sup> of Resolution (97) 10;

Having regard to the voting rule adopted in the context of adopting Resolution (97) 10<sup>3</sup>;

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 first monitoring cycle under the Framework Convention on 24 February 2000;

Whereas the Advisory Committee accepted the invitation of the Government of Germany to send a delegation to gather further information in Germany, this visit taking place from 26 to 29 June 2001;

Whereas the Advisory Committee's opinion on the implementation of the Framework Convention by Germany was adopted on 1 March 2002 and then transmitted to the Permanent Representative of Germany and communicated to the permanent representatives of all member states and to the Representative of a non-member state Party as document CM(2002)43 and subsequently made public by the German Government;

Whereas the Government of Germany submitted its written comments on the opinion of the Advisory Committee within the time-limit of four months following the communication of the said opinion, these written comments having been communicated to the delegations of all member states and a non-member state Party as an addendum to document CM(2002)43 dated 3 September 2002;

Having examined the Advisory Committee's opinion and the written comments of the Government of Germany;

Having also taken note of comments by other governments;

1. Adopts the following conclusions concerning the implementation of the Framework Convention by Germany:

- Germany has made commendable efforts to support national minorities and their cultures, notably through the financial support provided by the Federal authorities and the various measures taken by the *Länder* in the fields of education, media and cultural affairs.
- There is scope for improvement in the media sector, in particular concerning the development of radio and television programmes for both the Danish and the Frisian minorities. The use of minority languages in relations with administrative authorities appears rather limited and there remain shortcomings in the practical implementation of existing provisions in this respect, notably in areas traditionally settled by the Sorbs.
- Despite legal requirements to display topographical indications in the Sorbian language in areas traditionally inhabited by the Sorbs, the rate of changing monolingual to bilingual signs is progressing too slowly.
- In the field of education, the persisting threat of closure of schools providing full education in Sorbian needs to be given continuous consideration so as to secure the long-term future of traditionally established Sorbian classroom education. The current situation of the Frisian language in the educational system also merits being reviewed in order to reinforce it.
- There is deep concern about the forced dissolution of a municipality with a Sorbian identity in order to allow

lignite quarrying to continue. The forced dissolution is likely to make the preservation of the Sorbian minority identity more difficult due to the population displacement involved.

- Despite valuable efforts, the implementation of the Framework Convention has not been fully successful for the Roma/Sinti. It is important that the *Länder's* various methods of collecting criminal data of an ethnic nature are pursued in full compliance with the principles laid down in Article 3 of the Framework Convention. Problems persist with regard to attitudes of rejection or hostility towards persons belonging to the Roma/Sinti minority and substantial efforts are needed to ensure the effective participation of this minority particularly in cultural, social and economic life. There is also reason for concern about the over-representation of, amongst other groups, Roma/Sinti children at lower secondary schools and special schools for under-achievers, a state of affairs which merits close attention and the implementation of effective remedial measures.

2. Recommends that Germany take appropriate account of the conclusions set out in section 1 above, together with the various comments in the Advisory Committee's opinion.

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.

<sup>1</sup> The Federal Republic of Yugoslavia.

<sup>2</sup> According to Rule 39 of Resolution (97) 10, "the Committee of Ministers shall invite a representative from each non-member Party to attend the meetings of the Committee of Ministers whenever it exercises its functions under the Framework Convention, without the right to participate in the adoption of decisions".

<sup>3</sup> 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".

---

## Related Documents

### Meetings

- [824 meeting of the Ministers' Deputies](#) / 15 January 2003

### Other documents

- [CM/Del/Dec\(2003\)824/4.6E](#) / 16 January 2003 