

## **OSCE - 2007 Human Dimension Implementation Meeting Warsaw, Sept. 2007**

### **Working Session 1 - Tolerance and non-discrimination II**

#### **Statement of the autochthonous national minorities in Germany**

##### **1. The federal structure of Germany and the participation of the national minorities**

The federal structure of Germany must not lead to disadvantages for the national minorities when implementing the international agreements towards the protection of minorities. Ensuring the socio-cultural substance of the national minorities often exceeds the capabilities of the federal states which are responsible for cultural matters. This is particularly grave for the school sector. The improper distribution of competence in this field of politics currently renders an integrated (department and level spanning) minority policy impossible. The latest plans of the Federal Government to cut funding for the foundation for the Sorbian people show that short-term budget cutbacks on the national level may lead to a long-term impairment of the minority's cultural infrastructure as the federal states alone are overchallenged with this task.

##### **2. Participation of national minorities in public services and in the judiciary**

In order to ensure the representation of national minorities in judicial bodies persons belonging to these minorities should be appointed as honorary lay assessors („Ehrenamtliche Richter“ or „Schöffen“ in Germany) for the various courses of law. In Germany, organisations like political parties, unions, or the churches do have the possibility to propose individuals as lay assessors. Organisations representing national minorities should have the same right to propose people representing the minority group. In addition and if necessary, specific programs should be initiated encouraging or enabling representatives of the minorities concerned to be involved in the public service and the judiciary.

##### **3. Implementation of non-discrimination legislation**

In 2006 the German parliament passed an Equality Act. However, it does not contain any right of action for the associations of national minorities. The Minority Council expects that the government will accept its unanimous proposal for a representative of the national minorities within the Advisory Council of the Anti-Discrimination Office.

##### **4. Participation of national minorities in the national legislation**

The Minority Council welcomes explicitly the decision of the Interior Committee in the 16<sup>th</sup> legislative period of the German Bundestag to continue the dialogue with the associations of the national minorities.

However, a parliamentary committee dealing with questions regarding national minorities should be equipped with similar competences as other parliamentary committees. A mere conversation forum or a “round of talks” (“Parlamentarischer Gesprächskreis”) as it is has been set up in Germany is a weak instrument. This advisory committee should have the right to request official parliamentary hearings concerning issues that affect them. This is not the case in Germany. For example, the proposal of the Central Council of German Sinti and Roma for a legal provision against the discriminatory marking of accused individuals as members of a minority has not become the subject of an official parliamentary hearing in the “Bundestag” in

Germany until today although the parliamentary forum of national minorities has been asking for these hearings for years.

### **5. Participation of the national minorities in the media**

Representatives of the national minorities should become members of the existing supervisory bodies for the media (radio and television) under public and under private law. First experiences in Germany (supervisory body for private media in the federal state of Rhineland-Palatinate with a representative of the regional organisation of the German Sinti and Roma) show that this positive measure helps to prevent the publication of discriminatory contents in media productions.

The Friesian minority is not represented in the supervisory public-law bodies which are responsible for its settlement area, thus no public-law broadcasting program is available. The Sorbian minority is represented in a regional public-law broadcasting council, and the Danish minority is represented with one chair in a national public-law broadcasting council.

The technical developments in the propagation of modern media open up new possibilities for national minorities, but also significant disadvantages, as the minorities are cut from the programs of their home countries. The relevant commercial licences and rights are based on the national markets and the new technologies facilitate an increasingly accurate restriction to these markets. The unrestricted media reception is of primary cultural-political importance for the minorities concerned and should be safeguarded in the regulation of the European media markets.