

To the attendees of the OSCE Convention between 4-11 Oktober 2006, Warsaw

Subject: The Mainstream Ethnicity Policies of the OSCE and Germany

Ladies and Gentlemen,

1. To be unable to participate in the political future of any country due to the poor and discriminant legislation, bears explosive potential amongst younger migrant generations throughout Europe.

The right for participation in free elections are the most important tenets of a pluralistic democracy and the rule of law.¹

The German legislation denies the electoral rights to non-German citizens who are living and paying taxes as "Mitbürger"(Citizens) of Germany over 40 years. Same Germany however forced by the EU Charter recognizes those rights to the citizens of any EU member state even if this State is newly accepted to the EU. This unfair situation can not be understood nor accepted by the migrant youth and seriously is a dangerous herd of frustration.

To our sincere observations, the issue of not being able to elect or get elected to the German Parliament(Bundestag) has also been one of the main reasons why the Turkish Migrants

- have been refusing to participate in German social life,
- refusing to learn proper German in order to be a part of the German social life.
- and building their own "ghettos" rather than getting integrated.

2. A common language is a proper instrument to give access to important public goods and in this way it shows if it was a means to or obstacle towards social integration.². Therefore, the "instrumentalization of language" in process of the unification of a multicultural society was inevitable and the individual states have forced the strict use of a common language for a better social organisation in the course of history. Although the legitimacy of having a unique language in a sovereign state is given, it does not however give automatically a legitimization for the abolition of the language diversities in a society.³ This is however being observed in some schools in Germany. They forbid the communication in Turkish language at school even during the breaks.⁴

¹ OESC Human Dimension Commitments, Volume 1, Thematic Compilation, Section 2, Commitments Related to Structural Components of a Democratic Society, 2.1 General Provisions, Copenhagen 1990, 2nd Edition, 2005, OESC/ODIHR, Warsaw, p. 75

² Packer, J., "The Protection of Minority Language Rights through the Work of OSCE Institutions", in: Snezana Trifunovska (ed.) 2001, Minority Rights in Europe: European Minorities and Languages, The Hague: T.M.C. Asser Press, 2001 pp. 258.

³ Holt, S.; Packer, J., "OSCE Developments and Linguistic Minorities", MOST Journal on Multicultural Societies, Vol. 3, No. 2, UNESCO, 2001

⁴ See <http://www.freitag.de/2006/05/06051102.php>

The confrontations of the last decades in shaping up the “cultural identity” have shown that, the advantages of multilinguality overpowers the disadvantages thereof. In order to shape up a peaceful and harmonious society, steadfast foundations are needed. This can only be achieved by judicial, political and social structures which targets the integration and not the elimination of cultural diversities.

The 1990 Documentation of the Copenhagen Meeting of the “Conference on the Human Dimension” is the first significant attempt of the OSCE to create standards for the protection of rights of persons belonging to national minorities. In the spirit of paragraph 31 of the Copenhagen Document, the participating States are encouraged⁵ to approach the issue of minority rights in a proactive manner by adopting special measures to ensure full equality for the members of national minorities.

Specifically on linguistic rights, the High Commissioner on National Minorities (HCNM) of the OSCE has gathered a group of independent experts who elaborated two sets of general recommendations in order to assist governments and the parliaments in developing effective policies in this area. The aim of The Hague Recommendations Regarding the Education Rights of National Minorities (1996) and The Oslo Recommendations Regarding the Linguistic Rights of National Minorities (1998) is to provide States with some guidance in finding appropriate measures in areas of education and language that fully respect internationally agreed standards.⁶

The Hague Recommendations acknowledge that the rights of persons belonging to national minorities to maintain their identity can be fully realised if they acquire a proper knowledge of their mother tongue during the educational process.⁷ They also prescribe that States should approach minority education rights in a proactive manner and that where required, special measures should be adopted by States to actively implement minority education rights to the maximum of their available resources.⁸

Germany, making the Turkish Language as an elective course not get accounted in the curriculum and placing them in the afternoons, forces the turkish children not to use the offer duly.

Although being one of the leading spirits of the unified Europe and the OECD, Germany failed to properly follow the guidances of the Hague and Oslo Recommendations in order to properly support the Migrant Children in these issues. This fact has also been critically pointed out by the PISA Study 2003, which was commissioned by the OECD.

According to the results of a new OECD study in Europe, the Migrant Children are nowhere else supported worse than in Germany⁹. The study shows that at 15 years old level the migrant children are 3 years behind the native german children in mathematics.

⁵ The OSCE commitments do not create legal obligations but for the participating States they are politically binding due to their adoption by consensus.

⁶ The Hague and Oslo Recommendations are non-governmental in origin and therefore have not been discussed and accepted by the participating States through the appropriate OSCE mechanisms.

⁷ Paragraph 1 of the Hague Recommendations.

⁸ Paragraph 4 of the Hague Recommendations

⁹ The OECD-Study compares 17 States which includes France, Belgium, Netherlands and the USA

The study accuses Germany to be incapable for a proper integration process to provide the Migrant Children with a fair chance of a thorough Education coupled with a future perspective. The migrant children generally will be sent to a lower class “Hauptschule”(Main School for unable children) at once with the smallest sign of learning difficulties which are in fact due to the lack of language efficiencies. The graduates of those schools have a very little future perspective.

In order to cease the criticism, the authorities has been saying that the bad german language abilities of the migrant children is the cause of the miserable place of german children at the OECD studies.

We are thankful to the german Education Minister Annette Schavan (CDU) who at the presentation of the OECD study, declared that the Education chances of the Migrant children will be improved and the “early Support” should have a high priority.

Although the School Minister of the North-Rhein Westfalia Ms. Barbara Sommer was happy of the measures which has been taken since the first PISA study such as the language promotion for children above 4 years old as well as the establishment of the full day schooling in some areas, the **Teachers and Parents Organization** of NRW was not happy with what have been done. Ms. Regine Schwarzkopf of this organization was not surprised by the miserable results of the study and said that it was easy to observe the worsening of the situation especially in Ruhr Area where the Migrant Families are untying themselves from the german society by building up of their own service systems including retailing and the ethnic TV Stations. Ms. Schwarzkopf admits that it is almost impossible to influence the parents but the children by setting “clear-cut rules and regulations”.

If sudden and proper measures fail, the outburst of juvenile riots like in Netherlands and in France are inevitable also in Germany.

Therefore we request that the OECD particularly recommend Germany to take constructive and sudden actions on those issues.

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