

**Resolution CM/ResCMN(2016)4
on the implementation of the Framework Convention for the Protection of National Minorities
by Germany**

*(Adopted by the Committee of Ministers on 3 February 2016
at the 1246th 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 Res(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 Res(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 fourth monitoring cycle under the Framework Convention on 11 March 2014;

Having examined the Advisory Committee's fourth opinion adopted on 19 March 2015;

Having also taken note of comments by the Government of Germany and other governments,

Adopts the following conclusions in respect of Germany:

The authorities are invited to take account of the observations and recommendations contained in Sections I and II of the Advisory Committee's fourth opinion. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

Recommendations for immediate action:

- review and strengthen the General Equal Treatment Act in order to ensure that it provides effective protection against discrimination; continue supporting efforts to raise awareness of the contents of this Act and the avenues of redress available against discrimination, including when committed by public actors; consider broadening the powers of the Federal Anti-Discrimination Agency and ensure that it has sufficient resources to allow it to carry out its duties effectively;
- actively promote the effective equality of Sinti and Roma in socio-economic life through targeted, evidence-based measures, designed, implemented and evaluated in full consultation with representatives of Sinti and Roma and based on clear benchmarks; take resolute measures to put an end to discrimination against Sinti and Roma children in the education system, including ending the unjustified placement of Sinti and Roma children in special schools, and to create an inclusive education system;
- pursue efforts to combat racism and intolerance and prevent right-wing extremism; take a proactive stance embracing the diversity of German society; review the legal provisions prohibiting incitement to hatred, in particular in the context of election campaigns, and the policy and procedures in place concerning the investigation and prosecution of the dissemination of ideas based on racial superiority, with a view to strengthening their effectiveness;

¹ In the context of adopting Resolution Res(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".

Further recommendations:

- use existing equality data to design measures to promote the full and effective equality of persons belonging to national minorities and seek additional means of gathering reliable quantitative and qualitative equality data with respect to the access to rights of persons belonging to national minorities, while fully respecting international standards on the protection of personal data;
- continue, in close co-operation with the representatives of national minorities, to support the preservation and promotion of their cultures, paying particular attention to their long-term needs, the necessity of sustainable action, and the diversity existing within minority cultures;
- ensure that racist elements of criminal offences are systematically taken into account; eradicate the practice of ethnic profiling and take active steps to build trust between persons belonging to minorities and the police;
- increase support to media in minority languages and support the development of locally produced radio and television programming in minority languages; support improved representation of persons belonging to national minorities in media regulatory bodies;
- implement fully the legislation in place to promote the use of minority languages in contacts with local and regional administrative authorities; adopt effective measures to create an environment conducive to their use in this context; take the necessary steps to bring German legislation concerning the use of minority names fully in conformity with Article 11 of the Framework Convention and ensure that names in minority languages can be correctly represented in electronic registers; promote the installation of bilingual topographical signs in minority languages;
- step up efforts to ensure that teachers and pupils throughout Germany have better knowledge of the culture and history of national minorities, including Sinti and Roma, as an integral part of German society; ensure that teachers are adequately trained for intercultural education;
- pursue and intensify efforts to increase the availability of teachers qualified to teach in minority languages at all levels of the education system; take positive measures to promote their appointment to areas where such skills are needed; step up the support provided to teaching in and of Frisian and Sorbian in order to place such teaching on a sustainable footing;
- actively promote the effective participation of Sinti and Roma in public life, in particular at the political level; establish, in the *Länder* where this has not yet been done and in close co-operation with Sinti and Roma representatives, mechanisms allowing for the effective participation of Sinti and Roma in decision making on issues of concern to them.