

## **Statement by the Council for Sorbian/Wendish Affairs at the Brandenburg State Parliament on the status of implementation of the Framework Convention for the Protection of National Minorities**

### **General**

With regard to the implementation of the Framework Convention (and other legislation), the problem is that knowledge of the agreement is very limited. There are occasional attempts to impart knowledge in schools, universities and administrative bodies. But on the whole, the Framework Convention must be regarded as largely unknown. There is an urgent need to develop strategies, ideally for both the Framework Convention and the European Charter for Regional or Minority Languages, which are not based solely on minority organisations and institutions attempting to provide information about the legal situation. NGOs are hardly perceived as relevant in this regard, particularly by administrations, which means that information must also be provided top-down.

Within the framework of monitoring, attention should be paid to multilingual contexts. The conventional idea that there is a minority whose members speak the minority language does not quite reflect reality. In the case of highly endangered languages such as Lower Sorbian, the younger generations largely constitute a learning community of new speakers who are seeking increasing opportunities to use the language. In this respect, the focus should not only be on language rights for native speakers, but also on efforts to help minority languages regain their function as a more comprehensive means of communication. It can therefore be assumed that German is currently the language most commonly used by Sorbs. The same applies to other minorities in Germany who also use the majority language German or the regional language Low German, for example, but this has hardly been reflected in the monitoring of the Framework Convention to date.

### **Regarding Article 5**

It is positive to note that, even in times of tight public budgets, there has been at least some financial growth to offset some of the cost increases of recent years. However, it is problematic that the founders of the Foundation for the Sorbian People are unable to negotiate, conclude and implement



the financing agreements in a timely manner. Like the fourth agreement, the fifth agreement will also only come into force retroactively. This makes planning difficult for both the foundation and the institutions it supports. In particular, difficulties in the negotiations for which the donors are responsible (such as initially insufficient budget estimates or changing legal assessments of the basis for foundation financing) ultimately have a hindering effect on the work of Sorbian structures, which have no influence whatsoever on these framework conditions. In future, it must be ensured that such delays do not occur again. The practice of treating permanent tasks as project funding also remains questionable.

### **Regarding Article 9**

The available contact time and variety of topics covered by the Sorbian-language media are insufficient to meet the requirements of modern, contemporary media use. Apart from the fact that low-threshold media use, as in the majority language, is not available to all age groups, places of residence or interests due to limited broadcasting times, regional availability, topics covered or references to online offerings, the limited broadcasting times also mean that fictional formats, for example, compete with current topics. No attempt is made to integrate supposedly Sorbian topics from the Sorbian time slots into the regular German programme. Sorbian topics are certainly mentioned in the German-language programme. However, this is often limited to folkloric events, and the use of the Sorbian language and even the official bilingual place names is dispensed with, so that Sorbian often is not presented as an integral part of society. Especially from the point of view of revitalising a language threatened with extinction, with a larger proportion of new speakers and language learners, the media offering must be viewed critically. It is the responsibility of the Sorbs themselves that there are still relatively few Sorbian media offerings that use both Sorbian languages in parallel and thus also contribute to a stronger exchange between Upper and Lower Sorbian.

### **Regarding Article 10**

In the area of justice, it should be noted that the Federal Ministry of Justice has ignored years of efforts by minorities and discussions with the Ministry to integrate a regional opening clause into the Courts Constitution Act (German: Gerichtsverfassungsgesetz [GVG]) in order to enable the use of regional and minority languages in courts. When the Act was amended, only English was included as a court language. On the one hand, this perpetuates the inequality between minorities, whereby Sorbs have rights that others do not. On the other hand, it denies the possibility of regulating the general legal provisions for Sorbian in more detail through state law in Brandenburg and Saxony and of eliminating occasional ambiguities regarding the possible use of language in the judiciary.

In Brandenburg, it must be noted that there are no individuals with knowledge of the Sorbian language working in the highest state authorities (ministries) and that even the ministries with central responsibility for Sorbian affairs (Ministry of Science, Research and Culture and Ministry of Education, Youth and Sport) have not taken any discernible structured measures to develop the relevant language skills. This means that the state is unable to respond to or participate in Sorbian social developments or media discourse. It is therefore also impossible to use the minority language in dealings with the authorities, especially with regard to Sorbian issues. The same applies to the federal government. Another problem is the high turnover of staff in the relevant administrative

departments, which means that expertise in minority rights cannot be built up or maintained. Ultimately, it often seems that minority representatives have more knowledge of the legal framework (such as the Framework Convention) than the administrative departments responsible for its implementation.

### **Regarding Article 11**

Despite generally positive regulations on bilingual German-Sorbian signage in public spaces, implementation remains problematic. Even when new signs are put up, there are still signs that are incorrect, monolingual or otherwise do not comply with the legal framework. Some local authorities have not implemented the law that has been in place for 31 years and, for example, put up monolingual signs. As minority legislation, like the Framework Convention, is not sanctioned, violations of applicable minority law remain without consequences.

The issue of motorway signage remains unresolved. The studies commissioned to address this issue have so far been handled in a non-transparent manner with regard to the description of tasks, awarding of contracts and qualification of contractors with regard to minority aspects. To date, there has also been no discernible dialogue on the question of whether only the official bilingual place names should be taken into account (which would only affect the German-Sorbian names in Brandenburg) or place names in all regional or minority languages, or all signage on motorways, including, for example, rest areas, junctions and triangles not named after places, additions to exit names such as -Mitte (-center), -Süd (-South) or similar, or other signage such as Ausfahrt (exit).

### **Regarding Article 12**

There are still no discernible structured measures for imparting knowledge about minorities. A recommendation adopted by the Standing Conference of the Ministers of Education and Cultural Affairs in 2024 merely reflects the legal situation that has been in force since the Framework Convention came into effect. In school practice and university teacher training, the imparting of relevant knowledge remains dependent on chance, the commitment of individual teachers and selective offerings. There are no known courses at teacher training universities in Brandenburg and Saxony that would ensure that all teacher training students come into contact with the subject. Incidentally, it is not only a matter of imparting knowledge about minorities to members of the majority, but also of imparting knowledge about other minorities and one's own minority to members of minorities. This applies in particular to topics such as discrimination and antiziganism. Contact with education authorities in various federal states (and also in reports) also makes it clear that the difference between imparting knowledge about minorities and educational programmes for minorities (e.g. language teaching) is often still not understood.

One positive development worth highlighting is the initiative in Brandenburg to establish an education monitoring system for Sorbian educational programmes. However, it remains to be clarified to what extent the data will be permanently accessible to the public so that it can be used for conceptual and scientific work, internal Sorbian communication processes and the development of control processes. A primarily bilateral exchange between the state school administration and voluntary Sorbian interest groups cannot fully fulfil this purpose.

The good Concept for multilingualism (Mehrsprachigkeitskonzept) by the Brandenburg Ministry of Education, which also includes regional and minority languages, is largely ineffective due to a lack of financial support. Although the Sorbs have the opportunity to participate in the Council for Multilingualism that accompanies this policy, the Council for Multilingualism rightly criticises the fact that its work is impossible without financial resources. The assumption that voluntary participation costs nothing and should only address issues whose implementation also costs nothing reduces the underlying concept to absurdity.

Another positive development worth highlighting is the establishment of a basic degree programme for Sorbian/Wendish teachers at the Brandenburg University of Technology Cottbus-Senftenberg (BTU). This offers a real opportunity to attract prospective students who have not previously taken advantage of the existing programme in Leipzig. What is still lacking, however, are strategies to specifically increase the attractiveness of the profession of Sorbian teacher itself. In view of the financial constraints faced by local authorities, the scholarships offered by the district of Spree-Neiße/Wokrejs Sprjewja-Nysa and the city of Cottbus/Chóšebuz, which are particularly noteworthy, seem to have more of a free-rider effect than a steering effect. So far, there has been a lack of incentive systems for teachers to take on the additional workload involved in bilingual teaching in particular. Even though the issue of teacher shortages extends beyond the Sorbian area and has complex causes, the situation threatening the existence of the Lower Sorbian language makes it necessary to consider measures to make work easier or more attractive for this small target group. From a Sorbian perspective, the state's reference to equal treatment of all teachers is not convincing.

#### **Regarding Article 14**

To date, there are no known strategic plans in Brandenburg how to implement the right to instruction in the Lower Sorbian language or to learn the Lower Sorbian language, which exists in the traditional settlement area of the Sorbs/Wends but has largely not been implemented due to a lack of provision. In view of the shortage of teachers, it can also be assumed that existing provision will continue to decline until newly qualified teachers become available. In the meantime, strategies, measures and provision must be developed to prevent this provision from disappearing without replacement.

#### **Regarding Article 15**

As part of the economic structural development and transformation of Lusatia, several model projects have been launched and publicly funded. In Saxony, this will continue until 2038, and in Brandenburg until 2031. However, it is not yet clear whether and when a dialogue between government agencies and Sorbian civil society or Sorbian project responsables will begin in order to develop follow-up prospects. Terminating all projects in 2031 or 2038, some of which are existential or only effective in the long term, would be counterproductive. In view of the impact of economic development projects in Lusatia on the Sorbian language and culture, it would also be desirable to establish a cultural impact assessment involving Sorbian stakeholders. It is important to avoid repeating the mistakes of past decades, when no thought was given to the consequences and no concepts were developed to minimise negative effects or strengthen positive effects on the Sorbian substance in Lusatia. The statements on the importance of the Sorbian language and culture in the state governments'

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concepts and strategies for structural development in Lusatia have not yet led to any noticeable integrative action beyond the promotion of special Sorbian projects.

### **Regarding Article 16**

As part of the economic structural development and transformation of Lusatia, there is a need for a massive influx of qualified people into the region. At the same time, there is currently no cultural impact assessment with regard to the effects of economic planning on the Sorbian language and culture, nor are there any structured offers to introduce newcomers to the region to the Sorbian language and culture. The potential for regional integration of Ukrainian war refugees via the Sorbian language, given the linguistic proximity, has also not been considered to date. In this respect, the developments mentioned above have so far had a rather negative impact on the Sorbian language and culture. Conceptual and strategic measures should be developed here – not only by the Sorbian community, but also, and in particular, by the state.