**Federal Republic of Germany**

*5 March 2015*

**Questionnaire of the Special Rapporteur on minority issues to Member States**

1.

A distinction needs to be made between four groups of Sinti and Roma:

- German Sinti and Roma (who are a national minority),

- Former civil war refugees,

- Other third-country nationals,

- Nationals of EU Member States.

German Sinti and Roma are recognised by the German legislator alongside Danes, Frisians and Sorbs as a national minority within the meaning of the the Council of Europe Framework Convention for the Protection of National Minorities. The Convention which entered into force in Germany in 1998 prohibits any discrimination against an individual on grounds of their belonging to a national minority as well any assimilation against their will. Furthermore, the states of the Council of Europe and the other States, signatories to the present Framework Convention are obliged to protect the rights and freedoms of persons belonging to national minorities. Persons belonging to the national minority of German Sinti and Roma have the same rights and obligations as German nationals.

Foreign Roma are not accorded any special status vis-à-vis other foreigners – unlike German Sinti and Roma who have a special status as a national minority. If they have a right to reside permanently within the Federal Republic of Germany, they have access to the same integration programmes as other foreigners - regardless of their ethnicity. As a rule, the relevant measures are implemented in close cooperation with civil society associations of Sinti and Roma and come, by and large, under the remit of the Federal Länder. Foreigners with an uncertain residence status are entitled to claim benefits under the Asylum Seekers' Benefits Act (Asylbewerberleistungsgesetz) and have access to primary healthcare. EU nationals enjoy the freedom of movement in the European Union and are not subject to any prerequisites or conditions if they are in possession of a valid identity document.

Since the end of the Second World War, no demographic statistics or socio-economic data of ethnic groups have been collected in the Federal Republic of Germany. This is due above all to the persecution of minorities during the National Socialist Regime. Furthermore, there are also legal barriers to collecting ethnic data: pursuant to Article 3 of the Framework Convention of the Council of Europe, every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice. It is a personal decision of each individual whether they want to belong to a minority. This decision is not registered, checked or called into question by the state. Furthermore, it is not possible to provide the number and respective residence status of foreign Roma residing in Germany as the Central Register of Foreigners records the nationality but not the ethnicity of foreigners.

This explains why it is not possible to provide reliable information about the regions in the Federal Republic of Germany in which Sinti and Roma communities are concentrated. Notwithstanding this, feedback received from individual local authorities allows the conclusion to be drawn that communities of Roma who have *migrated* to Germany are concentrated in a few, large German cities.

2.

The state does not collect any ethnic data, see above (Question 1).

The Federal Government engages in a close dialogue with civil associations of Sinti and Roma. The latests integration measures are discussed with them - in formal and informal discussion rounds.

The following institutionalised advisory bodies are available:

* Advisory Committee for matters relating to German Sinti and Roma:

The participants on the so-called Advisory Committee for matters relating to German Sinti and Roma comprise representatives of Sinti and Roma civil society, members of the German Bundestag and representatives of the Federal Ministry of the Interior as well as of all 16 Federal Länder. The task of the Advisory Committee is to safeguard contact between the minority and the Federal Government and the German Bundestag. It is chaired by the Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities.

* National miniorities discussion group in the German Bundestag:

In a discussion group for national minorities at the German Bundestag, members of the German Bundestag meet with representatives of umbrella organisations of national minorities several times a year with the support of the Chairperson of the Committee on Internal Affairs.

* Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities:

The Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities engages in a regular dialogue with representatives of the national minority of German Sinti and Roma. This applies both to consultations with the Minority Council in which all national minorities are represented, facilitating policy coordination of national minorities - financed with funds appropriated by the Federal Ministry of the Interior - and to bilateral talks, for instance, with the Central Council of German Sinti and Roma or the German Sinti Alliance.

It is also worth noting that, in principle, no data is needed on the exact number of persons belonging to a minority for decision-making to promote the work performed by associations of national minorities (for instance, in the form of funding offices or documentation centres).

3.

In Germany, projects, initiatives and measures implemented by the Federal Government, the Federal Länder and local authorities are not targeted exclusively at Sinti and Roma but at all potential addressees. This means that Sinti and Roma have access to all services at all times given that ethnicity is of no relevance for the measures concerned.

The Federal Government reports to the European Union and the Council of Europe at regular intervals on integration measures implemented for the benefit of Sinti and Roma.

The most recent information in Germany about progress achieved in implementing the national Roma integration strategies can be downloaded here: <http://www.bmi.bund.de/SharedDocs/Downloads/DE/Themen/Politik_Gesellschaft/NationaleMinderheiten/Umsetzung_der_Roma_Strategie_in_D_2013.html>. The most recent report by the Federal Republic of Germany on the implementation of the Council of Europe Framework Convention for the Protection of National Minorities can be downloaded here: [http://www.bmi.bund.de/SharedDocs/Downloads/DE/Broschueren/2014/vierter\_ staatenbericht\_25\_2.html](http://www.bmi.bund.de/SharedDocs/Downloads/DE/Broschueren/2014/vierter_%20staatenbericht_25_2.html), the most recent report on the implementation of the European Charter for Regional or Minority Languages can be downloaded here: <http://www.bmi.bund.de/SharedDocs/Downloads/DE/Broschueren/2013/fuenfter_staatenbericht.html>.

4.

The Federal Government does not implement any special measures for the protection of Sinti and Roma women, see above. (Question 3). However, a large number of measures for the protection of women are implemented at federal and regional level, also benefiting Sinti and Roma.

The nationwide hotline set up by the Federal Republic in March 2013 is, for instance, an important support resource in the area of violence against women - and migrant women in particular. The hotline supplements the existing network of advisory and protective facilities in Germany that are intended to reduce the reluctance of women affected by violence to seek advice, support and information and to direct them to local support resources (providing them with assistance).

* The hotline 08000 11 0 is available 24/7 free of charge.
* The hotline provides information and initial advice on all types of violence against women and, if necessary, can help women to access appropriate local support options in their area.
* The counsellors working on the hotline are all female and highly qualified, they provide women with confidential and, if desired, anonymous support.
* The assistance is available in several languages and regardless of disability. If need be, the services of an interpreter can be enlisted in any of 15 languages. The counsellors manning the hotline have also undergone cultural training.
* The website [www.hilfetelefon.de](http://www.hilfetelefon.de/) includes an e-mail link and a live chat service.
* The support hotline is aimed not just at women who are or have been the victims of violence, but also at anyone, relatives or friends of victims, affected through their social environment as well as people who are confronted with violence against women within the scope of their work or volunteer activities.

In Germany, there is also a dense network of professional organisations offering protection and support to women affected by violence and their children. There are, for instance, 350 women's shelters, over 40 apartments offering shelter and over 750 professional counselling agencies available in Germany. For years, it is a well-known fact that a very high percentage of the women seeking refuge in women's shelters are women with a migration background. And the majority of women's shelters have a wealth of professional experience under their belt in dealing with migrants and in addressing their specific support needs. Professional counselling agencies and the counselling services they provide are also geared to meet the needs of migrants. Some Federal Länder offer special counselling services to migrant women who are the victims of violence.

5.

Reference is made to the answer given to Question 2.

6.

The Roma integration measures implemented in Germany focus on education, employment, housing and healthcare. The reports mentioned in the answer given to Question 3 contain information about the specific measures implemented at federal, regional and local level and the funding appropriated for these measures.

7.

Monitoring takes place in two ways:

1. *Monitoring by the Council of Europe and the EU:*

The reports referred to in Question 3 are an integral part of comprehensive monitoring. The EU Member States submit a progress report on Roma inclusion to the EU Commission each year which the European Commission evaluates in a communiqué. The monitoring procedure by the Council of Europe is even more comprehensive: once the States party to the above-mentioned conventions submit their national reports, a Committee of Experts of the Council of Europe travels to the respective country and draws up monitoring reports with suggestions for improvements. The respective State party to the Convention then has the opportunity to submit comments on the respective report before the Committee of Ministers presents its final recommendations.

2. *Regular discussions with representatives of German Sinti and Roma:*

The integration measures implemented by the Federal Government and the Federal Länder are evaluated by the insitutionalised advisory bodies mentioned in Question 3 and by the Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities.

8.

In principle, information provided by the umbrella organisations of German Sinti and Roma indicates that the national minority of Sinti and Roma feel well-integrated in the Federal Republic of Germany. Any weakpoints that exist despite the measures implemented, both with regard to the national minority of Sinti and Roma and Roma who have immigrated from third countries, are discussed in detail in the reports mentioned in Question 3.

9.

Dealing with Roma history and culture in national curricula comes exclusively under the remit of the Federal Länder. The acts of injustice committed against Sinti and Roma during the National Socialist regime in Germany are, in principle, an integral part of the national curriculum.

27 January, International Holocaust Remembrance Day and the Day of National Mourning are two national days of remembrance in Germany in which the victims of the National Socialist Regime and the victims of war and tyranny are remembered. This includes the group of Sinti and Roma.

10.

Reference is made to the answer given to Question 2.