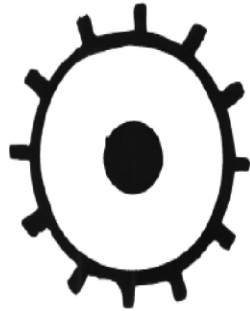


aldia

european language
diversity for all



The Åland Islands Peace Institute

Legal frameworks for minority and migrant languages in Germany – two perspectives on multilingualism

Results from a legal framework analysis

Sarah Stephan

Background to ELDIA legal framework analyses

- a) Overall legislative and institutional framework
- b) Language and minority policies in practice
- c) Legal actors

Quality of the legal framework in terms of

availability, accessibility, acceptability, adaptability, coherence, stability and efficiency

Overall framework(s)

protection

- Languages spoken by autochthonous minorities
 - Danish, Upper and Lower Sorbian. Romany, West and Saterland Frisian (, Low German)

Integration

- Languages spoken by "new minorities"-migrants and their descendents
 - i.a. Estonian

Fragmented legal regulation touching upon language use and maintenance

protection

integration

- Languages spoken by autochthonous minorities
 - Explicit references in Länder constitutions of Brandenburg, Mecklenburg-Vorpommern, Saxony-Anhalt, Saxony and Schleswig-Holstein
 - Länder legislation decisive, i.a. School Acts
 - Legal recognition of personal multilingualism and societal language diversity (territorial)

- Languages spoken by "new minorities"
 - Legal regulation of integration process, language learning prescribed by law, immigration and Citizenship legislation
 - Education legislation on Länder level
 - Limited legal recognition of personal multilingualism, language diversity among policy goals but has not yet resulted in legal entitlements

Policy background

- **National Integration Plan 2007**

"Integration through education"

One-dimensional approach:

Individual multilingualism recognized but not lifted into the public sphere, the education system is to assist in the acquisition of the German language

Integration courses as core integration measure for adults (acquisition of sufficient knowledge of German= B1 CEFR)

➤ Immigration and citizenship legislation translate the integration policy into enforceable law by creating the legal obligations of (certain) migrants to learn German and the obligation of the state to create the necessary environment

- **Federal Integration Programme 2010**

Towards a more multi-dimensional approach

Sub-chapter on "Competences for the globalized world: support and use of multilingualism"

Multilingualism presented as a resource, bilingual literacy desirable

→ multilingualism moved into the public sphere

In practice

- Länder try to respond to factual language diversity of their student populations and foster multilingualism through mother tongue education and bilingual curricula but little resources, no legally enforceable rights
- General Equal Treatment act does not include language as a ground for discrimination however, complaints often concern language (interpreted as discrimination based on ethnic origin)
- migrant representation on supervisory boards for public (and private broadcasting), little or no impact on language use in the media, "ethno media" marginal as compared to multilingual consumers
- Migrant councils on municipal level

- Research suggests need for multilingual staff in public services, especially health care (information requirements stemming from medical law) and geriatric care
- Debate on perceived deficient command of German within migrant population overshadows debate on multilingualism and language diversity
- Recurring debate on whether German should be set as the official state language – setting a sign?

Language legislation alien to German legal and political system

Limited legal recognition of personal multilingualism, multilingualism recognized but not yet resulted in legal entitlements

Strong focus on German language learning to the detriment of a proper contention on societal language diversity