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of the Framework Convention
for the Protection of National Minorities**

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Part I Introduction

1 Introduction on the implementation of the Framework Convention in the Netherlands

- 1.1 The Netherlands ratified the Council of Europe's Framework Convention for the Protection of National Minorities on 16 February 2005. The Framework Convention entered into force for the Netherlands on 1 June 2005.
- 1.2 In connection with the ratification, the Netherlands declared that the Framework Convention would apply to the Frisians in the Netherlands. In addition, the Dutch government declared that it assumed that the protection afforded by Article 10, paragraph 3, does not differ, despite the variations in wording, from that afforded by Article 5, paragraph 2, and Article 6, paragraph 3 (a) and (e), of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- 1.3 In 1996, partly with a view to protecting the Frisian language and culture, the Netherlands ratified the European Charter for Regional or Minority Languages. Five languages come under the terms of this Charter within the Netherlands: Frisian, Low Saxon, Limburgish, Yiddish and Romany. The provisions of the Charter entered into force for the Kingdom of the Netherlands on 1 March 1998. As far as the Kingdom of the Netherlands is concerned, the Charter applies only to the Netherlands.
- 1.4 Every Member State of Council of Europe that binds itself to the Charter undertakes to apply as a minimum the provisions contained in Part II of the Charter, unless it has made one or more reservations, as referred to in Article 21(1). The Netherlands has not taken up the opportunity to make any reservations. In addition, a Member State may undertake to apply certain provisions from Part III of the Charter, in accordance with Article 2(2).
- 1.5 In respect of the Frisian language in the Province of Fryslân,¹ the Netherlands has undertaken to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter, including at least three chosen from both Article 8 (Education) and Article 12 (Cultural activities and facilities), and at least one provision from Article 9 (Judicial authorities), Article 10 (Administrative authorities and public services), Article 11 (Media) and Article 13 (Economic and social life), in accordance with Article 2(2) of the Charter.
- 1.6 On accepting the European Charter, the Netherlands undertook to apply forty-eight provisions in respect of the Frisian language, in accordance with the menu system referred to in the previous paragraph. The choice of these provisions was guided by the prevailing government policy on Frisian language and culture.
- 1.7 In the run-up to ratification of the Framework Convention, the extent was ascertained to which legislation and policy in respect of the Frisians, and their

¹ As of 1 January 1997, the official name of the province previously known as Friesland is Fryslân. This report uses the name Fryslân at all times, even when referring to the situation prior to 1997.

language and culture, were in line with the obligations arising from the Framework Convention. The Dutch government was of the opinion that this was the case, owing in part to the implementation of the commitments undertaken by the Netherlands under the terms of the European Charter for Regional or Minority Languages. For that reason, the Netherlands has not amended its legislation and regulations, nor has it adopted other specific measures, in order to effect the principles underlying the Framework Convention.

2 The status of international law in the domestic legal order

- 2.1 In accordance with Article 90 of the Constitution, the Dutch government shall promote the development of the international legal order.
- 2.2 The Kingdom shall not be bound by treaties, nor shall such treaties be denounced without the prior approval of the States General (i.e. the two Houses of Dutch Parliament). The cases in which approval is not required shall be specified by Act of Parliament. Any provisions of a treaty that conflict with the Constitution or which lead to conflicts with it may be approved by the Houses of the States General only if at least two-thirds of the votes cast are in favour (Art. 91(1) and (3) Constitution).
- 2.3 Provisions of treaties and of resolutions by international institutions which may be binding on all persons by virtue of their contents shall become binding after they have been published (Art. 93 Constitution). Statutory regulations in force within the Kingdom shall not be applicable if such application is in conflict with provisions of treaties that are binding on all persons or of resolutions by international institutions (Art. 94 Constitution).
- 2.4 In accordance with the Dutch Constitution, the Framework Convention does not contain any directly operative provisions. This means that the rights included in the convention must first be implemented in national legislation before members of a minority can have direct recourse to them. This has been discussed previously in section 1.7 above.
- 2.5 As Dutch citizens, Frisians enjoy all of the rights and freedoms arising from the Constitution. The ban on discrimination, as laid down in Article 1 of the Constitution, reads as follows: “All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on any grounds whatsoever shall not be permitted.” This provision applies in full to the Frisians.
- 2.6 The Dutch Constitution does not contain any provisions in respect of the use of the Dutch or Frisian languages. However, it is important to note in this regard that, in view of the formation of the present coalition government in 2007, the following arrangement was made in the Coalition Agreement between the three governing parties in the House of Representatives. “The government will promote the simple and careful use of Dutch as an administrative, cultural and everyday language; its use will also be enshrined in the Constitution, without prejudice to

the statutory recognition of the Frisian language.”² Apart from that, Dutch legislation and regulations do contain numerous provisions in respect of the use of the Dutch language in public life. The right to use the Frisian language in education, public administration and the dispensation of justice has also been laid down in legislation and regulations.

3 Information on the State: the position of the Frisians

3.1 Administrative structure

3.1.1 The administrative structure of the Netherlands, which consists of central government, provinces and municipalities, is laid down in the Dutch Constitution. In this context, two issues are relevant to this report. Article 123 of the Constitution provides that provinces and municipalities may be established and dissolved, and provincial and municipal boundaries redrawn, by law. Article 124 provides that provinces and municipalities have the authority to manage their own budget and administrative affairs (autonomy). Provincial and municipal administrative organs may be required by or pursuant to Act of Parliament to provide regulation and administration (shared government). These provisions apply equally to the whole of the Netherlands, and thus also to the Province of Fryslân and the Frisian municipalities.

3.1.2 In matters relating to the Province of Fryslân, central government has committed itself to respecting the administrative unit that is the Province of Fryslân as a foundation for its policies. Through this undertaking, which was laid down in the Covenant on the Frisian Language and Culture (2001) (Covenant 1.2), the government continues to implement undertakings entered into by the Netherlands under Article 7(1)(b) of the European Charter for Regional or Minority Languages.

3.1.3 With regard to the tasks and powers of the Province of Fryslân and the Frisian municipalities, it is important to note that central government’s recognition of Fryslân as a bilingual province does not imply any special autonomous status for the Province of Fryslân. However, the provincial authority of Fryslân does have a number of special responsibilities that have been laid down by law, including the power to grant exemptions to primary and secondary schools from teaching Frisian as a compulsory subject. In addition, all local and regional administrative bodies in Fryslân that do not belong to central government have the power to establish rules concerning the use of the Frisian language in written documents.

3.1.4 Since the redrawing of municipal boundaries in 1984, the Province of Fryslân has comprised 31 municipalities.³ At present, a new and fundamental redrawing of municipal boundaries is being prepared under the overall coordination of the

² Coalition Agreement between the three governing parties in the House of Parliament, as concluded on 7 February 2007 by the Christian Democratic Alliance, the Labour Party and the Christian Union. See Coalition Agreement, p. 38 (Pillar VI. Government and Public Services, under Arts and Culture, item 5).

³ The local authority reorganisation carried out in 1984 reduced the previous number of local authorities by thirteen. For the Frisian names of the newly-created local authorities, see: Auke van der Goot (ed.), *European Charter for Regional or Minority Languages 1999-2001*, The Hague/Leuwarden 2003, section 8.55.

Province of Fryslân. Its purpose is to strengthen the administrative capacity of Frisian municipalities in light of the ongoing decentralisation of central government responsibilities to the local level. However, there are as yet no specific plans for the future municipal partitioning of Fryslân. This notwithstanding, several options are under review concerning municipal mergers or forms of strengthened inter-municipal cooperation.

3.1.5 In 1969, the provincial authority of Fryslân gave itself the powers to determine the official spelling of the Frisian language.⁴

3.1.6 **In summary**, it is clear that central government has recognised the bilingual character of the Province of Fryslân, in the sense that Frisian has acquired a legally protected position in judicial and administrative matters, education and various sectors of society. In addition, the Province of Fryslân has a limited number of specific powers in respect of the Frisian language, which are generally grounded in national legislation (see for further details section 3.2.4 below). Even so, the existence of the Frisian language has no consequences for the administrative position of the Province of Fryslân in the Netherlands' overall administrative structure.

3.2 Historical developments

3.2.1 The first historical reference to the Frisian people dates from the time that the Romans came into contact with them. The beginnings of Frisian writing can be traced back to approximately 1200. At the end of the sixteenth century, Middle Dutch superseded Old Frisian as a written language, partly because of the rise of a new central authority. As a spoken language, however, Frisian has continued to fulfil its purpose, especially in the countryside.⁵ The fact that Frisian, after the Middle Ages, managed to survive as a written language without enjoying the status of an official language is largely, if not exclusively attributable to the works of the Frisian Renaissance poet Gysbert Japicx (1603-1666), whose three-volume 'Friesche Rymlerye' was published posthumously in 1668.⁶

3.2.2 At the beginning of the nineteenth century, an independent literary scene and national consciousness blossomed in Fryslân as in many other European countries and regions. Three brothers by the name of Halbertsma were the first to encourage the wider public to start reading Frisian. The establishment of the *Friesch Genootschap van Geschied-, Oudheid- en Taalkunde* (Frisian Society for History, Antiquity, and Language) in 1827 and, in particular, of the *Selskip foar Fryske Tael- en Skriftekennisse* (Frisian Language and Literature Society) in 1844, provided the Frisian language with its first organisational framework for linguistic emancipation.⁷ There would be no emancipation without education, but it was not until 1937 that the Frisian language acquired a modest foothold within Dutch education legislation.⁸ The beginnings of Frisian cultural policy can be traced back

⁴ Provincial Bulletin 1969, 116.

⁵ Oebele Vries, 'Die Verdrängung des Altfriesischen als Schreibsprache', in: Horst Haider Munske (ed.) *Handbuch des Friesischen*, Max Niemeyer Verlag, Tübingen 2001, 606-612.

⁶ Anthonia Feitsma, 'Mittelfriesische Sprache und Literatur', in: Horst Haider Munske (ed.) *Handbuch des Friesischen*, Max Niemeyer Verlag, Tübingen 2001, 704.

⁷ Sj. van der Schaaf, *Skiednis fan de Fryske Biweging*. De Tille, Ljouwert 1977, 45 ff.

⁸ Piet Hemminga, *Het beleid inzake unieke regionale talen*. Fryske Akademy, Ljouwert/Leeuwarden

ten years earlier, to the decision of the Provincial Council of Fryslân to grant an annual subsidy to the *Provinsjale Underwiisried* (Provincial Education Council).

- 3.2.3 During the 1950s, the position of Frisian in the different language fields was strengthened even further. In administrative matters, in 1953 the government adopted the position that the use of Frisian in oral communication was allowed in principle, while the choice of language in written documents, provided that they did not concern matters involving a statutory obligation to submit them for inspection, was left to the lower levels of government.⁹ Legislation followed in the fields of education (in 1955) and legal matters (1956).¹⁰
- 3.2.4 In 1969, central government set up an interministerial committee on Frisian language policy. The committee's brief included producing recommendations regarding overall government policy on issues concerning Frisian culture. The committee's final report, which was issued in 1970, was discussed in the House of Representatives of the States General on 27 September 1972.¹¹ The report implicitly recognised the central government's responsibility for sustaining and promoting Frisian language and culture.¹² The parliamentary discussion of the final report led the committee to amend its stance on the position of Frisian as a subject in primary education. As a result of the amendment of the Primary Education Act in 1974, Frisian became a compulsory subject in primary education in the Province of Fryslân as of 1 August 1980,¹³ thereby gaining a regular place in education in the province. This development has since continued steadily. As of 1 August 1993, for instance, Frisian was made a compulsory subject in basic secondary education in all secondary schools¹⁴ in the Province of Fryslân, although secondary schools may obtain an exemption from this requirement, as primary schools have been able to do since 1980.¹⁵
- 3.2.5 During the 1980s, particular attention was devoted to the position of Frisian in official matters. After a lengthy process of policy preparation, the first Covenant on the Frisian Language and Culture was concluded in 1989, on the initiative of the provincial executive of Fryslân.¹⁶ However, the legal basis for the agreement in the first Covenant concerning the use of the Frisian language in administrative matters proved to be inadequate for actual implementation. The second Covenant of 1993 therefore included an agreement to consider the use of the Frisian language in the context of the preparation of the General Administrative Law Act.¹⁷

2000, 175.

⁹ Parliamentary Papers II (House of Representatives) 1953-1954, 3321, no. 1.

¹⁰ Bulletin of Acts and Decrees 1955, 225 and Bulletin of Acts and Decrees 1956, 242.

¹¹ Parliamentary Papers II (House of Representatives) 1969-1970, 10 728, no. 1.

¹² Piet Hemminga, *Het beleid inzake unieke regionale talen*. Fryske Akademy, Ljouwert/Leeuwarden 2000, 184.

¹³ Bulletin of Acts and Decrees 1975, 271.

¹⁴ Currently, the notion of «basic secondary education» is called: lower secondary education.

¹⁵ For an overview of modifications to legislation in the field of education, in so far as they relate to the position of Frisian, the reader is referred to the Third State Report of the Netherlands on the Application of the European Charter for Regional or Minority Languages: see Chapter 6 (Article 8, Charter) and Annexe 1.

¹⁶ Piet Hemminga, *Het beleid inzake unieke regionale talen*. Fryske Akademy, Ljouwert/Leeuwarden 2000, 200-222.

¹⁷ *Ibid.*, 191.

- 3.2.6 On 1 January 1996, the amendment of the General Administrative Law Act came into force.¹⁸ Sections 2:6 to 2:12 of the Act regulate the use of language in administrative matters. With this amendment, central government formally recognised the bilingual status of the Province of Fryslân (see for further details section A3.11 below).
- 3.2.7 The second Covenant (1993) also introduced an expansion in the use of Frisian in judicial and legal matters. As of 1 January 1997, the possibilities for using the Frisian language in judicial and legal matters were expanded. In addition, the Notaries Act, which entered into force on 1 October 1999, expanded the possibilities for drawing up notarial deeds in Frisian. Finally, as of 1 February 2002, the constitutions of Frisian associations and foundations may be drawn up in Frisian. Under Article 7, the implementation of these legal provisions on associations will be discussed in further detail. In sections A4.28 to A4.33 and under Article 10, paragraph 3, information on the use of the Frisian language in courts of justice in Fryslân is presented.
- 3.2.8 **In summary**, it is clear that the official position of the Frisian language as a second national language has improved steadily, particularly since the second half of the twentieth century. The desire of the Province of Fryslân to create a legal basis for its Frisian language policy in areas where the Province's own regulatory powers were insufficient or non-existent has thereby largely been met.

3.3 Demographics

- 3.3.1 During the past fifty years or so, the population of the Province of Fryslân increased from 465,000 (in 1950) to 642,230 on 1 January 2006. On 1 January 2002, the number of inhabitants was 636,184.¹⁹ This means that the population increased by some 6,000 between 2002 and 2006. Until 2005, the rate of increase was declining. In 2005, there was even a population decrease. The overall growth was the result of a positive birth rate and migration balance. However, the migration balance became negative from 2004 onward.²⁰ Based on the annual number of people that moved to or left Fryslân between 2002 and 2006, it appears that approximately 10 per cent of the population migrates each year. In 2005, the last year for which migration statistics are available, 15,006 people moved to Fryslân and 30,268 people left.²¹
- 3.3.2 It is clear that this mobility has an impact on the use of the Frisian language, but the extent of the consequences of migration on the command and use of the Frisian language is difficult to quantify.²² In fact, the results of language surveys held in Fryslân, which were published in 1969, 1984 and 1995, indicate that the position of Frisian in Fryslân has been relatively stable up until those times (see

¹⁸ Bulletin of Acts and Decrees 1995, 302.

¹⁹ Annually, Statistics Netherlands (abbreviated in Dutch as *CBS*) publishes demographic key figures per municipality in the Netherlands. Population figures for 2006 are derived from: CBS, *Demografische kerncijfers per gemeente 2006*. Voorburg/Heerlen 2006.

²⁰ Province of Fryslân, *Fryslân in cijfers/Fryslân yn sifers*. [Ljouwert 2006], 9.

²¹ *Ibidem*.

²² Durk Gorter, Alex Riemersma and Jehannes Ytsma, 'Frisian in the Netherlands', in: Guus Extra and Durk Gorter (eds.) *The other languages of Europe*, Multilingual Matters, Clevedon 2001, 104.

sections 3.5.3 to 3.5.8). However, Van der Bij and Valk (2005) do not support these interpretations of linguistic stability in a more recent analysis of the research data.²³ This is discussed in more detail in section 3.5.6.

3.3.3 The nature of the above-mentioned mobility is also a factor in relation to the use of Frisian. After all, if only non-Frisian-speakers were to leave the province and only Frisian-speakers were to settle there, the annual migration figures would lead to an increase in the use of Frisian in Fryslân. In practice, however, there is currently little information on the language of the migrants in question.

3.3.4 In recent years, international migration has overtaken national migration in Frisian migration figures. In fact, the influx of migrants from abroad has become particularly significant for the growth of the Frisian population. Actually, before 2004, the influx from abroad was important in the growth of the Frisian population.²⁴ In 1999, the last year for which figures are immediately available, 4,069 people moved to Fryslân from outside the Netherlands, while 1,141 people moved abroad.²⁵ On 1 January 2006, the number of foreigners was 52,433, 8.2 per cent of the total population of Fryslân. On the same date, the number of non-Western foreigners in that figure stood at 22,408, i.e. 3.5 per cent of the total population of Fryslân.²⁶

The number of languages used in Fryslân has also risen considerably compared with the 1980s. Thus, a few years ago, schools in Leeuwarden had to deal with the fact that approximately fifty foreign languages were spoken among their students.²⁷

3.3.5 In 1999, during the discussion of the amendment of the Netherlands Nationality Act, the State Secretary for Justice indicated in response to a number of parliamentary questions that ‘an adequate command of Dutch suffices for the desired integration of immigrants in Frisian society. Despite the fact that, in this context, it is equally desirable that the newcomers learn to speak Frisian as well – and in practice, this is often the case – it would be too stringent a requirement to incorporate a command of the Frisian language in the Act’s language requirement. Exclusively testing the immigrants’ command of the Frisian language underestimates the level of the Frisian population’s integration in the wider Dutch social framework as well as the importance that should therefore be given to the integration of immigrants into that wider framework.’²⁸

²³ Jacob van der Bij and Renze W. Valk, *Fries in het voortgezet onderwijs, een Echternachse processie*. Ljouwert 2005.

²⁴ Jacob van der Vaart, ‘De wenjende Fries’, in: Piet Hemminga (ed.) *De Aktuele Steat fan Fryslân*, Ljouwert 2001, 15-16.

²⁵ Engbert Boneschansker and Hannie Heemstra, *Statistisch Jaarboek voor het Noorden*. Kamers van Koophandel en Fabrieken in de drie noordelijke provincies, Groningen, Leeuwarden en Meppel, 2001, 31.

²⁶ CBS (Statistics Netherlands), *Demografische kerncijfers per gemeente 2006*. Voorburg/Heerlen 2006, 8-9.

²⁷ Durk Gorter, ‘De meartalige Fries’, in: Piet Hemminga (ed.) *De Aktuele Steat fan Fryslân*, Ljouwert 2001, 103.

²⁸ Parliamentary Papers II (House of Representatives) 1998-1999, 25 891 (R 1609), no. 5, p. 18-19. During the debate on a bill amending the Netherlands Nationality Act concerning the acquisition, granting and loss of Dutch nationality, the Calvinist Party (SGP) asked whether the entry into force of the European Charter for Regional or Minority Languages should not have certain implications for the formulation or assessment of the language requirement.

- 3.3.6 Research into the command of Frisian among ethnic minorities living in Fryslân indicates that an overwhelming majority of Iraqis in Fryslân have great difficulty understanding Frisian.²⁹ The same observation applies to at least half the Moroccans living in Fryslân.³⁰ Speaking Frisian is a problem for at least three-quarters of the members of these two groups. According to a study by the Bureau Coulon, however, almost one in eight Moroccan youngsters can get by well in Frisian. Over a third of Surinamese in Fryslân claim to be able to understand Frisian well or very easily, but at least 80 per cent have great difficulty speaking Frisian or cannot speak it at all.³¹
- 3.3.7 For a long time already, in the local authority leaflets and brochures on offer to new residents, 9 of the 31 Frisian municipalities have been devoting attention to the Frisian language or the relevant local language and to the bilingualism of the municipality and/or province. In 2002, four local authorities stated that they featured Frisian, the local language and/or bilingualism in their information package for new residents.³² In 2005, 14 of the 31 Frisian municipality websites provided information in Dutch and Frisian.
- 3.3.8 **In summary**, it can be concluded that the migratory flows particularly in the last decade have led to a significant increase in linguistic diversity in the Netherlands, and therefore in Fryslân too. The consequences of this development for the position of Frisian in the long term are as yet unknown. In policy terms, barely any attention has been paid to the consequences of migration and Frisian.

3.4 Economic situation

- 3.4.1 Although the share of agriculture in Frisian employment remains marginally higher than in the Dutch economy, i.e. 7 per cent and 6 per cent respectively, the Frisian economy long ago ceased to be an agrarian economy. The reduced relevance of agriculture is also apparent from the comparison of the above-mentioned 7 per cent to the 34 per cent that still applied in 1947.³³ An examination of the structure of employment in Fryslân indicates that industry accounted for the largest share in employment for 2005, with 16.4 per cent of jobs requiring at least 15 hours of work per week, followed by the health and welfare sector, with 14.5 per cent, and the commerce and repairs sector with 14.4 per cent of the jobs.³⁴ The position of Frisian in the business and health care sectors is discussed in sections 3.4.5.
- 3.4.2 In 2003, the Dutch economy recorded a fall in production for the first time in years. In the following year, which saw growth of 1.5 per cent there was already a

²⁹ Engbert Boneschansker, Marja Janssens and Iris van der Tuin, *Irakezen in Fryslân*. Economisch Bureau Coulon, Leeuwarden/Ljouwert 2002, 67.

³⁰ Engbert Boneschansker, *Alloctonen in Fryslân*. Economisch Bureau Coulon, Leeuwarden/Ljouwert 2002, 102.

³¹ *Ibidem*.

³² Durk M. B. Krol, 'Steat fan taalplanning by gemeenten', in: G. I. Jellema and A. M. J. Riemersma (eds.) *Taalpratyk en taalbelied by gemeenten*, Berie foar it Frysk, Ljouwert 2003, 36.

³³ Tom van der Meulen, 'De warbere Fries', in: Piet Hemminga (ed.) *De Aktuele Steat fan Fryslân*, Fryske Akademy, Ljouwert 2001, 38.

³⁴ Province of Fryslân, *Fryslân in cijfers/Fryslân yn sifers*. [Ljouwert 2006], 10.

noticeable recovery. The North of the country kept pace with that recovery, recording growth of 1.4 per cent. Since 2000, the Northern economy has grown at 0.9 per cent per year, which is slightly faster than the national economy (0.8 per cent). In 2004, there was no prospect of growth in employment. In the North, the number of jobs fell by 0.5 per cent, compared with a fall of 0.7 per cent in the Netherlands as a whole.³⁵ The recovery of the economy started in 2004 is forecast to continue in 2006 and 2007. That also implies growth in employment in the North, by about 2.2 per cent, compared with national growth forecasts of an average 1.9 per cent. The above national average growth in the North is connected with a rapid expansion in the health and social care and education sectors, which are relatively strongly represented in the North.³⁶ In 2005, eight per cent of the active population were unemployed according to the official definition. Nationally, the figure was 6.5 per cent. In the North, that amounted to about 59,000 people, of whom 20,000 were in Fryslân.³⁷

- 3.4.3 Incomes earned in Fryslân are structurally lower than at national level. In 2002, average disposable income per Frisian for 52 weeks' income amounted to 17,200 euro per year. At national level, the equivalent sum was 18,600 euro. Also in 2002, average disposable income per capita stood at 11,700 euro in Fryslân and 12,900 euro in the Netherlands as a whole.³⁸
- 3.4.4 Research indicates that the company managers in Fryslân do not devote systematic attention to bilingualism or the government's language policies. Although the general opinion of the business sector is that bilingualism has no effect on achieving business goals, there has been resistance to the policy on official Frisian-language place names, as developed by a number of Frisian municipalities.³⁹
- 3.4.5 The Berie foar it Frysk had research carried out in 2002-2005 under the title *Taal als tool* (Language as a tool) into the use of the Frisian language in call centres. The question examined was how far specifically Frisian identity and the Frisian language play a role in the values that customers associate with a company such as health insurer 'De Friesland'. This concerned the question of the extent to which use of the Frisian language and the positioning of the Frisian identity had an influence on customers' trust in the health insurer. The results of the unpublished study show that the use of the name 'Friesland' created a feeling of familiarity and regional orientation, but only played a modest role in decision-making. In businesses where over half the workforce speaks Frisian, that trust plays a greater role than in businesses where less Frisian is spoken. In general, small businesses appreciate spoken and written use of Frisian than larger firms.⁴⁰

³⁵ L. Broersma and D. Stelder, *Noordelijke Arbeidsmarkt Verkenning 2006*. University of Groningen, Groningen 2005, 3-5.

³⁶ L. Broersma and D. Stelder, *Noordelijke Arbeidsmarkt Verkenning 2007*. University of Groningen, Groningen 2007, 3.

³⁷ *Ibidem*, 30.

³⁸ Province of Fryslân, *Fryslân in cijfers/Fryslân yn sifers*. [Ljouwert 2006], 12.

³⁹ Ab van Langevelde, *Bilingualism and Regional Economic Development, A Dooyeweerdian Case Study of Fryslân*. Koninklijk Nederlands Aardrijkskundig Genootschap/Faculteit der Ruimtelijke Wetenschappen, Utrecht/Groningen 1999, 18.

⁴⁰ Berie foar it Frysk, *Rapportazje fan de wurksumheden oer de jierren 2002, 2003-2004*. Ljouwert 2005, 51-52.

3.4.6 The command of Frisian among workers in the health care sector does not differ from that among the inhabitants of Fryslân. There is very little focus in the health care sector on policy concerning the use of Frisian. Frisian is used primarily in informal situations, between colleagues and in conversations with clients, while Dutch is the predominant choice for communicating with managers and in formal situations.⁴¹

Central government and the Province of Fryslân are both interested in strengthening the position of Frisian in the care sector, as indicated *inter alia* by the objectives set out in the Covenant on the Frisian Language and Culture 2001 (Covenant 7.4 et seq.).

3.4.7 **In summary**, it appears that economic development in Fryslân has maintained a similar position in relation to the national economy over the years. Although in recent years, there has been some catching-up, the region still lags behind the national economy for historic structural reasons. In the business sector in Fryslân, there is very little focus on policy concerning the use of Frisian. The same is true for the health care sector.

3.5 The Frisian language

3.5.1 Frisian is a living language traditionally spoken within the territory of what is now the Province of Fryslân by citizens of the Netherlands. The Frisians form a group numerically smaller than the rest of the population of the State. Dutch statistics are not kept on the number of people in the Netherlands who consider themselves Frisian.⁴² On the basis of periodic surveys conducted into people's command of the Frisian language, it is assumed that seventy-four per cent of the population of the Province of Fryslân, which stood at about 640,000 in 2006, can speak Frisian (see section 3.5.3).⁴³

3.5.2 The Frisian language differs from Dutch, but is related to it. Frisian belongs to the West Germanic languages located, together with Dutch, somewhere between German and English. In addition to its existence in the Netherlands, Frisian also belongs to the languages originally spoken in parts of Germany, although this involves variants that differ to a greater or lesser extent from the Frisian used in the Dutch Province of Fryslân.

3.5.3 This report regards people with an active or passive command of the Frisian language as users of Frisian. A recent study (1995) into the linguistic background, knowledge, behaviour and attitude of Frisians questioned over 1,300 inhabitants of Fryslân on these matters.⁴⁴ This study of the Fryske Akademy indicated that

⁴¹ Jasper Blömer, Engbert Boneschansker and Iris van de Tuin, *Taal in de zorg/Taal yn 'e soarch*. Economisch Bureau Coulon, Leeuwarden 2001, 33.

⁴² See also the remarks under section A3.8 below.

⁴³ Where we refer to the territory of the Province of Fryslân, it should be pointed out that Frisian is used in Oost- and Weststellingwerf (a total population of 51,000), and in Het Bildt (pop. 11,000) alongside Stellingwerfs (a Low Saxon variant) and Bildts respectively. On the Frisian Islands (total population 10,000) almost no Frisian is spoken in Ameland and Vlieland. On Terschelling and Schiermonnikoog, a small minority still speak Frisian dialects that differ, in some cases considerably, from Standard Frisian.

⁴⁴ Durk Gorter and Reitze J. Jonkman, *Taal yn Fryslân op 'e nij besjoen*. Fryske Akademy, Ljouwert 1995.

74 per cent of the Frisian population is able to speak Frisian. A significant part of this group (19 per cent) probably learnt Frisian as a second language, as 55 per cent claim to have learnt Frisian as their mother tongue. Over half the Frisian population speaks Frisian at home. Approximately 94 per cent can understand Frisian, 65 per cent can read it and 17 per cent can write it.

3.5.4 Furthermore, on the basis of similar research published in 1969⁴⁵ and 1984⁴⁶, there appears to have been a slight decline in speaking and reading skills, while writing skills appear to have increased (see table below).⁴⁷ In general, it can be concluded that the position of Frisian has remained relatively stable in Fryslân.⁴⁸

*Command of Frisian, 1967-1994, in per cent*⁴⁹

| | 1967 | 1980 | 1994 |
|---------------------------|------|------|------|
| understanding | 97.2 | 94.3 | 94.3 |
| speaking | 84.9 | 73.4 | 74.0 |
| reading | 68.9 | 64.9 | 64.5 |
| writing | 11.5 | 10.6 | 17.0 |
| number of respondents (N) | 800 | 1126 | 1368 |

In 2003, the *Leeuwarder Courant* daily newspaper marked the 75th anniversary of the Afûk language institute with a survey about the position of the Frisian language. The results emphasise the stable character of the language. The results of the *Leeuwarder Courant* survey show that in 2003, 96 per cent of the people of Fryslân understood Frisian, 75 per cent spoke it, 68 per cent could read it and 18 per cent could write Frisian.⁵⁰

3.5.5 The relatively stable position of Frisian is characterised by diglossia, a separation between a community's spoken and written languages, in which the lower variant, Frisian, is used for everyday speech, and the higher variant, Dutch, for written texts.⁵¹ At the same time, however, it is clear that Dutch has a stronger position than Frisian in today's multilingual Fryslân.⁵²

⁴⁵ L. Pietersen, *De Friezen en hun taal*. Laverman, Drachten 1969.

⁴⁶ D. Gorter, G.H. Jelsma, P.H. van der Plank and K. de Vos, *Taal yn Fryslân*. Fryske Akademy, Ljouwert 1984.

⁴⁷ Durk Gorter, Alex Riemersma and Jehannes Ytsma, 'Frisian in the Netherlands', in: Guus Extra and Durk Gorter (eds.) *The other languages of Europe*, Multilingual Matters, Clevedon 2001, 104-105.

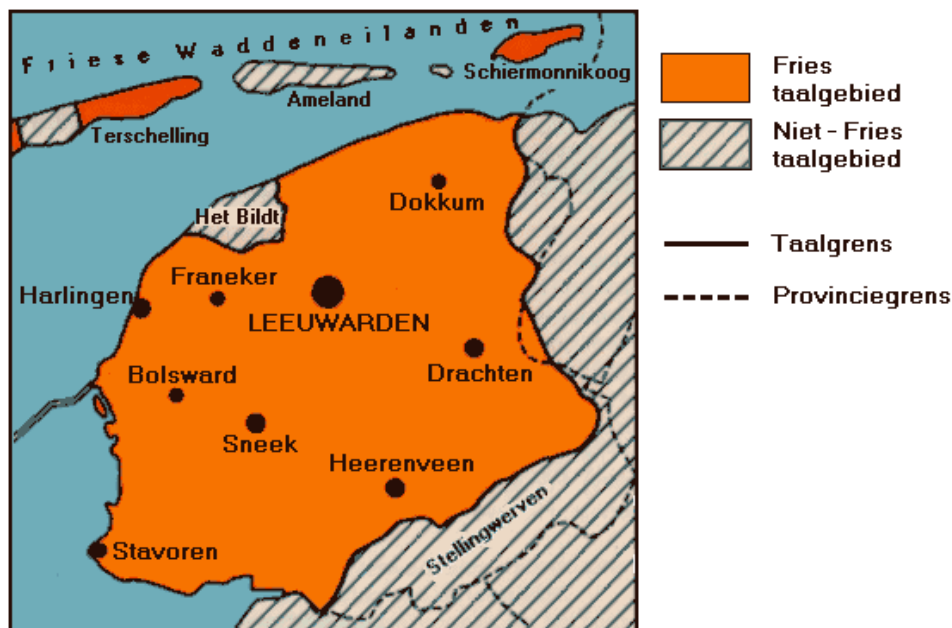
⁴⁸ Durk Gorter and Reitze J. Jonkman, *Taal yn Fryslân op 'e nij besjoen*. Fryske Akademy, Ljouwert 1995, 8.

⁴⁹ *Ibid.*, 8.

⁵⁰ Jan Jongsma, 'Symposium oer de takomst fan it Frysk: gewoan dwaan!' In: *De Pompeblêden* 74 (2003) 3, 50.

⁵¹ Durk Gorter, 'It Frysk lêze: kinne en dwaan', in: Rolf H. Bremmer jr., Lammert G. Jansma and Piet Visser (eds.) *Speculum Frisicum*, Fryske Akademy, Ljouwert 2001, 435.

⁵² Durk Gorter, 'De meartalige Fries', in: Piet Hemminga (red.) *De Aktuele Steat fan Fryslân*, Ljouwert 2001, 104.



3.5.6 Other than that, as already noted in section 3.3.2, a recent study has placed question marks against the relative stability of the linguistic situation in Fryslân. On the basis of a more detailed analysis of the research data from 1980 and 1994, as advanced in section 3.5.4, the dissertation by Van der Bij and Valk (2005) observes that the conclusions reached on the position of the Frisian language are a good deal more alarming in nature, particular in relation to the youngest age groups. Among the population as a whole (aged 12 to 90), the decline in the use of Frisian is occurring at a much slower rate than it is specifically among young people, such that the *overall* figure camouflages actual linguistic changes in society between 1980 and 1994 – perhaps unintentionally. These researchers also questioned the conclusion that the population’s written knowledge of Frisian had increased between 1980 and 1994 from 10.6 to 17.0 %. The extent to which these data could be considered reliable, given that they derived from respondents’ own submissions, was debatable in the opinion of Van der Bij and Valk.⁵³

3.5.7 An examination of the use of Frisian in various sectors of society reveals the following patterns. In the family, the workplace and in the countryside, the position of Frisian is relatively strong, but in more formal sectors, such as government, legislation, education and the written media, its position is relatively weak, although there has been a certain increase in the use of Frisian in these sectors in recent decades.⁵⁴ With regard to attitudes towards Frisian, 80 per cent of the respondents disagreed with statements such as ‘Frisian is a dialect’, ‘Frisian is no longer relevant’ or ‘I don’t want anything to do with Frisian’.⁵⁵ The same study indicates that Frisian means a great deal to 65 per cent of the respondents, while to 13 per cent of those questioned it is only of marginal importance.

Map shows the area where the Frisian language is spoken in the Netherlands⁵⁶

⁵³ Jacob van der Bij and Renze W. Valk, *Fries in het voortgezet onderwijs, een Echternachse processie*. Ljouwert 2005, 50 and 139.

⁵⁴ *Ibid.*, 106.

⁵⁵ Durk Gorter and Reitze J. Jonkman, *Taal yn Fryslân op 'e nij besjoen*. Fryske Akademy, Ljouwert 1995, 34.

⁵⁶ The legend of the map is as follows. *Fries taalgebied* means Frisian-speaking region. *Niet-Fries*

3.5.8 At the end of 2001, the *Ried fan de Fryske Beweging* (the umbrella organisation of the Frisian Movement) conducted a random telephone survey of 285 inhabitants of Fryslân to determine the level of support for granting equal treatment to Frisian. The main questions were whether the possibility of using Frisian in all situations and/or sectors would generate problems and whether it is reasonable to expect everyone to have a passive knowledge of Frisian. The overwhelming majority of respondents did not believe that the possibility of using Frisian in all situations and/or sectors would lead to problems. In addition, a comfortable majority felt that an ability to understand Frisian could be regarded as a basic social requirement. However, the respondents did not expect that everyone should be able to read and write Frisian.⁵⁷

3.5.9 **In summary**, there appears to have been a slight decline in the ability to speak and read Frisian since the beginning of the 1970s, while the ability to write Frisian appears to have increased. In general, the position of Frisian in Fryslân is relatively stable.

3.6 Government policy

3.6.1 The Province of Fryslân is authority with primary responsibility for the Frisian language and culture. This is without prejudice to central government also having its own responsibility to protect the Frisians, their language and culture. Central government's particular responsibilities are discussed in Chapter 1 and in sections 3.2.3 to 3.2.7.

3.6.2 The shared responsibility of central government and the Province of Fryslân is expressed in part through the conclusion of covenants between central government and the Province of Fryslân in relation to the Frisian language and culture.

3.6.3 In order to implement measures promoting Frisian language and culture, central government and the provincial authority of Fryslân adopted a Covenant on the Frisian language and culture in 2001,⁵⁸ for the third time in succession. This third covenant contains a total of 108 goals that have to be achieved between 2001 and 2010.

3.6.4 The third Covenant follows the European Charter in the sense that the articles of the Charter that apply to the Frisian language form the basis of the Covenant.⁵⁹ Consequently, the individual arrangements or goals in the Covenant focus on promoting the position of Frisian in education, in the dispensation of justice and judicial matters, among administrative authorities and public services, in the media, in cultural activities and facilities, in economic and social life, and in cross-border exchanges.

taalgebied: non Frisian-speaking region. *Taalgrens*: linguistic border. *Provinciegrens*: provincial border. Arjen Versloot, 'Opinyeiling draachflak Fryske taal', in: *De Pompeblêden*, 73 (2002) 1, 2-5.

⁵⁸ The first Covenant on the Frisian Language and Culture was signed on 4 July 1989, the second on 8 November 1993. The covenants were published in the Government Gazette (see Government Gazette 1989, 133; 1993, 237, and 2001, 125).

⁵⁹ Letter to the President of the House of Representatives, BZK 0000739, 28 August 2001.

- 3.6.5 Provision has been made to effect two implementation covenants, complemented by appropriate legislation where necessary, for the purpose of making the provisions deriving from the Covenant on the Frisian language and Culture (2001) operational. Arrangements will also be made in the implementation covenants concerning financing for the implementation of the Covenant (Covenant 9.2 and 9.3). The implementation covenants relate to the periods 2005-2007 and 2008-2010.
- 3.6.6 Where relevant, the present report refers to the relevant provisions of the Covenant on the Frisian Language and Culture (2001), as concluded and signed in The Hague on 5 June 2001. The same is true for relevant provisions of the Implementation Covenant on the Frisian Language and Culture (2005), as signed on 14 March 2005 by representatives of central government and the Province of Fryslân.
- 3.6.7 In any event, an official interministerial committee was set up to monitor the implementation of the 2001 Covenant.⁶⁰ This committee includes officials from the Province of Fryslân,
- 3.6.8 In addition, the parties to the Covenant will issue periodical reports on the implementation of the 2001 Covenant and the related implementation covenants. These reports will be submitted to the House of Representatives of the States General and to the Provincial Council of Fryslân (Covenant 9.6).
- 3.6.9 In November 2007, the Minister for the Interior and Kingdom Relations – with the consent of the Association of Provincial Authorities (IPO) – appointed the Joint Committee for Provincial Decentralisation Proposals. Included among the tasks of this independent committee was the drafting of proposals to transfer central government's duties to the provinces and to extend provincial policy-making freedom. The committee was chaired by Ms P.C. Lodders-Elfferich, Master of Law.
- 3.6.10 In March 2008, the Lodders committee released its final recommendations under the title 'Ruimte, Regie en Rekenschap' [Freedom, Governance and Accountability]. At the core of the recommendations is the concept that effective and trust-based cooperation between the three tiers of government is possible only where there is an unequivocal division of roles and responsibilities. The tier of government responsible for particular social results must wish to take on and be able to bear the full weight of that responsibility.
- 3.6.11 The Lodders committee reached the conclusion that provinces constitute the tier of government that should receive and take full responsibility for supra-local and regional spatial-economic policy, including culture. Naturally enough, this is to be seen within the framework of objectives and financial conditions imposed by central government and, needless to say, in consultation with municipalities but with the accompanying policy-making freedom, powers and horizontal accountability. It arises from this that the provinces must focus on the spatial-economic domain and culture.

⁶⁰

Parliamentary Papers II (House of Representatives) 2001-2002, 28 000 VIII, no. 133, p. 7.

- 3.6.12 Further to this, the Ladders committee recommended that central government duties in relation to the Frisian language be decentralised as much as possible to the Province of Fryslân. To that end, the committee followed the province's proposal for the installation of a temporary steering committee. This steering committee is to consist of members deriving from both the Province of Fryslân as well as from central government. The steering committee is to draft proposals within six months of its installation on coherent decentralisation and coordination concerning responsibilities connected with the Frisian language.
- 3.6.13 Within the context of the Central Government-Provinces Covenant that came into effect on 4 June 2008, it has been agreed that central government and the Province of Fryslân will adopt the proposals of the Ladders committee in respect of the Frisian language. A temporary steering committee is being set up charged with drafting proposals within six months of the conclusions of the said covenant for the coherent decentralisation and coordination of responsibilities connected with the Frisian language. This steering committee will consist of members deriving from both the Province of Fryslân as well as from central government.
- 3.6.14 As appears from the third Covenant on the Frisian Language and Culture (2001), two advisory bodies support Frisian language policy: the Consultative Committee on the Frisian Language and the Frisian Language Board (*Berie foar it Frysk*) (Covenant 1.3 and 1.4). The first body advises the Dutch government on all matters concerning the Frisian language by reporting the needs and wishes in relation to the Frisian language and culture to the Minister of the Interior and Kingdom Relations.⁶¹ The second body, the *Berie foar it Frysk*, advises the Provincial Executive of Fryslân on general policy developments and trends within society relating to the language policies of the Province of Fryslân.

4 Some general concluding remarks

- 4.1 The Netherlands has placed the text of the Framework Convention for the Protection of National Minorities concluded on 1 February 1995 in Strasbourg in the Dutch Treaty Series (Tractatenblad) (1995), 73. A translation in Dutch was also published in the Dutch Treaty Series (Dutch Treaty Series (1995), 197).
- 4.2 On 30 September 1998, the Committee of Ministers of the Council of Europe approved the model for the first report that parties were required to submit pursuant to Article 25 of the Framework Convention. This was taken into account as far as possible when writing that report.
- 4.3 An earlier version of that report was sent to the Ried fan de Fryske Beweging, the umbrella organisation of societies and foundations concerned with the promotion of the Frisian language. The draft report was also presented to the secretariats of

⁶¹ The decree establishing the Consultatief Orgaan Friese taal (Consultative Committee on the Frisian Language) was amended by a decree of 14 March 2002, in that this committee's tasks now include advising on the implementation of the Covenant on the Frisian Language and Culture (2001) and its associated Implementation Covenants. It was also decided to increase the number of members from three to five, and to admit observers (*Government Gazette* 2002, 62).

the Frisian Language Board (Berie foar it Frysk) and of the Consultative Committee on the Frisian Language and, of course, to the relevant ministries for their feedback. Their remarks have been largely incorporated in the present report. This report will also be published in the Netherlands after being sent to the Council of Europe.

Part II Review of each article

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

- A1.1 The Kingdom of the Netherlands has actively contributed to the development of binding rules of law for the protection of national minorities and/or their respective language and culture.
- A1.2 On 2 May 1996, the Government of the Kingdom of the Netherlands officially notified the Council of Europe that the Netherlands had accepted the European Charter for Regional or Minority Languages. In doing so, the Netherlands became the fourth Member State of the Council of Europe to accept or ratify the Charter. The provisions of the Charter entered into force for the Netherlands on 1 March 1998. In the Netherlands, Frisian is protected as a minority language under the terms of the Charter. Low Saxon and Limburgish are protected as regional languages. Yiddish and Romany are protected as non-territorial languages.
- A1.3 On 16 February 2005, the Government of the Kingdom of the Netherlands officially notified the Council of Europe that the Netherlands had accepted the Framework Convention for the Protection of National Minorities. In doing so, the Netherlands became the 36th Member State of the Council of Europe to accept or ratify the Framework Convention. The provisions of the Convention entered into force for the Netherlands on 1 June 2005. In connection with the ratification, the Netherlands declared that the Framework Convention will apply to the Frisians in the Netherlands (see for further details sections A3.1 to A3.5 below).
- A1.4 In spite of the many similarities, both conventions have different objectives. The principal aim of the Framework Convention is the effective protection of national minorities and of the rights and freedoms of persons belonging to those national minorities. Therefore, the Framework Convention proceeds from a human rights base. By contrast, the overriding concern of the Charter is cultural, as it is designed to protect and promote regional or minority languages as a threatened aspect of Europe's cultural heritage. Thus, the Charter's core objectives are cultural diversity and the maintenance and development of cultural wealth.
- A1.5 The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) entered into force for the Kingdom of the Netherlands on 31 August 1954.
- A1.6 The Netherlands has ratified a variety of human rights treaties within the context of the United Nations. On 11 December 1978, the Netherlands became a party to the International Covenant on Civil and Political Rights as well as to the International Covenant on Economic, Social and Cultural Rights. Both UN covenants were concluded on 19 December 1966. On 10 December 1971, the Netherlands became a party to the International Convention on the Elimination of

all Forms of Racial Discrimination (CERD) of 7 March 1966. These legal instruments also apply to the Frisians in the Netherlands.

- A1.7 Moreover, the Netherlands attaches great importance to the work of the Organisation for Security and Cooperation in Europe (OSCE) in the field of protecting national minorities. In 2002, for example, the Dutch parliament approved a legislative proposal granting legal personality within the Netherlands to the High Commissioner for National Minorities (HCNM) – a body coming under the OSCE. On the basis of that legal personality, the HCNM has the right to enter into commitments, to institute legal proceedings and to acquire and alienate immovable property. Furthermore, the act assigns privileges and immunities to the HCNM and its officials with a view to the independent exercise of duties. The act is included in the Bulletin of Acts and Decrees 2002, 580.
- A1.8 Within the Council of Europe, the Netherlands has made particular efforts to promote the implementation of the European Charter for Regional or Minority Languages across Europe. At administrative and political levels, the Netherlands has taken part in various conferences, including a conference in Innsbruck (14-15 December 1998) on the implementation of the Charter. In addition, the Province of Fryslân represented the Netherlands at the 2008 conference “Ten years of protecting national minorities and regional or minority languages”, which was held in Strasbourg (11 March 2008).
- A1.9 In November 2001, the Netherlands organised a conference on the Charter in Noordwijkerhout. The Noordwijkerhout conference provided participants with the opportunity to take the pulse of regional or minority languages, not only where the Charter has been ratified and is presently being implemented, but also where States are preparing for future signature and ratification. The role of local and regional authorities in the context of the Charter was recognised and it was emphasised that they could contribute significantly to its success. Finally, certain legal aspects of the Charter were examined, including the extent of its flexibility as a legal instrument and the mandate and structure of the Committee of Experts on the Charter, which now has a key role in the protection of regional and minority languages. The results of the conference were published in 2003 as “From theory to practice: the European Charter for regional or minority languages” - Noordwijkerhout, November 2001 (Regional or minority languages No. 3).
- A1.10 As Dutch citizens, Frisians enjoy all of the rights and freedoms arising from the Constitution (see also section 2.5 above). This also relates to access to justice. In addition, the Use of Frisian (Legal Matters) Act provides rules for the use of the Frisian language in criminal, civil and administrative law proceedings insofar as the hearing takes place in the Province of Fryslân. Frisian-language legal documents also have legal validity in these proceedings. Procedural documents, with the exception of writs of summons and indictments, may be compiled in Frisian in these proceedings. In addition, accused parties or witnesses in criminal cases may avail themselves of the Frisian language on the grounds of Section 12 of this act if they make it sufficiently evident that they are unable to express themselves adequately in Dutch (see also section A10.13).

A1.11 This act, which originally came into effect in 1956, was amended in 1997 and on that basis has extended the opportunities under which the Frisian language can be used in the administration of justice.

Article 2

The provisions of this Framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

A2.1 See the remarks under Article 1, in particular the sections A1.7 to A1.9 above.

Article 3

1. 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.
2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present Framework Convention individually as well as in community with others.

Article 3, paragraph 1

A3.1 The Framework Convention does not contain any definition for national minorities, because the Member States of the Council of Europe were unable to reach a univocal definition for that concept at the time of finalizing the text of that convention. This difference in outlook has led to the signatory countries to the convention being allowed to interpret the definition of national minorities differently, which is what has also happened in practice.

A3.2 Dutch legislation provides no definition for the term ‘national minority’. With a view to ratification of the Framework Convention, the government in consultation with parliament laid down criteria with which a group of residents in the Netherlands would have to comply for eligibility as a national minority within the meaning of the Framework Convention.

A3.3 In the Netherlands, national minorities are those groups of citizens who are traditionally resident within the territory of the State and who live in their traditional/ancestral settlement areas, but who differ from the majority population through their own language, culture and history – i.e. have an identity of their own – and who wish to preserve that identity. The Framework Convention has been declared applicable to the Frisians in the Netherlands, as it is only the Frisians who fulfil these criteria within the Netherlands.

A3.4 Several social groups have pressed for the Netherlands also to place Roma and Sinti under the protection of the Framework Convention. Their rationale was that the inclusion of Roma and Sinti under the Framework Convention would be in line with the Netherlands’ ratification of the European Charter for Regional or Minority Languages.

- A3.5 However, the Dutch government is of the view that the aforementioned Charter was not intended to protect national minorities within the meaning of the Framework Convention (see also the remarks above in section A1.4). The Charter provides in particular for regional or minority languages that are spoken in a particular area but which are not necessarily connected with the existence of a national minority. Moreover, countries can also decide to declare the Charter applicable to “non-territorial languages”. The Netherlands has adopted the latter option in respect of Yiddish and the Roma and Sinti languages. A parliamentary majority has concurred with the government’s position.
- A3.6 It is in line with Dutch government policy, that the freedom of the individual Frisians to decide for themselves whether they wish to be identified as members of the Frisian minority and therefore choose to be treated as belonging to that national minority is considered a fundamental principle in the protection of national minorities across Europe. Therefore, in the Netherlands every individual Frisian can decide for him/herself whether (s)he wishes to be included in the category of persons for whose protection and promotion the Netherlands takes measures in compliance with the Framework Convention. In addition, it is everybody’s individual decision whether (s)he chooses to be considered a member of the Frisian minority who accordingly is protected under the Framework Convention. Such a decision is neither registered, nor reviewed nor contested by central government. No disadvantage shall result from this choice or from the exercise of the rights that are connected to that choice.
- A3.7 Frisians in the Netherlands view a command of the Frisian language as an important characteristic with regard to their self-identification as Frisians. Religious belief or membership of a specific religious denomination plays no role in this given the fact that Frisians do not meaningfully differ in this respect from the rest of the Netherlands population.
- A3.8 All of this emerged from a socio-linguistic study published in 1984. At that time, 40% of Fryslân’s population considered themselves principally Frisian. An almost equally large percentage designated themselves ‘Dutch Frisians’. A quarter of Fryslân’s population did not wish to be considered Frisian. This self-identification bore a close correlation with the respondents’ linguistic background. Frisian speakers referred to themselves as Frisian almost without exception. A majority of Fryslân’s Dutch-speaking population did not consider themselves Frisian; a minority referred to themselves as ‘Dutch Frisians’. The number of Dutch speakers who called themselves Frisian was extremely small in 1984. In other words, self-identification as a Frisian coincided to a significant degree with the linguistic background of the residents of Fryslân.⁶² More recent study data are not available.
- A3.9 In the Netherlands, the Central Bureau for Statistics (or Statistics Netherlands) is responsible for the compilation of official statistical data. Given that it is an individual’s personal decision to designate himself or herself as a member of the Frisian minority, such choices are neither registered nor officially recorded. Consequently, official statistical data on Frisians as a minority are not available.

⁶² P.H. van der Plank, ‘Etnisiteit’ in: D. Gorter et al., *Taal yn Fryslân*. Fryske Akademy, Ljouwert 1984, 154-168 (particularly pp. 159-160).

Neither are official statistics available on people's active command of the Frisian language either among the population of the Netherlands at large or within Fryslân in particular. Nevertheless, estimates based on socio-linguistic surveys are able to provide a decisive answer to the question concerning those who define themselves as Frisians and those who do not. The questions in socio-linguistic surveys of the Frisians and their language usually focus in particular on the active and passive command of the Frisian language among all the residents of the Province of Fryslân: i.e. Frisians and non-Frisians alike (see also sections 3.5.1 to 3.5.9 above).

- A3.10 Dutch policy in respect of the Frisians, their language and culture coincides closely with this more or less integrated approach. There are no separate schools for the Frisian minority. However, schools in Fryslân do place a focus on the Frisian language: this being more consistent and more broadly based in primary education than in secondary education. That focus in education applies to both Frisian and non-Frisian pupils. All of this is in line with Dutch educational legislation (see also sections 3.2.3 and 3.2.4, and the remarks under Article 13).
- A3.11 On 1 January 1996, the amendment of the General Administrative Law Act came into force.⁶³ Sections 2:6 to 2:12 of the Act regulate the use of language in administrative matters. Through this amendment, residents may avail themselves freely of either the Dutch or Frisian languages in their communications with local and provincial authorities in the Province of Fryslân. In many cases, although not in all, written replies from municipalities and the province are received in the language chosen by citizens. In verbal communications, the choice of language when a reply is made on the part of the municipal or provincial authority depends on an official's/the officials' personal command of Frisian.
- A3.12 In district courts and the court of appeal in the Province of Fryslân, citizens may avail themselves of the Frisian language within the confines of the law. Frisian can also be used in criminal cases outside of Fryslân subject to conditions (for further details see the remarks in sections A1.10 and A10.13). Nevertheless, only limited use is made of these rights.
- A3.13 The preference of the regional public broadcasting body, *Omrop Fryslân*, is to use the Frisian language, although interviewees are free to use Dutch. This mixed range of languages is readily in keeping with day-to-day linguistic usage in large areas of the Province of Fryslân.
- A3.14 Numerous Frisian-language provisions as stipulated by government are also being maintained in cultural terms, in part co-financed by central government: there is a Frisian-language professional theatre, financial provisions for Frisian-language literature and Frisian-language authors, and so forth. Standard public libraries in the Province of Fryslân devote their attention not only to Dutch or foreign literature but also to accommodating Frisian literature and making other Frisian-language provisions. In other words, these provisions have been integrated for the local population as a whole. Consequently, Fryslân does not have any libraries subsidised by government exclusively for the Frisian minority.

⁶³

Bulletin of Acts and Decrees 1995, 302.

Article 3, paragraph 2

- A3.15 The rights and freedoms granted to members of the Frisian national minority by the implementation of the Framework Convention may be exercised individually. These individual rights may also be exercised in community with others (for further details, see the remarks under Article 7 below).
- A3.16 Members of municipal councils in the Province of Fryslân and of the Provincial Council of Fryslân may make use of either Frisian or Dutch according to personal preference. This linguistic freedom of choice also applies in those instances when municipal or provincial councillors take the oath of office or make their solemn affirmation prior to being able to exercise their office in the council concerned. Similar rules also apply to the water boards in Fryslân.
- A3.17 For that matter, linguistic freedom of choice when taking an oath of office or making a solemn affirmation is not restricted territorially to the Province of Fryslân. Since 1956, anyone in the Netherlands who is required, pursuant to a statutory regulation, verbally to take an oath or make a solemn affirmation or reaffirmation will be authorised to use, instead of the text prescribed by law, the equivalent text in the Frisian language, unless the text of the oath, solemn affirmation or reaffirmation is partly or wholly laid down in the Constitution. Frisian members of the Dutch parliament (in the Senate and House of Representatives) make particular use of this option. Dutch is otherwise the official language used in both houses of the Dutch parliament.
- A3.18 Also relevant in this regard is Article H 2, paragraph 5 of the Elections Decree (Bulletin of Acts and Decrees 1989, 471), which allows appellations on lists of candidates for elections to the provincial council or municipal councils in the Province of Fryslân to appear in Frisian.
- A3.19 A similar provision was included in Article 2.17 of the Water Boards Decree (Bulletin of Acts and Decrees 2007, 497) in respect of the election of members of the elected assembly of a water board that is located either wholly or partly within the Province of Fryslân. In such instances, likewise, nominations list specifications may be stated in the Frisian language.

Article 4

1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection to the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.
2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.
3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

Article 4, paragraph 1

- A4.1 Equality and combating discrimination are values at the core of the Dutch legal system.
- A4.2 Article 1 of the Dutch Constitution states: “All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on any grounds whatsoever shall not be permitted.” This provision applies in full to the Frisians, as mentioned above in section 2.5.
- A4.3 Comparable provisions in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and in other treaties, such as the International Convention on the Elimination of all Forms of Racial Discrimination (CERD), are also applicable (see also the remarks under Article 1 of this report).
- A4.4 The Equal Treatment Act (in Dutch, abbreviated to Awgb) contains more specific legislation designed to combat discrimination in the areas of work and of goods and services. The act bans the making of unjustified distinctions on the grounds of religion, belief, political opinion, race, sex, nationality, sexual orientation or civil status. This act came into effect on 31 March 1994. Self-evidently, members of the Frisian minority also come under the protection of this act.
- A4.5 The meaning of the term ‘race’ as used in the Awgb has been tied in with the description of the term ‘racial discrimination’ as laid down in the International Convention on the Elimination of All Forms of Racial Discrimination; this includes under it origin, nationality or ethnicity.
- A4.6 On the basis of the Awgb, anyone who feels that he or she has been treated unfairly can submit an application for a judgment to the Equal Treatment Commission (in Dutch, abbreviated to CGB). The CGB then determines whether there has been a violation of equal treatment legislation. This is its most important function.
- A4.7 In addition to this, the CGB is also concerned with:
- advising parties, such as the government, on equal treatment legislation;

- undertaking ‘investigations on its own initiative’ (in other words, this action does not require the initial submission of an application for judgment);
- providing programmes of training, lectures and information concerning equal treatment legislation;
- giving lectures at national and international gatherings.

A4.8 Since 1 January 2005, the Equal Treatment Commission has had the option to refer a matter on to an external mediator in addition to making its own judgment.

A4.9 On the basis of the Awgb, Frisians can submit a complaint to the Equal Treatment Commission in the event of their being discriminated against for being Frisian. As far as is known, only one instance of this has occurred during the existence of the CGB.

A4.10 The independent Committee of Experts under the European Charter for Regional or Minority Languages made the following report of this occurrence in its second report⁶⁴ on the application of the Charter in the Netherlands:

During its “on-the-spot visit, the Committee of Experts was informed of a complaint brought before the Committee for Equal Treatment by the Frisian football club on the prohibition to use the Frisian language in an internal procedure of the northern department of the national football federation. The Committee for Equal Treatment considered that internal regulations of private sports clubs do not fall within its scope. Frisian speakers interpreted this decision as recognition of the right to prohibit the use of the Frisian language in private-sector organisations.

The Committee of Experts ... encourages the Dutch government to continue its efforts to oppose such practices designed to discourage the use of the Frisian in connection with economic or social activities.

A4.11 The following can be ascertained from the CGB’s judgment (reference 2002-201). The complaint about disallowing the use of Frisian during the disciplinary proceedings of the Royal Dutch Football Association in Zeist fell outside the scope of the legislation for equal treatment. Consequently, the Committee did not have jurisdiction.

A4.12 The applicant was an amateur football association based in Fryslân. The defendant was a national association of which the applicant was a member. In response to an incident during a football match, the applicant became involved in the defendant’s disciplinary proceedings. On a number of occasions, the applicant corresponded in Frisian with the disciplinary committee and the defendant’s appeals committee. The applicant also wished to be able to communicate with these committees in Frisian during the verbal hearing of the case. At a certain point, the defendant made it known to the applicant that the applicant should correspond and communicate in Dutch during the defendant’s disciplinary proceedings. The applicant was of the opinion that imposing this requirement gave rise to discrimination on the grounds of nationality and/or race and applied to the Committee for its judgment on the matter.

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2nd Report of the Committee of Experts on the application of the Charter in the Netherlands (ref: ECRML (2004) 8, sections 178 and 179. The committee’s visit to the Netherlands took place from 9 to 11 February 2004.

- A4.13 The fact that the defendant took the legal form of an association did not detract in the case at hand from its obligations in respect of Section 7 of the Awgb. In principle, the defendant's activities fell within the scope of Section 7 of the Awgb. However, given that it was only the defendant's members who were subject to the defendant's disciplinary proceedings, the defendant's disciplinary proceedings were lawful as a purely internal matter for the association. Therefore, the disciplinary proceedings could not be regarded as offering goods and services within the meaning of Section 7 of the Awgb.
- A4.14 The complaint concerning not being allowed to correspond and communicate in Frisian during the defendant's disciplinary proceedings fell outside the scope of the legislation for equal treatment. Consequently, the Committee did not have jurisdiction to adjudicate the case.
- A4.15 Furthermore, citizens can also have recourse to the National Ombudsman with regard to complaints concerning virtually all government bodies, and thus also including any instance in which the use of Frisian might be disallowed. The National Ombudsman handles complaints about a great many different government bodies, including all of the provinces and water boards, as well as a large number of municipalities.
- A4.16 With the exception of the municipality of Het Bildt, citizens can approach the National Ombudsman regarding complaints about all Frisian municipalities. The municipality of Het Bildt makes provision for its own ombudscommittee. The National Ombudsman also handles complaints about a variety of intermunicipal schemes in Fryslân⁶⁵. The same applies to complaints about the Province of Fryslân, the Fryslân Water Board (Wetterskip Fryslân) and the Fryslân Regional Police Force, and the Job Centre and Unemployment Benefit Bureaus (in Dutch abbreviated as: CWI's) in Fryslân.
- A4.17 Complaints about Tresoar, i.e. the Frisian Historic and Literary Centre – within which the State Archives in Fryslân (Ryksargyf Fryslân), the Provincial Library (Provinsjale Bibleteek) and the Frisian Literary Museum and Documentation Centre (Frysk Letterkundich Museum & Dokumintaasjesintrum) have been merged – can also be submitted to the National Ombudsman. The same applies to national cultural establishments, such as the Dutch Foundation for Literature and the Foundation for the Production and Translation of Dutch Literature (NLPVF), which is responsible in part for providing scholarships to Frisian-language literary authors and translators.
- A4.18 Since some of these bodies, as referred to in sections A4.16 and A4.17, permit use of the Frisian language in communications with citizens, it is important for the institution of the National Ombudsman also to have an adequate knowledge of the Frisian language at its disposal. Consequently, central government and the Province of Fryslân have made arrangements in that regard within the context of

⁶⁵ This includes, for example, the Social Affairs Department and Northwest Fryslân Employment (Werkgelegenheid Noardwest Fryslân), the Intermunicipal Social Services for Southwest Fryslân and the Oostergo Joint Scheme de Gemeenschappelijke regeling Oostergo – which implements the Sheltered Employment Act for the municipalities of Dantumadeel, Ferwerderadiel, Ameland and Schiermonnikoog.

the Covenant on the Frisian Language and Culture (2001) (see above for further details in respect of the effect of the Covenant and the implementation covenants related to it in sections 3.6.2 to 3.6.8).

- A4.19 In Article 7.9 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the Province of Fryslân agreed that the Minister of the Interior and Kingdom Relations would encourage the National Ombudsman, if the case arises, to be equipped to handle Frisian-language complaints.⁶⁶ In the years 2002-2006, at least one such request has reached the National Ombudsman in the Frisian language (see section A4.20). In addition, complaints were received to which correspondence in Frisian was attached.
- A4.20 In practice, use of the Frisian language in communications with government bodies, including under this the police sector, would appear to cause few complaints. Only one formal instance of complaint is known of from 2005. At one Frisian police station, the police refused to admit a report of theft because of inadequate knowledge of the Frisian language. A complaint was lodged about this which, due to initially unsatisfactory handling by the police force, was submitted to the National Ombudsman. The Ombudsman requested that Politie Fryslân had yet to deal with the substance of the complaint as a complaint and should do so.⁶⁷ The complaint resulted in a statement from the Politie Fryslân Complaints Commission to the effect that Politie Fryslân should develop a policy on the use of Frisian.⁶⁸
- A4.21 In response to this incident and to another language-related incident that also occurred in 2005,⁶⁹ the Provincial Executive of Fryslân furnished information to the regional police force manager and police commissioner of Politie Fryslân regarding the general policy framework in respect of the Frisian language. In that connection, the Province of Fryslân also urged the development of a policy for the use of Frisian by Politie Fryslân.⁷⁰
- A4.22 These incidents also provided the occasion for a member of the Senate to put questions about this matter in writing to the Minister of the Interior and Kingdom Relations. In his reply, the Minister remarked that, in the opinion of the regional police force manager of Politie Fryslân, and also the Mayor of Leeuwarden, it was extremely desirable for police officers working in Fryslân to be able to understand the Frisian language at the very least. Greater attention needed to be given to the

⁶⁶ In an e-mail of 21 December 2006, the National Ombudsman informed the Fryske Akademy that on his staff, various employees have passive knowledge of the Frisian language and one has some active knowledge of the Frisian language.

⁶⁷ Letter from the National Ombudsman to the Fryslân Regional Police Force manager dated 3 November 2005, reference 2005.07787 002.

⁶⁸ Letter from Politie Fryslân Complaints Commission to complainant dated 25 January 2006.

⁶⁹ In 2005, there was the further issue of a Dutch-speaking police officer who was unable to understand a telephone message made in Frisian by the mayor of Littenseradiel with regard to the discovery of the first lapwing egg in her municipality. In response to the mayor's demand for clarification, the regional police force manager explained in a letter dated 26 April 2005 that a passive or active command of Frisian was not an operative job requirement, as that would be a severe hindrance to the recruitment of new officers. On 20 June 2005, the Minister of the Interior and Kingdom Relations wrote to the mayor of Littenseradiel that the regional police force manager and police commissioner themselves had the option to focus attention on knowledge of the Frisian language in their own training policy. The minister viewed this as 'a region-specific matter'. See: *De Moanne* 4 (8), 2005, 2-3.

⁷⁰ Letter from the Provincial Executive of Fryslân dated 8 November 2005.

passive and active command of Frisian, and police force employees would have to be supported in acquiring a knowledge of Frisian (see also sections A4.46 to A4.48 below).⁷¹

A4.23 Moreover, work is being done on effecting complaints arrangements in other sectors of importance to citizens. The dimension relating to the Frisian language will be included in that respect. Thus, in the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed on the following. They will strive to ensure that the complaints schemes of social care institutions subsidised by central or provincial government whose sphere of operations includes the province of Fryslân will pay due regard to the position of the Frisian language (Covenant 7.7).

A4.24 In Article 7.10 of the Implementation Covenant on the Frisian Language and Culture (2005), both parties agreed that the Province would draft, in cooperation with the Minister of Public Health, Welfare and Sport, a Frisian-language model complaints scheme for the government-subsidised social care institutions whose sphere of operations includes the province of Fryslân. After completion, the model scheme will be made available to the sector.

Article 4, paragraph 2

A4.25 In the Netherlands, the Dutch language functions as the official language and as the cultural and colloquial language. Where necessary, the Netherlands is taking appropriate steps also to allow Frisian as a language in public life. Territorially, this right is usually restricted to the territory of the Province of Fryslân, given that this is the area where the Frisian language has been in living use for generations as a cultural and colloquial language. In that respect, taking due account of the specific conditions, full and effective equality is being promoted between the Frisian minority and the majority population.

A4.26 To an increasing degree, a command of the Frisian language by personnel employed in government bodies based in Fryslân is becoming a matter for attention in the policy conducted by the various authorities. After all, this gives Frisians the opportunity to address government bodies in their own language should they so wish. For the purpose of ensuring that both native Frisian speakers and non-Frisian speakers can continue to be eligible for government positions in Fryslân, personnel employed by government are offered the opportunity in many locations to follow a Frisian-language course paid for by the employer.

A4.27 A command of the Frisian language is considered necessary for a variety of positions with government bodies in Fryslân, particularly in positions in which the personnel frequently comes into contact with citizens. Arrangements have been made for this in the Covenant on the Frisian Language and Culture (2001). Those arrangements also extend to other sectors, including under this the subsidised bodies in the health and welfare sector. This will be discussed in more detail in the sections below:
the administration of justice and judicial matters (A4.28 to A4.33);

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Annexes to Parliamentary Papers I (Senate) 2005/06, no. 5.

public administration and the police (A4.34 to A4.48);
economic and social life (A4.49 to A4.54).

- A4.28 **The administration of justice and judicial matters.** In Article 3.7 of the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân concluded an agreement concerning Frisian language training for staff dealing directly with the public at Leeuwarden district court. Since 2000, all personnel at courts in the province of Fryslân wishing to increase their active or passive knowledge of the Frisian language have been able, on an individual basis, to take advantage of the language courses offered by Afûk in Leeuwarden.⁷²
- A4.29 In Article 3.7 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the province of Fryslân agreed on the following. The Minister of Justice would bear responsibility for the opportunity to take a Frisian-language course also being brought to the attention of other groups in the legal profession in the province of Fryslân, such as bailiffs and lawyers.
- A4.30 In Article 3.8 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the province of Fryslân agreed that the province of Fryslân would continue existing policy with regard to subsidising Frisian courses provided by Afûk for staff employed by the courts in Fryslân. Furthermore, the booklet on the Frisian language published in 2004 by the province of Fryslân examines the accepted use of the Frisian language in the courtroom.⁷³
- A4.31 According to the Leeuwarden District Court, almost all members of the judiciary working in Fryslân have reasonable to good comprehension of Frisian, with the understandable exception of recently appointed judges who are not native Frisian-speakers.⁷⁴ Consequently, it is not customary to engage interpreters in court cases. In the period 2002-2005, the services of a Frisian-language interpreter before the criminal court were required on only one occasion.
- A4.32 Since 2004, the Frisian-language course has been a mandatory component of the introductory programme for new judges and court staff. Individual employees of the Frisian courts can take advantage of the programme of courses supplied by Afûk at the employer's expense.
- A4.33 A Frisian course was organised twice in the period 2002-2005. Eight employees took part in this in 2002, and five in 2004. In 2006, 18 employees from the Leeuwarden District Court, Leeuwarden Court of Appeal and Leeuwarden

⁷² The *Afûk* is the foundation subsidised by the province of Fryslân that organises Frisian-language courses, provides advice to government authorities, businesses and individuals regarding use of the Frisian language, and runs a Frisian bookshop and publishing house. The Afûk was founded in 1924 as the *Algemeene Fryske Underjocht Kommisje*.

⁷³ Helma Erkelens, *Taal van het hart*, Province of Fryslân, [Leeuwarden], 2004. The booklet 'Taal van het hart' has been published in German, English, Frisian and Dutch and is available in both printed hard copy and in an electronic format via the Internet.

⁷⁴ The President of Leeuwarden District Court informed the Fryske Akademy in a letter dated 22 November 2006 that 53% of staff could understand, read and speak Frisian. The remaining 46% of staff had no difficulty with a passive command of Frisian (i.e. comprehension and reading).

Subdistrict Court took part in an internal Frisian course. A standard phrase concerning command of the Frisian language is included in personnel advertisements for the judiciary and officers of the court.

- A4.34 **Public administration and the police.** In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed on the following. They will jointly strive to ensure that staff dealing directly with the public in the service of governmental or semi-governmental institutions in the Province of Fryslân (province, municipalities, decentralised central government agencies, water boards) would be offered courses to improve their active knowledge of the Frisian language (Covenant 4.5).
- A4.35 It was agreed in the Implementation Covenant on the Frisian Language and Culture (2005) that the Minister of the Interior and Kingdom Relations would encourage ministries with decentralised government agencies in Fryslân to bring to the attention of such government agencies their opportunity to take courses to improve their active knowledge of the Frisian language. The Province of Fryslân is undertaking a similar campaign with regard to its own provincial agencies, the Frisian municipalities and Wetterskip Fryslân [the Frisian Water Board] (Implementation Covenant 4.7 and 4.8).
- A4.36 The author of this report does not possess information regarding the manner in which decentralised central government agencies are currently implementing the above-mentioned provision from the Covenant on the Frisian Language and Culture (2001).
- A4.37 In the Province of Fryslân, a command of the Frisian language by staff in public service positions is considered an important element in internal language and staffing policy. It may be noted in relation to this that, when recruiting new staff, the Province of Fryslân announces in its notices for vacant positions placed on the website and/or in daily and weekly journals that persons with a command of Frisian or who are prepared to learn Frisian are expressly invited to make applications. A number of municipalities also have a policy similar to this. Advertisements for vacancies appear partly in the Frisian language. This notwithstanding, most Frisian municipalities in their advertisements for vacancies make no explicit mention of either the desirability of a command of Frisian or a readiness to learn Frisian.
- A4.38 A survey was conducted in 2004 among employees of the Province of Fryslân to obtain a current picture of the level of command and written use of the Frisian language within its own provincial organisation. It emerged from this that 90% of respondents reported good/extremely good comprehension of Frisian; 65% could read Frisian well/extremely well. As far as an active command of Frisian was concerned, 53% of respondents replied that they could speak Frisian well/extremely well, while 15% reported that they could write well/extremely well in Frisian. Finally, a further 23% were, in their opinion, able to write reasonably well in Frisian.
- A4.39 The survey additionally revealed that 80% of respondents never created a Frisian-language text. 16% of the respondents used Frisian to a limited degree: between 1

and 25% of the texts written by them were compiled in Frisian. 1% of the respondents compiled 51-75% of written texts in Frisian. In the case of 1.6% of the respondents, almost all of the texts written by them were in Frisian: i.e. between 76-100%. In other words, approximately 4% of the respondents regularly created documents in Frisian – meaning in over a quarter of all cases. 7% of the texts written within the provincial administrative system are in the Frisian language.⁷⁵

- A4.40 Furthermore, the survey revealed that among provincial public service employees 20% of the 714 respondents had taken a course on Frisian comprehension, reading and writing. A Frisian writing course had been taken by 14% of respondents. According to this 2004 survey, 66% in total of the provincial employees had not taken part in a Frisian course. That notwithstanding, this did not prevent provincial public service employees from having an active command of Frisian (cf. section A4.38).
- A4.41 According to a statement by the Province of Fryslân, several provincial public service employees took the opportunity, between 2003 and 2005, to improve their knowledge of the Frisian language at their employer's expense. This involves the courses given by the Afûk in Frisian comprehension and reading, an intensive course in comprehension, reading and writing, an immersion course in Frisian, such as is organised annually on Terschelling, and the Frisian A and B instruction courses.
- A4.42 In 2002-2003, 36 provincial public service employees took part in one of the Frisian courses. In 2003-2004, 33 such employees were involved in this. A sharp increase was observed in the following year, 2004-2005: 110 public service employees took a Frisian course. Of these, 28 took a Frisian spoken language course, 15 took a Frisian reading and comprehension course, 2 took part in an intensive fast-track course, 34 followed the Frisian A instruction course and one such employee took part in the follow-up study programme, the Frisian B instruction course.⁷⁶
- A4.43 Although, due to its nature, the Covenant applies only between central government and the Province of Fryslân, freedom was given by the municipalities and Wetterskip Fryslân [Frisian Water Board] to take Frisian courses.
- A4.44 Wetterskip Fryslân operates a job requirement for desk operatives that they have a command of spoken and written Frisian. In 2005, in addition to this, the chairman of the water board council, the director secretary, two members of the management team and two employees from the Communications department took a Frisian course (comprehension and reading).⁷⁷
- A4.45 According to a statement from the Province of Fryslân, the annual reports produced by the Afûk covering the years 2002-2006 show that a total of 353 municipal public service employees and municipal officers took part in one of the

⁷⁵ Alice Bouma, *Het passief en actief gebruik van het Fries binnen het provinciaal ambtenarenapparaat*, [Leeuwarden], 2004.

⁷⁶ See: Citizens' Annual Reports for the Province of Fryslân 2003, 2004 and 2005.

⁷⁷ E-mail from Wetterskip Fryslân to the Fryske Akademy dated 28 November 2006.

Frisian courses. This information has not been broken down into the various types of courses.

| Municipalities | 2001/02 | 2002/03 | 2003/04 | 2004/05 | 2005/06 |
|-----------------------|----------------|----------------|----------------|----------------|----------------|
| Achtkarspelen | | 7 | | | |
| Boarnsterhim | 7 | | | | |
| Dantumadeel | | | | 32 | |
| Dongeradeel | | | | 47 | |
| Ferwerderadiel | | | | | 17 |
| Franekeradeel | | 19 | | | |
| Leeuwarden | 7 | 7 | 69 | 5 | 1 |
| Leeuwarderadeel | | | | 20 | |
| Menaldumadeel | | 9 | | | |
| Opsterland | | | 32 | | |
| Skarsterlân | 7 | 8 | | 4 | |
| Smallingerland | | | | 16 | |
| Sneek | | | 10 | 5 | 4 |
| Tytsjerksteradiel | | | | 12 | |
| Wûnseradiel | | | 8 | | |
| All municipalities | 21 | 50 | 119 | 141 | 22 |

Source: Afûk annual reports 2002-2006 (according to data from the Province of Fryslân)

- A4.46 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that central government would strive to ensure that measures were taken to improve the command of Frisian among police officers in the Province of Fryslân. To achieve this, police officers were to be offered courses to improve their active and passive knowledge of the language (Covenant 4.4).
- A4.47 It was agreed in the Implementation Covenant on the Frisian Language and Culture (2005) that the Minister of the Interior and Kingdom Relations would encourage Frisian courses to be included in the training schemes for the police forces concerned (Implementation Covenant 4.6).
- A4.48 Up until now, the annual training scheme for Politie Fryslân [the Frisian Police Force] has not included any Frisian-language components or entries. Politie Fryslân remarks that employees wishing to increase their knowledge of the Frisian language are given the opportunity to enrol in a course given by the Afûk. Politie Fryslân has not kept records on the frequency with which this option has been taken up in recent years.⁷⁸ Annual reports furnished to the Province of Fryslân from the Afûk for 2002-2006 show that one person has taken part in a Frisian course from Politie Fryslân. That was in 2005/06.⁷⁹
- A4.49 **Economic and social life.** In Article 7.5 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the Province of

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E-mail from Politie Fryslân to the Fryske Akademy dated 16 February 2007.

In an e-mail dated 23 February 2007, the Afûk reported to the Fryske Akademy that, to date, three (out of over 1,600) employees from Politie Fryslân had taken or were taking a Frisian-language course.

Fryslân agreed that the Minister of Public Health, Welfare and Sport should encourage systematic attention to the use of Frisian by welfare and health care institutions in the work programme of the Public Health Inspectorate. The Province of Fryslân set up a working group ‘Frisian language in Care’, which is intended to work for four years (2004-2007) as a pioneer and initiator to promote the position of Frisian within the health sector.

- A4.50 In Article 7.11 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the Province of Fryslân agreed on the following. The Province of Fryslân, in cooperation with the Partoer Foundation – a provincial support organisation for care and welfare in the Province of Fryslân – should examine how promotion of the Frisian language can be included in the policy plans and report of interest groups in the social care sector that are active in the province of Fryslân.
- A4.51 In Article 7.12 of the Implementation Covenant on the Frisian Language and Culture (2005), both parties agreed on the following. The Minister of the Interior and Kingdom Relations, as the coordinating minister for Frisian language policy, and the Province of Fryslân would examine jointly which projects to strengthen the position of the Frisian language in the economic and social sector could be eligible for subsidy or other forms of incentive.
- A4.52 For the first time, the public transport concessions for North and Southwest Fryslân, as well as for the Frisian islands of Ameland, Schiermonnikoog and Terschelling, as granted in 2001 by the Provincial Executive of Fryslân to NoordNed Personenvervoer BV and Arriva Personenvervoer Nederland BV respectively, contained language requirements imposed on staff. These concessions include an Article requiring active knowledge of Dutch and passive knowledge of English and Frisian (on the mainland). For the islands, passive command of German, English and Frisian is considered necessary.⁸⁰
- A4.53 At present, the Province of Fryslân has granted 10 different concessions for public transport operations within the province. Regulations about the use of the Frisian language have been included in all of these concessions. The regulations have been included in the Schedule of Requirements and/or the specifications for the public tenders that form part of the concessions from the time of being awarded.
- A4.54 Thus, priority is given to the inclusion of the functional requirement for passive command of the Frisian language among staff working in the public transport sector in the Province of Fryslân.

Article 4, paragraph 3

- A4.55 Measures aimed at allowing a minority to exercise the same rights and freedoms as the majority – such as the use of their own language in public life or participating in social and cultural life – can be considered a consequence of the equality principle and, consequently, are not in violation of it.

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Arriva Personenvervoer Nederland BV and NoordNed Personenvervoer BV continued their business from 1 January 2006 under the name Arriva Personenvervoer Nederland BV.

A4.56 The Equal Treatment Act (Awgb) allows for a certain degree of preferential treatment if particular groups are in a disadvantaged position. In that respect, Section 2, subsection 3, of the Awgb stipulates that: “The prohibition on discrimination contained in this Act does not apply if the aim of the discriminatory measure is to place women or persons belonging to a particular ethnic or cultural minority group in a privileged position in order to eliminate or reduce existing inequalities connected with race or sex and the discrimination is in reasonable proportion to that aim.”

A4.57 For the rest, reference is made to the remarks under Article 4, paragraph 2.

Article 5

1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.
2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

Article 5, paragraph 1

A5.1 It has already been noted above that Frisians in the Netherlands consider a command of the Frisian language to be an important characteristic for self-identification as a Frisian. Religion or membership of a specific religious denomination plays no role in this, given that Frisians do not differ fundamentally in that regard from the rest of the Netherlands’ population (see sections A3.7 and A3.8). Neither do traditions and cultural heritage play any dominant role in terms of self-identification as a Frisian.

A5.2 The Netherlands does not have a national church or national religion. Neither is there any official registration or recognition of religions. The principle of equality requires that religions and beliefs be treated on an equal basis.

A5.3 Freedom of religion is protected by Article 6 of the Constitution, which states:

1. Everyone shall have the right to profess freely his religion or belief, either individually or in community with others, without prejudice to his responsibility under the law.
2. Rules concerning the exercise of this right other than in buildings and enclosed places may be laid down by Act of Parliament for the protection of health, in the interest of traffic and to combat or prevent disorders.

A5.4 Moreover, Article 23 of the Constitution stipulates that schools founded on religious principles that fulfil the statutory requirements will be financed on the same footing as State schools.

A5.5 The Netherlands has two official languages: Dutch and Frisian. Chapter 2.2 of the General Administrative Law Act provides for the use of the Dutch and Frisian

languages in administrative communications. The right to use the Frisian language with administrative bodies and persons employed under their responsibility has been restricted territorially to the Province of Fryslân. In some cases, however, use of the Frisian language is also permitted outside of Fryslân, such as with the National Ombudsman (see also sections A3.11 and A4.15 to A4.20).

- A5.6 Pursuant to the Use of Frisian in Judicial Matters Act, it is permitted for the Frisian language to be used in judicial matters within the borders of the Province of Fryslân. Section 2 of this act states: “In all cases in which a person present at a court hearing held in the province of Fryslân speaks in his official capacity, is required to undergo examination, or has the authority to speak, he shall be authorised to use the Frisian language.”
- A5.7 All of the primary schools in the Province of Fryslân are also under a statutory obligation to include the Frisian language in education, unless schools have been granted an exemption from this by the Provincial Executive of Fryslân. A similar regulation applies to secondary education schools, although exclusively to lower secondary education in that instance. Secondary education schools in the Province of Fryslân are not obliged to offer the subject of Frisian for school years above that level. However, pupils can elect to study Frisian in the second stage of secondary education, insofar as the appropriate authorities offer that subject. In addition, it is possible to choose the subject of Frisian as a subject for the school-leaving examination, once again insofar as the appropriate authorities offer that subject.
- A5.8 By law, primary schools in the Province of Fryslân can opt to use the Frisian language as a language of instruction in education. Secondary education schools do not have that option, unless the school authorities have laid down a code of conduct in that regard.
- A5.9 Legally, there is nothing to impede Frisians from nurturing and maintaining or making innovations in respect of their own traditions and cultural heritage.
- A5.10 Given that, in its Third State Report on the Application of the European Charter for Regional or Minority Languages, the Netherlands reported at length on cultural activities and provisions, including infrastructure, the reader is referred to that section of the Third State Report (Article 12, Charter). This also includes a factual description of the situation.

Article 5, paragraph 2

- A5.11 The Netherlands’ general integration policy does not focus on the Frisians as members of a national minority within the meaning of the Framework Convention. Consequently, the Netherlands does not operate any policy or practices aimed at the assimilation of Frisians.
- A5.12 The Dutch State’s rule of law is otherwise based in part on respecting basic rights and freedoms. Constitutional freedoms also provide for the protection of the culture and traditions of minority groups in society.

Article 6

1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.
2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

Article 6, paragraph 1

- A6.1 Tolerance, intercultural dialogue and mutual acceptance are essential elements for a peaceful society of people with different cultural backgrounds. This is one of the most important policy objectives of the Minister for Housing, Communities and Integration (see also section A6.14). It is only by this means that a positive social climate can be brought into being from which all Dutch citizens will be able to benefit, including the Frisians.
- A6.2 Various ministers, such as the Minister for Education, Culture and Science, have their own responsibilities in this area. The 38th key objective included in the Renewed Primary Education (Attainment Targets) Decree (Bulletin of Acts and Decrees 2005, 551) is: “Pupils learn the essentials concerning spiritual movements that play a significant role in the multicultural society of the Netherlands, and they learn to treat people’s different beliefs with respect.” Thus, in line with the statutory attainment targets and exit qualifications, schools are required to look at racism, intolerance, and the importance of fighting them as part of the curriculum.
- A6.3 However, prescribing the way in which ‘human rights’ are taught in Dutch schools is at odds with freedom of education, as laid down in the Constitution. Moreover, the Netherlands prefers human rights to be taught in a wider context, as part of all relevant subjects, not as a separate subject.
- A6.4 In the Netherlands parents are free to choose any school they wish. Most parents opt to send their children to a local school, i.e. in their own neighbourhood. Some neighbourhoods have a high percentage of residents born outside the Netherlands, or whose parent or parents were born outside the Netherlands; this is reflected in pupil demographics.
- A6.5 For this reason – and despite the fact that parents are free to opt for the school of their choice – the Dutch government is keen to see more mixed schools. Agreements to this effect are now being reached at local level between schools and municipalities. Since 1 August 2006 all schools have been obliged to show how they have contributed to combating segregation. The Education Inspectorate ensures that schools are making an appropriate contribution. An expertise centre will support schools on the topic of diversity and in combating segregation in schools.

- A6.6 Furthermore, the Dutch government attaches great importance to the work of the Dutch Complaints Bureau for Discrimination on the Internet (in Dutch: Meldpunt Discriminatie Internet (www.meldpunt.nl)). The MDI was founded in 1997 to help prevent and combat discrimination on the Dutch segment of the Internet. Over the subsequent years, the MDI has grown in line with the Internet and has expanded to become a professional organisation that contributes in a variety of ways towards the fight against online discrimination.
- A6.7 When the Internet began to grow apace during the course of the 1990s, the Internet also emerged as a popular medium for the making of racist and discriminatory comments. Specific expertise was necessary to deal with those comments successfully. The MDI has extensive legal expertise in the field of discrimination legislation and a great deal of specialist technical knowledge on all facets of the Internet and thus is able to combat online discrimination effectively partly as a result of that.
- A6.8 In order to combat discrimination on the Internet as effectively as possible, the MDI works in close collaboration with bodies such as the Police, the Public Prosecutions Department and various foreign organisations involved in combating discrimination on the Internet. The MDI is also a co-founder of the International Network Against Cyberhate (INACH).
- A6.9 The Netherlands is in favour of continued support for the Complaints Bureau for Discrimination on the Internet (MDI). The Dutch government is aware of the increasing use of the Internet, in general, and the importance of preventing discrimination through this medium. The Dutch government believes that the MDI is key in fighting discrimination on the Internet. The government's financial support has increased in recent years for that reason.
- A6.10 This year is the European Year of Intercultural Dialogue 2008. Through this, the EU wishes to increase the knowledge of all its Member States' inhabitants in relation to dealing with different cultures. This was officially launched on Wednesday, 27 February, by the Minister for Housing, Communities and Integration, the Minister for Education, Culture and Science and the Minister for European Affairs.
- A6.11 Each Member State organises its own European Year of Intercultural Dialogue. The Minister for Housing, Communities and Integration provides an impetus for intercultural dialogue by encouraging migrants and local people at the level of blocks of flats to develop small-scale activities aimed at achieving a specific, common objective. The Minister for Education, Culture and Science devotes his energies to promoting intercultural dialogue through the arts and culture. The Minister for European Affairs and the Minister for Education, Culture and Science promote artistic and cultural exchanges with the countries of origin of Turkey and Morocco.

Article 6, paragraph 2

- A6.12 The Dutch government advocates a holistic approach to racism and related forms of discrimination. After all, racism comes in many shapes and forms. Ethnic minority groups, or people belonging to them, can also discriminate, against individuals or against other ethnic groups. In the Netherlands measures to tackle discrimination against women or homosexuals, which is sometimes committed by persons from ethnic minorities, are taken in tandem with anti-racism policy.
- A6.13 Fighting all forms of discrimination, including racism, is indeed an important priority for the Dutch government. We are currently developing an integrated approach to this problem, which will encompass a great many measures aimed at:
- completing a national network of anti-discrimination bureaus and associated local front offices, providing an accessible, independent service in every municipality;
 - ensuring active detection of discrimination on the part of the Public Prosecution Service and the Police;
 - ensuring a greater readiness to report discrimination-related offences (for this purpose, the Hate Crimes Project was initiated this spring);
 - improving the registration and monitoring of complaints;
 - qualitative and scientific research on scope and character of discrimination;
 - increasing victims' willingness to report incidents;
 - raising public awareness of discrimination and equal rights;
 - combating discrimination in the employment market and hospitality business;
 - facilitating a coordinated municipal approach to the Roma/Sinti issue;
 - targeting discrimination practised by and among young people (empowerment).
- A6.14 The Minister for Housing, Communities and Integration, who was appointed in February 2007 when the present Dutch cabinet took office, is responsible for coordinating measures aimed at fighting racism and establishing a national network of anti-discrimination bureaus and associated local front offices. Her policies focus on strengthening social cohesion and on promoting economic, social and cultural participation of ethnic minority groups in society. The aim is to stimulate active and shared sense of citizenship of all people residing in the Netherlands, irrespective of their colour or culture and to give people a feeling of belonging.
- A6.15 Dutch integration policy aims to be as generic as possible. However, if generic measures are unable to improve the situation for underprivileged individuals and ethnic minorities, a move will then be made to adopt a more specific, tailor-made approach, allowing solutions to be found for specific issues.
- A6.16 In the case of Roma and Sinti, central government has transferred a number of tasks and competences to the local authorities, partly because the Roma and Sinti communities in the Netherlands are very few and fragmented. The institute Forum for Diversity and Integration provides support and expertise to the municipalities on behalf of the Dutch government.

- A6.17 However, the Minister for Housing, Communities and Integration wishes to facilitate municipalities in developing a more coherent and targeted approach towards this group. This will be incorporated in the integrated anti-discrimination policy plan, which is to be presented to the House of Representatives after the summer.
- A6.18 The achievement of a national network of anti-discrimination bureaus and associated local front offices is anticipated during the course of 2009. The legislative proposal for anti-discrimination facilities in municipalities was sent to the House of Representatives in April 2008.⁸¹ It is intended to come into effect in 2009. In recent years, major progress has been made both in registering incidents and in monitoring the registration process. The Public Prosecution Service and the police are recording incidents in increasing detail.
- A6.19 The police do have data on racism and racial discrimination. Several police teams in the Netherlands are trained in Multi-Ethnic Policing methods. A National Centre of Expertise for Diversity has been incorporated within the police training college to advise on matters such as discrimination. This entails cultivating specific, up-to-date knowledge about, and networks in, ethnic communities. These methods are proving to be effective in improving data collection and ensuring that adequate action is taken.
- A6.20 Furthermore, the Netherlands funds a great deal of in-depth research into the nature and scale of discrimination, both in terms of registered complaints and feelings of discrimination. One example of this is the Monitor on racism and extremism, conducted every two years by the Anne Frank Stichting on behalf of the Minister for Housing, Communities and Integration (next due in 2009 and 2011). The Anne Frank Stichting was also responsible for the Monitor on the Roma and Sinti conducted in 2004. This monitor has been recommissioned by the Dutch government for 2009.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

- A7.1 Articles 7, 8 and 9 of the Dutch Constitution lay down respectively the freedom of expression, the freedom of association, and the freedom of assembly and demonstration. The freedoms of thought, conscience and religion are discussed in the comments under Article 8.
- A7.2 **Freedom of expression.** Article 7 of the Dutch Constitution reads as follows:
 1. No one shall require prior permission to publish thoughts or opinions through the press, without prejudice to the responsibility of every person under the law.
 2. Rules concerning radio and television shall be laid down by Act of Parliament. There shall be no prior supervision of the content of a radio or television broadcast.

⁸¹ Parliamentary Papers II (House of Representatives) 2007-2008, 31 439, nos. 1-3.

3. No one shall be required to submit thoughts or opinions for prior approval in order to disseminate them by means other than those mentioned in the preceding paragraphs, without prejudice to the responsibility of every person under the law. The holding of performances open to persons younger than sixteen years of age may be regulated by Act of Parliament in order to protect good morals.
4. The preceding paragraphs do not apply to commercial advertising.

- A7.3 **Freedom of association.** Article 8 of the Constitution reads as follows:
The right of association shall be recognised. This right may be restricted by Act of Parliament in the interest of public order.
- A7.4 **Freedom of assembly and demonstration.** Article 9 of the Constitution reads as follows:
 1. The right of assembly and demonstration shall be recognised, without prejudice to the responsibility of everyone under the law.
 2. Rules to protect health, in the interest of traffic and to combat or prevent disorders may be laid down by Act of Parliament.
- A7.5 Self-evidently, these rights also apply to members of the Frisian minority, including in that connection instances where this relates to the use of the Frisian language.
- A7.6 With regard to the use of the Frisian language in the media, reference is made to the comments under Article 9 of this report.
- A7.7 In respect of the right of association, note that mention has been made of this earlier in this report (in section 3.2.7) as follows. As of 1 February 2002, the constitutions of Frisian associations and foundations may be drawn up in Frisian. Previously, only the Dutch text of these constitutions had legal validity. A Frisian text only had internal effect and, consequently, was not entered into the public registers as such. Since 2002, it has been possible to suffice in many cases with a Frisian text, which is as such entered in that format in the Commercial Register of the Chamber of Commerce. The following sections discuss this change in more detail.
- A7.8 On 1 February 2002, the Act of 22 November 2001, introducing the possibility of drawing up the constitutions of Frisian associations and foundations in the Frisian language, entered into force (Bulletin of Acts and Decrees 2001, 574). The Act provides that the constitutions of associations and foundations whose registered offices are located in the province of Fryslân may be drawn up in Frisian and entered in the relevant public registers, provided a Dutch translation is appended to them. This final requirement does not apply to associations and institutions conducting all or almost all of their activities in the province of Fryslân. If an interested party that does not have command of the Frisian language wishes to receive a Dutch translation of the deed of establishment of one of the associations and foundations concerned, that association or foundation will provide a Dutch translation that has been made and declared equivalent by a notary.

A7.9 Pursuant to the Act of 22 November 2001, Article 27(2) (associations) and Article 286(2) (foundations) of Book 2 of the Civil Code now read as follows:

Article 27(2):

The deed shall be executed in the Dutch language. If the association has its registered office in the province of Fryslân, the deed may be executed in the Frisian language. An authorisation to enter into such a deed shall be given in writing.

Article 286(2):

The deed shall be executed in the Dutch language. If the foundation has its registered office in the province of Fryslân, the deed may be executed in the Frisian language. An authorisation to enter into such a deed shall be given in writing. Foundations may be established by attested will executed in a language other than Dutch or Frisian. In such cases, the constitution of the foundation shall be drawn up in the Dutch or Frisian language.

The constitutions that are part of the deed of establishment of an association or foundation must comply with a number of legally prescribed requirements, some of which apply to the use of Frisian.

A7.10 According to the Leeuwarden Chamber of Commerce, approximately 30 Frisian-language articles of association were listed in the Commercial Register at the beginning of 2007. It is unclear whether these figures include only those articles of association drafted exclusively in Frisian or whether they also include among their number new bilingual articles of association.⁸²

A7.11 The Act of 22 November 2001 also led to the amendment of the Sworn Translators Act,⁸³ by adding three sentences to Section 8, subsection 1 of the Act, which read as follows: ‘Where a Frisian-language notarial deed establishing an association or foundation or containing the constitution of a similar legal entity is concerned, a literal Dutch translation that has been done and declared equivalent by the notary who executed the deed shall suffice. A Dutch translation may be waived if the association or foundation conducts all or almost all its activities in the province of Fryslân. If an interested party that does not have command of the Frisian language wishes to receive a Dutch translation of the deed of establishment of one of the above-mentioned associations or foundations, the association or foundation concerned shall provide a Dutch translation that has been made and declared equivalent by a notary.’

⁸² See: Bastiaan D. van der Velden, *‘Waar gaan wij heen met het Fries?’* Diss. University of Amsterdam, 15 October 2004, p. 359. Van der Velden adds further that between 30 January 1979 and 28 April 1997 a total of 130 Frisian-language deeds with Dutch translations were submitted to public registers in Leeuwarden (p. 420). In an appendix, Van der Velden provides a summary of all of the Frisian-language deeds deposited in the public registers (pp. 535-537). The Chamber of Commerce has furnished the Province of Fryslân with the figures for 2007.

⁸³ *Bulletin of Acts and Decrees* 1878, 30, most recently amended by the Act of 2 April 1991 (*Bulletin of Acts and Decrees* 1991, 199).

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

- A8.1 In the Netherlands, Article 6 of the Constitution establishes freedom of thought, conscience and religion. That provision reads as follows:
1. Everyone shall have the right to profess freely his religion or belief, either individually or in community with others, without prejudice to his responsibility under the law.
 2. Rules concerning the exercise of this right other than in buildings and enclosed places may be laid down by Act of Parliament for the protection of health, in the interest of traffic and to combat or prevent disorders.
- Self-evidently, these rights apply equally to members of the Frisian minority, including in that connection where this relates to the use of the Frisian language in religious worship.
- A8.2 It has already been noted above that Frisians in the Netherlands consider a command of the Frisian language to be an important characteristic for self-identification as a Frisian. Religion or membership of a specific religious denomination plays no role in this, given that Frisians do not fundamentally differ in that respect from the rest of the Netherlands' population (see sections A3.7 and A5.1).
- A8.3 Services are usually held in Dutch within the Frisian churches of the Protestant Church in the Netherlands⁸⁴. Each Sunday, however, church services are held in the Frisian language spread across the Province of Fryslân. The number of Frisian-language services is far more limited in the smaller protestant churches and in Roman Catholic churches in Fryslân.
- A8.4 As an association Of Frisian-speaking Protestants, the initial aim of the protestant *Kristlik Frysk Selskip*, founded in 1908, was to promote the use of the Frisian language within society in the broadest sense of the expression. After 1945, its emphasis came to lie more on promoting the Frisian language in the services given by protestant churches in Fryslân.
- A8.5 The first complete Frisian translation of the Bible was produced in 1943. This was used principally in protestant circles. A second Frisian translation of the Bible was produced in 1978, from the outset being one that could be used in all churches (protestant and Roman Catholic). A Frisian edition of the Hymn Book for the Churches appeared in 1977. In addition, and partly on the initiative of the *Kristlik Frysk Selskip*, liturgical material in the Frisian language is also being produced that can be used in Frisian-language or bilingual church services.
- A8.6 In 1997, the *Roomsk Frysk Boun* (the association of Roman Catholic Frisians) merged with the *Kristlik Frysk Selskip* following collaboration between the two

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The Protestant Church in the Netherlands was created on 1 May 2004 from a merger between the Dutch Reformed Church, the Reformed Churches in the Netherlands and the Evangelical Lutheran Church.

organisations for some considerable time. As a result, the scope of the Kristlik Frysk Selskip has expanded, naturally enough, to include the Roman Catholic Church in Fryslân. The Roomske Frysk Boun was founded in 1917.

A8.7 The option to found protestant or Roman Catholic schools and the position of the Frisian language in such schools has already been discussed above. Theoretically, that position is the same as the one adopted for Frisian in State schools in Fryslân.⁸⁵ After all, insofar as these schools are financed on the same footing as State schools – and this applies to all protestant and Roman Catholic schools in Fryslân – the statutory provisions in respect of Frisian as a subject and language of instruction at primary and secondary education schools also apply in this regard.

Article 9

1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.
2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.
3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.
4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Article 9, paragraph 1

A9.1 It has already been explained above under Article 7 how Article 7 of the Dutch Constitution guarantees the freedom of expression in the broadest sense of the expression. Freedom of expression applies to every person, which is to say that it applies not only to all citizens of the Netherlands – and thus also to all Frisians – but also to foreigners.

A9.2 The protective force of Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) also applies in that connection. In the Netherlands, the imparting and receiving of ideas and information can be done in the Frisian language without any legal impediment.

⁸⁵ See above in sections 3.1.3, 3.2.4, A3.10, A5.4 and A5.7. Education is discussed in more detail below in the review of the application of Articles 12 to 14 of the Framework Convention.

A9.3 The two provincial daily newspapers produced in Fryslân assume their own responsibilities in respect of use of the Frisian language. Their policy is to use the Frisian language in editorial articles, albeit on a limited scale. This decision has partly to do with the policy of both newspapers to quote interviewees in their own language, Frisian or Dutch. Reports are also often made in Frisian concerning culturally Frisian subjects. Letters to the editor are placed in the language used by the writer, i.e. in Dutch, Frisian or another local language that is in living use in Fryslân. In addition, several contributions appear in the Frisian language each week in the weekend supplements. Some of these weekend contributions take the form of literary pieces or columns. Some of them dilate upon culturally Frisian subjects. On average, the use of Frisian in editorial articles remains restricted to a maximum of 5 per cent a week. Government interference influencing this policy is nil.

A9.4 Additionally, the second sentence in this paragraph to Article 9 establishes that the Parties, without any discrimination, will ensure that persons belonging to a national minority will not be discriminated against in their access to the media. The inclusion of the phrase “within the framework of their legal systems” is of importance in this regard. The fact is that in countries such as the Netherlands, access to the media is a matter that government influences only to an extremely limited degree and, precisely because of respecting freedom of expression, is chiefly left to people’s personal freedom. As a result, the opportunities for countries such as the Netherlands to act in a regulatory manner in this connection are extremely limited.

Article 9, paragraph 2

A9.5 **Radio and television.** An exception must be made for radio and television, where government involvement is required, such as in respect of granting broadcasting licences. Broadcasting licences are granted in the Netherlands without discrimination and on the basis of objective criteria.

A9.6 Regional and local public broadcasting is of particular importance in this regard to members of the Frisian minority. The Netherlands’ third report within the context of the European Charter for Regional or Minority Languages deals comprehensively with the granting of broadcasting licences for regional and local radio and television when discussing Article 11 of the Charter. It also discusses the use of Frisian in broadcasts by public regional and local broadcasting. As a result, the reader is referred to the aforementioned section of that Charter Report.

Article 9, paragraph 3

A9.7 The difference between government involvement in respect of radio and television on the one hand and the other media on the other is also reflected in paragraph 3 to Article 9 in the Framework Convention. In relation to the printed media, a duty to refrain is all that has been formulated for the government: the government should not impede the formation and use of such media by persons belonging to a national minority. This principle is otherwise already provided for in Article 10 of the ECHR. A more active role is provided for in respect of radio and television (see sections A9.16, A9.17 and A9.19 to A9.21 below).

- A9.8 **The printed media.** The first sentence of paragraph 3 in this article discusses the creation and use of the printed media by persons who belong to national minorities. The European Charter for Regional or Minority Languages also contains relevant provisions in that regard.
- A9.9 On accepting the European Charter, the Netherlands did not endorse any provisions on the written media (cf. Article 11(1)(e), (f) or (g) of the Charter). In the Covenant on the Frisian Language and Culture (2001), however, central government and the Province of Fryslân agreed that they would strive jointly to ensure that adequate resources were made available to ensure the fullest and most varied possible range of written media in the Frisian language (Covenant 5.5). Some of these resources derive from the Province of Fryslân, while another part derives from national funds, namely the Dutch Literary Production and Translation Fund (Nederlands Literair Productie en Vertalingen Fonds).
- A9.10 Thus, in that sense, the Netherlands' policy goes beyond the minimum conditions referred to in the first sentence of Article 9, paragraph 3, of the Framework Convention, where it is stipulated that the Parties may not hinder the creation or use of printed media by persons who belong to national minorities.
- A9.11 On 5 July 2005, the Province of Fryslân decided to continue its policy for the time being in respect of Frisian-language written media, as had been decided upon previously in 2001, until 1 January 2007. To follow that date, a policy for Frisian-language written media has been established in the interim for the period 2007-2010. An annual sum of € 226,890 was made available over the period 2002-2006.⁸⁶
- A9.12 Article 6.4.6 of the Implementation Covenant on the Frisian Language and Culture (2005) notes that the Province of Fryslân, as part of its policy on use of the Frisian language in written media, should pay Afûk up to and including 2005 annually a temporary subsidy of 181,000 euro to publish four Frisian-language thematic magazines each year for free distribution.⁸⁷
- A9.13 Article 6.4.7 of the Implementation Covenant on the Frisian Language and Culture (2005) notes that the Province of Fryslân should pay up to and including 2006 a temporary subsidy to the F-side project, as part of its policy on use of the Frisian

⁸⁶ Of the aforementioned provincial sum, € 181,512 goes to special feature magazines, such as issued quarterly by Afûk since September 2002 and with a circulation of approximately 20,000 copies per edition, and a sum of € 45,378 is given to the cultural-literary magazine *de Moanne*, which has appeared ten times a year since September 2002. Since then, the number of subscribers has grown from 350 to 750. Moreover, the Province of Fryslân has facilitated the Frisian-language F-side up until 1 January 2007; this has appeared in both Frisian newspapers since 1994, presently appearing some twenty times a year. The literary magazine *Hjir* is subsidised to the sum of almost € 9,000 per annum. The literary Internet magazine *Farsk* has been supported since 2006 with a sum of over € 13,000 per annum. *De Moanne*, *Hjir* and *Farsk* all receive financial support from the Foundation for the Production and Translation of Dutch Literature (NLPVF). Since 2002, *Styl* has appeared with provincial support on 14 occasions: a Frisian-language section in the journal *Friesland Post*.

⁸⁷ From September 2002 up to and including November 2006, 18 thematic magazines have been published: on books (5, i.e. once every year), on children (once every year), on excursions in Fryslân (3 issues), on the Frisian language (1), about villages in Fryslân (1), about environment (1), school (1) and health (1).

language in written media. The F-side project is aimed at publishing at least 25 entirely Frisian-language pages per year in the two Frisian provincial daily newspapers. In 2005, an amount of 117,832 euro was made available to this project. This temporary grant will be indexed annually.

A9.14 Article 6.4.8 of the Implementation Covenant on the Frisian Language and Culture (2005) notes that the Province of Fryslân should pay up to and including 2005 a subsidy of 45,000 euro per year to the magazine *de Moanne*. This general/cultural opinion magazine contains at least three-quarters of Frisian-language texts.

A9.15 As mentioned earlier, the Provincial Executive of Fryslân, in its policy document on the use of the Frisian language in the written media (*Frysk Skreaune Media 2007-2010*) evaluated the policy implemented with regard to Frisian-language magazines and took a decision about which Frisian-language media would be supported financially in the 2007-2010 period. In this four-year period, the Province of Fryslân will make possible the publication of:

- quarterly thematic magazines,
- *de Moanne*, the general cultural opinion magazine, published ten times per year,
- *Hjir*, a bi-monthly literary magazine,
- *Farsk*, the fortnightly Internet magazine,
- four to six *Farskskriften* each year,
- the general-interest magazine *Styl*,
- as well as helping to enable new initiatives aimed at 12-18 year-olds in secondary and vocational education.

Funding of the *F-side*, a page in both Frisian daily newspapers about 25 times per year, will be discontinued.⁸⁸

A9.16 **Radio and television.** In respect of radio and television, States are expected to guarantee that persons belonging to a national minority are provided with the opportunity to create and use their own media. However, the inclusions “in the legal framework” and “as far as possible” indicate that the States have their necessary freedom concerning the manner in which they interpret this obligation. This distinction alludes to the relative scarcity of available frequencies and the necessity for regulation in that domain. The right of persons belonging to a national minority to solicit funds for the creation of media is not expressly mentioned in view of the fact that this was considered to be self-explanatory.

A9.17 In this instance, too, reference is made to the Netherlands’ Third Report within the context of the European Charter for Regional or Minority Languages (Article 11 of the Charter). This deals comprehensively with the granting of concessions, the use of Frisian in broadcasts by public regional and local broadcasting, and the options for using Frisian in broadcasts by commercial broadcasters – although, there are no Frisian-language commercial broadcasters in the Netherlands. Moreover, little or no use is made of Frisian in regional commercial broadcasting.

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Province of Fryslân, *Notysje Frysk Skreaune Media 2007-2010*. [Ljouwert] 2006.

Article 9, paragraph 4

- A9.18 A variety of measures are being taken to facilitate access to the media for persons belonging to the Frisian minority. The abovementioned government subsidies for the Frisian written media are examples of this. Regulations in respect of the use of the Dutch and Frisian languages in television programmes also make a significant contribution in that regard. The latter point is discussed in more detail below.
- A9.19 With regard to the use of Dutch and Frisian, the Media Act lays down a number of requirements for television programmes that are relevant to this report. Thus, for example, Section 54a, subsection 1, of the Media Act provides that organisations that have been allocated broadcasting time must devote at least 50% of their television broadcasting time to original programming in Dutch or Frisian. Such programming does not include programmes that are ‘subtitled in or dubbed into Dutch or Frisian’. Mixed programmes, such as a daily television news programme, count towards this requirement in their entirety, unless the Dutch or Frisian languages occupy a very marginal position in the programme concerned (cf. Bulletin of Acts and Decrees 1992, 334, p. 28).⁸⁹ The provision in Section 54a, subsection 1, of the Media Act applies to public broadcasting as a whole, i.e. both to the national channels and to regional and local broadcasting organisations.⁹⁰ The policy rules drawn up by the Media Authority expand on this provision in more detail (see sections A9.22 and A9.23).
- A9.20 The Media Act contains a similar provision with regard to promoting the use of Frisian in commercial radio and television programmes. Section 71o of the Media Act provides that:
- 1 at least 40% of a commercial broadcasting organisation’s television programme consists of original Dutch or Frisian-language programme segments;
 - 2 an order in council can determine the minimum percentage of programme segments, as referred to in subsection 1, that is to be provided with subtitling for hearing-impaired people;
 - 3 In special cases, if so requested and under certain conditions, the Media Authority can lower the percentages for a particular commercial broadcasting organisation, as referred to in subsections 1 and 2.⁹¹
 - 4 Subsection 1 does not apply to a programme for special broadcast.⁹²
- All of this is explained in more detail in the Policy Rules on Programme Quotas drawn up by the Media Authority.
- A9.21 Several of the articles from the renewed Policy Rules on Programme Quotas as laid down by the Media Authority on 30 August 2005 (Government Gazette 2005, 189, p. 20) are not only of relevance for regional public broadcasting in the

⁸⁹ The calculation of the percentage of programming in Dutch or Frisian does not include broadcasting time devoted to advertising.

⁹⁰ A similar provision applies to commercial broadcasting. This is regulated in Article 521 of the Media Decree.

⁹¹ This is regulated in Article 10 of the Policy Rules on Programme Quotas of the Media Authority.

⁹² According to Section 1.1 of the Media Act, a special broadcast is a programme distributed in an encoded broadcast and intended to be received by a part of the public consisting of persons who have entered into an agreement with the broadcasting organisation providing the programme to the effect that such persons may receive the programme.

Frisian language. They are also of relevance to commercial broadcasting with regard to original Dutch or Frisian-language programme segments as referred to in Section 71o, subsection 1, of the Media Act.

- A9.22 Article 8 of the aforementioned renewed policy rules determines that the following are to be considered among the Dutch or Frisian-language segments as referred to in Section 54a, subsection 1, and Section 71o, subsection 1, of the Media Act:
- a. programme segments that are dubbed into Dutch or Frisian;
 - b. programme segments containing segments from originally non-Dutch or non-Frisian programme segments that are introduced in Dutch or Frisian by a presenter.

A9.23 According to Article 9 of the Policy Rules on Programme Quotas:

- 1 The achieved percentage of original programming in Dutch or Frisian within the meaning of Section 54a and Section 71o of the [Media] Act is calculated on the basis of the total available broadcasting time on each channel per annum;
- 2 Repeats of earlier broadcasts are included in the calculation of the achieved percentage of original programming in Dutch or Frisian.

Article 10

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.
2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.
3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

Article 10, paragraph 1

- A10.1 In the Netherlands, the use of Frisian, without interference, both in the private and public domain, arises from Article 7 of the Constitution, which guarantees freedom of expression through the printed media, radio and television, as well as through other channels. Section A7.5 above has already stated how this right self-evidently also applies to members of the Frisian minority, including in that connection instances that relate to the use of the Frisian language.
- A10.2 The expression “in public” refers to, for example, a public space, the outdoors or when in the presence of others. However, this does not allude in any instance to

relations with the administrative authorities. These are discussed in the paragraph 2.

A10.3 Sections 3.5.7 and 3.5.8 deal in some detail with views of residents in Fryslân concerning the use of Frisian in a variety of situations and areas of life. The reader is referred to those sections for the sake of brevity.

A10.4 Otherwise, conflicts do sometimes arise in mixed language situations – such as last year during a provincial meeting of the ANBO (the Dutch Senior Citizens’ Association) – according to reports in the two Frisian daily newspapers. These matters are points for the attention of the Province of Fryslân. Complaints in this regard are sometimes referred on to another body, (c.f. sections A4.10 to A4.14), although not always with a satisfactory outcome for members of the Frisian minority.

Article 10, paragraph 2

A10.5 The subject of this article’s second paragraph is the use of the Frisian language in relation to administrative authorities. This provision does not cover all relations between Frisians and government. In this case, it relates only to the administrative authorities.

A10.6 Pursuant to this paragraph, the States will endeavour as far as possible to safeguard the circumstances under which it would be possible for minority languages to be used in communications between persons belonging to national minorities and administrative authorities. The wording chosen allows the States a wide margin for policy making and, in addition to this, has been furnished with a further three conditions.

A10.7 Thus this aim applies only to those areas where persons belonging to national minorities are traditionally resident or in which they constitute a substantial proportion of the population; it applies when these persons make a personal request for the use of the minority language and, finally, it applies if such a request corresponds to a real need.

A10.8 The term “administrative authorities” should be understood in a broad sense and covers, for example, the institution of the Ombudsman. It is up to the States individually to determine the extent to which all of these conditions are to be fulfilled. The government is of the opinion that the Frisians in the Province of Fryslân fulfil these criteria.

A10.9 Provision has been made in the General Administrative Law Act (Awb) for the use of the Frisian language in contacts with administrative authorities. This act has been discussed previously in sections 3.2.5 and 3.2.6, in section A3.11 and more comprehensively in sections A4.34 to A4.48. Use of Frisian in contacts with the National Ombudsman has been discussed previously in sections A4.15 to A4.20.

A10.10 Given that, in its Third State Report on the Application of the European Charter for Regional or Minority Languages, the Netherlands reported at length on the use

of Frisian in contacts with administrative authorities, including infrastructure, the reader is referred to that section of the Third State Report (Article 10, Charter). This also includes a factual description of the situation.

Article 10, paragraph 3

- A10.11 Paragraph 3 bears strong similarity to Article 6, paragraph 2, and to Article 6, paragraph 3, sub a and sub e, of the ECHR, which establishes a person's right to be notified without delay, and in a language that he or she understands, of the reasons for his or her arrest and of the nature of and reason for the charge brought against him or her, as well as the right to defend oneself in that language with, if necessary, the assistance of an interpreter free of charge.
- A10.12 It is not the intention of that paragraph to confer any rights in addition to those already arising from the aforementioned provisions in the ECHR. The latter was also expressed in the statement made by the Netherlands at the time of the convention's ratification.
- A10.13 In criminal cases outside of the Province of Fryslân, this right has been laid down in Section 12 of the Use of Frisian (Legal Matters) Act in which it is stipulated that: "If a defendant or witness at a hearing in a criminal case outside the province of Fryslân wishes to speak Frisian and makes a reasonable case that he is unable to express himself adequately in Dutch, the judge presiding over the hearing may rule, if he thinks it desirable, that assistance shall be provided by an interpreter. Article 306, paragraphs 4, 6, and 7, of the Code of Criminal Procedure shall apply."
- A10.14 A broader right to use the Frisian language applies to proceedings within the Province of Fryslân. The Use of Frisian (Legal Matters) Act provides rules for the use of the Frisian language in proceedings relating to criminal, civil and administrative law insofar as the hearing is held in the Province of Fryslân. Procedural documents, with the exception of writs of summons and indictments, may be compiled in Frisian in these proceedings. As a result, legal practice in the Netherlands goes beyond the prescriptions under Article 10, paragraph 3, of the Framework Convention.
- A10.15 This act, which originally came into effect in 1956, was amended in 1997, which gave grounds for expanding the opportunities under which the Frisian language could be used in the administration of justice. For that reason, employees of the courts in the Province of Fryslân, wishing to improve their active or passive knowledge of Frisian, are able to take part in Frisian courses on an individual basis (see sections A4.28 to A4.33).
- A10.16 Given that, in its Third State Report on the Application of the European Charter for Regional or Minority Languages, the Netherlands reported at length on the use of the Frisian language in contacts with legal authorities, including infrastructure, the reader is referred to that section of the Third State Report (Article 10, Charter). This also includes a factual description of the situation.

Article 11

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.
2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.
3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

Article 11, paragraph 1

- A11.1 This provision provides for the use of names in a minority language. Pursuant to paragraph 1, the States promise to recognise the use of first names and surnames in a minority language and the right to their official status. The implementation of this right is done according to modalities to be established in law by the State concerned. The specific circumstances varying from country to country can and must be observed in that regard.
- A11.2 The use of Frisian first names is not subject to any legal impediment whatsoever in the Netherlands. The government does not have a list of Frisian first names that are either permissible or otherwise. However, various reviews of Frisian first names are available for consultation on the Internet, rendering assistance to parents in the choice of suitable names for their children should they so wish. One of these lists can be found at the following website:
<http://www.heitenmem.nl/Namenkiezer/>
- A11.3 It is not only the Framework Convention that provides for the use or adoption of surnames in Frisian at the request of the parties concerned. It also forms a part of the European Charter for Regional or Minority Languages (Article 10, paragraph 5, of the Charter) – albeit as an option. The Netherlands subscribed to this option at the time of ratifying the Charter.
- A11.4 In 2002, the Netherlands amended legislation in order to implement this decision. For details in that regard, the reader is referred to the Third State Report by the Netherlands within the context of the European Charter: specifically, sections 8.126 to 8.135. According to a statement by the Ministry of Justice, 10 to 20 applications are submitted annually regarding a change of name in Frisian. The customary charges for changes of name are attached to this.

Article 11, paragraph 2

- A11.5 Pursuant to paragraph 2, the States promise to recognise the right of members of national minorities to display signs, inscriptions and other information of a private nature in the minority language. This provision is without prejudice to any obligation also to display the official language alongside such texts.
- A11.6 This right corresponds closely to the freedom of expression included in Article 7 of the Framework Convention.
- A11.7 This right is used in particular by those Frisians in Fryslân in rural areas. Frisian-language signs alerting motorists to children at play can be seen in many locations. Moreover, some companies use Frisian on their company cars.
- A11.8 The new provincial policy plan for the Frisian language (2008-2010), which bears the title “Fan rjocht nei praktyk: taal tusken minsken (From rights into practice: language among the people)”, argues that Frisian should become a commonplace in everyday life in Fryslân as Basque is in the Basque Country or Welsh is in Wales. Nevertheless, the policy plan does not stipulate precisely how this objective is to be achieved.
- A11.9 From now on, however, the province will be asking banks, supermarkets and restaurants to use more Frisian in all of their inscriptions and also on menus. Inscriptions at the Provincial Government Building are either Frisian-language or else bilingual, but the inscriptions referred to in the present paragraph do not come under the force of Article 11, paragraph 2.

Article 11, paragraph 3

- A11.10 The objective of paragraph 3 is to promote place names, street names and other topographical features, intended for the public, also being displayed in the minority language. When implementing this principle, States are able to take their specific conditions into account, as well as the framework of their own legal system, including, insofar as applicable, treaties with other countries. This provision does not entail any official recognition of place names in minority languages.
- A11.11 For decades, the Netherlands has maintained a traditional policy in relation to place names, street names and other topographical features given in the Frisian language. Since 1953, central government has operated under the principle that the local authorities in the province of Fryslân have their own authority to establish the names of villages, towns, streets, squares, etc. in the Dutch and/or Frisian languages.
- A11.12 If a Frisian municipality has officially established these names in Frisian, central government departments will then also exclusively employ such Frisian names in their correspondence and documents. If these names have been officially established in Dutch or in both languages, the government departments will employ the Dutch-language names.

- A11.13 Over the past 25 years, various Frisian municipalities have proceeded to establish monolingual names in Frisian for towns and villages and for the name of the municipality itself. In 1997, the monolingual name for the province was officially established as Fryslân, having been changed from Friesland.
- A11.14 Given that the Netherlands reported at length on policy and developments in this regard in its Third State Report on the Application of the European Charter for Regional or Minority Languages, the reader is referred to that section of the Charter Report: see Article 10(2)(g), Charter (sections 8.76 to 8.99 of the Charter Report). This also includes a factual description of the situation.

Article 12

1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.
2. In this context the Parties shall *inter alia* provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.
3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

- A12.1 Articles 12, 13 and 14 relate to educational arrangements of importance to members of national minorities from a variety of perspectives.

Article 12, paragraph 1

- A12.2 The intention of Article 12 is to promote knowledge through education and research in terms of the culture, history, language and religion of both national minorities and the majority.
- A12.3 Given that, in its Third State Report on the Application of the European Charter for Regional or Minority Languages, the Netherlands reported at length on the teaching of Frisian history and culture, the reader is referred to that section of the Charter Report: see Article 8(1)(g), Charter (sections 6.305 to 6.321). This also includes a factual description of the situation, partly bearing on national developments in the field of education in Dutch history and culture.
- A12.4 In that connection, the report (section 6.321 Third State Report on the Charter) reached the conclusion that the teaching of Frisian history and culture does not receive explicit attention in Dutch legislation. The situation appears to be no different in educational practice, although efforts are being made to develop Frisian-language classroom materials for subjects such as environmental studies, history and cultural education.
- A12.5 The Fryske Akademy plays an important role as a research body in respect of research relating to the Frisians' culture, history, language and religion. The Third State Report on the Charter discusses the role of the Fryske Akademy at length (see sections 10.46 to 10.59, Third State Report on the Charter).

A12.6 Moreover, the University of Groningen has a chair in Frisian language and literature. There are also facilities for the subject of Frisian language and literature at the University of Amsterdam and the University of Leiden. Since 1 June 2003, the University of Leiden has had a special chair on the History of the Frisian Countries in the Middle Ages (for further details, the reader is referred to sections 6.266 to 6.270, Third State Report on the Charter).

Article 12, paragraph 2

A12.7 Article 12, paragraph 2 provides a non-exhaustive account of the tools with which paragraph 1's objective can be achieved. Specific mention in that regard is made to adequate opportunities for teacher training and access to textbooks.

A12.8 The following was noted in relation to this in the Third State Report on the Charter. The Committee of Experts for the European Charter for Regional or Minority Languages observed on a variety of occasions that greater efforts had to be made in teacher (remedial) training where the Frisian language and culture were concerned in order for full compliance with the Charter commitments undertaken by the Netherlands in those areas (see sections 6.323 and 6.324, Third State Report on the Charter).

A12.9 That conclusion would also appear to be supported by the Education Inspectorate's findings in respect of Frisian in secondary education. A report by the Inspectorate dating from 2006 concerning the quality of the subject of Frisian in primary and secondary education stated that 40 % of the teachers of Frisian at secondary schools were not qualified for that subject⁹³ (for further details, see section 6.198 of the Third State Report on the Charter).

A12.10 Apart from that, the Dutch government's view is that, officially speaking, there are virtually no omissions in the teacher (remedial) training concerning knowledge of the Frisian language. However, it can be stated that it is taking a long time for arrangements to be implemented between central government and the Province of Fryslân to improve the position of Frisian in the training of teachers and playgroup leaders within the context of the Covenant on the Frisian Language and Culture (2001) (see section 6.357, Third State Report on the Charter).

A12.11 It may be noted that the necessary activities are being developed as far as the supply of textbooks and other teaching material in relation to cultural education is concerned; this is partly being done in close collaboration with Frisian schools' radio and schools' television. For further details, the reader is referred to the Third State Report on the Charter (see sections 6.311 to 6.319).

⁹³ Education Inspectorate, *De kwaliteit van het vak Fries in het basisonderwijs en het voortgezet onderwijs in de provincie Fryslân: technisch rapport* [The quality of the subject of Frisian in primary and secondary education in the Province of Fryslân: technical report] [Utrecht] 2006, 95.

Article 12, paragraph 3

- A12.12 Paragraph 3 provides for equal opportunities for access to education at all levels for persons belonging to a national minority.
- A12.13 Frisians do not differ from the rest of the population of the Netherlands in this respect either in terms of regulations or in terms of policy.

Article 13

1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.
2. The exercise of this right shall not entail any financial obligation for the Parties.

Article 13, paragraph 1

- A13.1 This article provides for the right of Frisians to set up and manage their own educational and training establishments. However, two limiting conditions delineate this right.
- A13.2 Firstly, this involves private institutions that, as paragraph 2 clarifies, do not entail any financial obligation for the State. Naturally, that fact does not rule out States being able to decide to subsidise such institutions; however, they are not obliged to do so on the grounds of this convention (see also sections A13.8 and A13.9).
- A13.3 Secondly, this right can only be achieved within the framework of the educational system as it applies to a country. This may not result in making the right illusory, but it does mean that the right can be subjected to a number of criteria in respect of, for example, regulations relating to compulsory education, quality requirements, teacher qualifications and public health.
- A13.4 The institutions coming under this paragraph can be subjected to the same types of supervisions as the other institutions. If the required standards are met, it is additionally of importance that any diplomas granted be officially recognised. The national legislation concerned must be based on objective criteria and in line with the principle of non-discrimination.
- A13.5 Article 5 of the Primary Education Act determines as follows in respect of special school education not financed from public funds:
“The competent authorities of a special school will notify Our Minister [i.e. the Minister of Education, Science and Culture] of the foundation of the school within four weeks of its foundation on submission of the legal entity’s charter, which maintains the school, and of its regulations. Our Minister will likewise be notified within four weeks of any amendment to or revocation of the charter or regulations if the charter or regulations are amended or revoked.”
- A13.6 The Secondary Education Act includes a similar provision (Section 54). In addition, this act also contains provisions in respect of requirements relating to the qualifications and morality of personnel (Section 55). The act contains a further

section on the grounds of which schools can be approved as authorised to hold leaving examinations and grant diplomas (Section 56). Section 58 determines the other rules with which such a school must comply. Furthermore, Section 59 determines the conditions under which the Minister for Education, Culture and Science is able to withdraw approval for such a secondary education school. All of these provisions are in line with Article 13 of the Framework Convention, as explained above in sections A13.3 and A13.4.

- A13.7 Naturally, members of the Frisian minority are able to take up these statutory options. However, this does not happen in practice.
- A13.8 In addition, the Primary Education Act and Secondary Education Act also provide the opportunity for the founding of special schools that are financed from public funds in the same manner as for State education schools. Historically, particular use of this option has been used by Protestants and Roman Catholics in the Netherlands.⁹⁴ This is also the case in Fryslân (c.f. section A8.7).
- A13.9 Apart from that, there are also special schools financed from public funds that have been founded by Muslims or by parties who belong to another religion or set of ideological beliefs. Furthermore, several of these special schools are not ideological in nature but educational, such as the Montessori schools.
- A13.10 Members of the Frisian minority do not make any use of this statutory option as such.
- A13.11 It has been noted previously in section A3.10 that no separate schools for the Frisian minority exist at all in the Netherlands. This phenomenon can perhaps be explained through the fact that attention is given to the Frisian language at virtually all schools in Fryslân: this being more consistent and more broadly based in primary education than in secondary education. That focus in education applies to both Frisian and non-Frisian pupils.
- A13.12 Therefore, in that sense, it can be stated that Dutch educational policy in respect of the Frisian language in Fryslân encompasses all pupils and thus not only members of the Frisian minority. The comments under Article 14 of this report discuss the approach to this in more detail.

Article 13, paragraph 2

- A13.13 Article 13, paragraph 2 has already been discussed above (see section A13.2).

⁹⁴ The right to found special schools financed from public funds corresponds closely to Article 23 of the Constitution on which information was given in section A5.4. It was noted in that section that schools founded on a religious basis that comply with the statutory requirements are financed on the same footing as State schools.

Article 14

1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.
2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.
3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

Article 14, paragraph 1

- A14.1 Paragraph 1 of Article 14 states in general terms that every person belonging to a national minority is entitled to learn his or her minority language. This right can be of fundamental importance to persons belonging to the Frisian minority with a view to the retention of their own identity. In a certain sense, this right arises from Article 9 of the ECHR and from Article 9 of this Framework Convention given that it in fact concerns gathering of information about and in the minority language.
- A14.2 In the Netherlands, this right is not only recognised but is also supported in the educational system, as will be explained in the comments under paragraph 2.
- A14.3 In addition, there are also numerous opportunities for learning the Frisian language outside of the normal educational system by means of all manner of correspondence and oral courses (e.g. see Third State Report on the Charter, sections 6.301 and 6.302).

Article 14, paragraph 2

- A14.4 Article 14, paragraph 2 provides for being taught the minority language and for receiving instruction in the minority language. Given the possible financial, administrative and technical difficulties connected with teaching in a minority language, this provision has been very flexibly worded to give the Parties broad freedom in their assessment.
- A14.5 This right is accompanied by the required limiting conditions as in the case of Article 11, paragraphs 2 and 3.
- A14.6 Thus Article 14, paragraph 2 refers to a number of conditions in respect of the obligation to endeavour to ensure that a minority language is taught and that instruction is given using that minority language; specifically, there must be “sufficient demand” among the persons belonging to the national minority concerned. The phrase “as far as possible” indicates that the teaching in question depends on the State’s available resources.

- A14.7 A definition of “sufficient demand” has been consciously omitted from the Framework Convention. It is thanks to this flexible wording that States are able to take into account the special circumstances pertaining to their own countries. The choice of resources and regulations is left to the States, which are able to take their own educational systems into account in that regard.
- A14.8 The alternatives referred to in this paragraph – “...opportunities for being taught the minority language or for receiving instruction in this language” – do not rule each other out. Although the States are not obliged to provide both types of teaching on the grounds of Article 14, paragraph 2, this provision does not bar countries from both teaching the minority language as well as providing other subjects through the medium of that language. Bilingual education is *one* of the options for effecting the objective of this provision.
- A14.9 States can also have the obligations arising from this paragraph apply to nursery school education or pre-school facilities.
- A14.10 Given that in the Netherlands the Frisians have been resident historically and in great numbers in the Province of Fryslân, the Netherlands has adopted measures within the regular educational system to integrate Frisian within primary and secondary education. The Frisian language can also be used legally in pre-school facilities.
- A14.11 The precise interpretation of this obligation – which arises from Article 14, paragraph 2, of the Framework Convention – is determined to a significant degree by the undertakings made by the Netherlands within the context of Article 8 of the European Charter for Regional or Minority Languages.
- A14.12 Given that the Netherlands in its Third State Report on the Application of the aforementioned Charter reported at length on policy and developments in this regard, the reader is referred to that section of the Third State Report: see Article 8, paragraph 1, of the Charter (sections 6.1 to 6.369). This also provides a factual account of the situation.

Article 14, paragraph 3

- A14.13 Article 14, paragraph 3, concerns being taught a country’s official language and receiving instruction in that language. The objective of this provision is to offer States the freedom, insofar as this does not already arise from paragraph 2, to make the teaching of the official language and teaching in that language mandatory.
- A14.14 Educational legislation determines for all schools in the Netherlands that Dutch be one of the standard, mandatory subjects. That statutory provision also applies unimpaired to schools in the Province of Fryslân.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

- A15.1 This provision obliges the Netherlands to create the conditions necessary for the effective participation of members of the Frisian minority in cultural, social and economic life and in public affairs, particularly those affecting them. This is taken to include the promotion of consultations, inquiries and participation in decision-making processes.
- A15.2 The Explanatory Report to the Framework Convention refers to a number of measures that the States – thus including the Netherlands – could adopt in that connection, insofar as they are appropriate within their constitutional systems.
- A15.3 The following measures are mentioned in that regard:
- when preparing legislation and other administrative measures that are likely to affect Frisians directly, they will be consulted through appropriate procedures and, in particular, through their representative bodies;
 - when preparing, implementing and assessing national and regional development plans and programmes that are likely to affect Frisians directly, they will be involved;
 - conducting surveys in collaboration with Frisians for the purpose of assessing the possible impact of development activities on them;
 - the effective participation of Frisians in decision-making processes and elected bodies at both the national and local level;
 - decentralised or local types of administration.
- A15.4 The following sections refer to a number of measures that the Netherlands has adopted for mapping out better and more systematically the effects on Frisians of intended policy. This relates, first of all, to the setting up and operation of the Consultative Body for the Frisian Language. Secondly, this concerns the arrangements between central government and the Province of Fryslân on the policy to be conducted in respect of the Frisian language and culture in the relevant policy areas. Thirdly, reference should be made to the intention for the possible further decentralisation of central government policy in respect of the Frisian language and culture to the Province of Fryslân.
- A15.5 **Consultative Body.** Since 1998, the Minister of the Interior and Kingdom Relations has had a Consultative Body for the Frisian Language at his disposal. As noted previously (section 3.6.14), this body is responsible for reporting to the Minister of the Interior and Kingdom Relations concerning needs and wishes in respect of the Frisian language and culture in relation to the European Charter for Regional or Minority Languages. As a result, this is also aligned to the obligation arising from this article in the Framework Convention.
- A15.6 The Consultative Body is also responsible for advising the Minister of the Interior and Kingdom Relations on the implementation of the Covenant on the Frisian

Language and Culture (2001), and the implementation covenants relating to it, such in relation to the European Charter for Regional or Minority Languages.

- A15.7 The body publishes a periodic report as referred to in section A15.5 no less than once every two years. All this has been laid down in the Consultative Body for the Frisian Language (Creation) Decree. At present, the body consists of five members and a secretariat.
- A15.8 **Central Government-Provincial Covenant.** It is not only the Consultative Body but also the Province of Fryslân that plays a crucial role in bringing Frisians' interests and wishes to the attention of central government at the appropriate level. For example, the Province of Fryslân holds regular consultations with central government about policy in respect of the Frisian language and culture, in the broadest sense of the expression, within the context of the Covenant on the Frisian Language and Culture (2001).⁹⁵ The Provincial Council of Fryslân closely monitors this process.
- A15.9 With regard to Article 15 of the Framework Convention, it is important to note the following. Central government and the Province of Fryslân have agreed in Article 1 of the Covenant that attention is to be given to the consequences of the policy proposals for the Frisian language in all of the policy memoranda relating to areas that can be counted as coming within the scope of this covenant's application. This is being done with due regard for the undertakings entered into by the Netherlands under the European Charter for Regional or Minority Languages.
- A15.10 **Decentralisation of policy on the Frisian language and culture.** With a view to a possible further decentralisation of central government policy to the Province of Fryslân in respect of the Frisian language and culture, reference must also be made in that connection to the decentralisation report by the Lodders Committee (2008) entitled 'Ruimte, Regie en Rekenschap' ('Freedom, Governance and Accountability'). The results and follow-up from this decentralisation report may be of great significance for an improved presentation of policy in respect of the Frisian language and culture (for further details, see above in sections 3.6.9 to 3.6.13).
- A15.11 **Participation in political life.** Finally, the Frisian minority is being taken duly into account in legislation and regulations from a political perspective as well, as can be seen from the data furnished in the discussion under Article 3, paragraph 2, of the Framework Convention.
- A15.12 **Participation in cultural, social and economic life.** Given that the Netherlands discussed these areas at length in the Third State Report on the Application of the European Charter for Regional or Minority Languages, the reader is referred to that section of the Charter Report: see the discussion under Articles 12 and 13 of the Charter, which also provides a factual account of the situation.

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Sections 3.6.2 to 3.6.8 in this report discuss the Covenant's scope of application.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present Framework Convention.

- A16.1 This provision's objective is to protect national minorities from measures that would alter their proportion of the population with the intention of restricting the rights and freedoms arising from that convention. An example of this would be the alteration of administrative boundaries, whereby a national minority concentrated in one region would be divided among a variety of regions.
- A16.2 As already indicated above in section 3.1.2, central government has undertaken to respect the administrative entity of the Province of Fryslân as the starting point for its policy where the Province of Fryslân is concerned. This undertaking has been included in Article 1.2 of the Covenant on the Frisian Language and Culture (2001). It is through this undertaking that the government is providing further substance to the undertaking entered into by the Netherlands under Article 7.1(b) of the European Charter for Regional or Minority Languages.
- A16.3 Presently, serious work is underway in Fryslân on the drawing of new boundaries for municipalities in a part of the province (see section 3.1.4). A focus on the Frisian language is not playing any role in this. It is implicitly assumed that such a redrawing of municipality boundaries will not have any effect on the rights of Frisians in their relations with the new municipalities to be created.

Article 17

1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.
2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

Article 17, paragraph 1

- A17.1 On the grounds of this provision, the States undertake not to interfere with the right of persons belonging to national minorities to maintain peaceful contacts across frontiers, in particular with persons with whom they share a common identity.
- A17.2 Contacts with Frisians in German East and North Friesland have a major significance to a segment of the Frisians in the Netherlands. These contacts are made in particular between young people and members of certain professional groups (teachers, farmers and also employees of cultural, educational and scholarly institutions).

A17.3 Given that the Netherlands discussed these activities at length in its Third Report on the Application of the European Charter for Regional or Minority Languages, the reader is referred to that section of the Charter Report: see the discussion under Article 14 of the Charter, which also provides a factual account of the situation.

Article 17, paragraph 2

A17.4 The Netherlands endorses the right of persons to participate in the activities of (international) non-governmental organisations in view of the freedom of association and assembly relating in part to a right to participate undisturbed in the activities of non-governmental organisations. Thus, this right also applies unimpaired to Frisians in the Netherlands. In practice, a variety of Frisian organisations work together at an international level with other minority organisations. Included in that regard is the work of the Fryske Rie and the youth organisation FYK. For further information, the reader is referred to Article 14 in the Third State Report on the Charter compiled by the Netherlands (chiefly sections 12.27 to 12.31)

Article 18

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| <ol style="list-style-type: none">1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation. |
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A18.1 This provision encourages the States to conclude with each other bilateral and multilateral treaties for the protection of national minorities to complement pre-existing international instruments. This enables the promotion of tolerance, stability and co-operation in all manner of areas. The States are also able to adopt other measures to promote transfrontier co-operation.

A18.2 At presently, the Netherlands does not feel the need to adopt specific measures on this point in respect of the Frisians. Inter-Frisian contacts by citizens and bodies with East and North Friesland are already going extremely well, even without treaties or other measures, according to the review of Article 17.

Article 19

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| <p>The Parties undertake to respect and implement the principles enshrined in the present Framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.</p> |
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A19.1 The way in which the Netherlands has implemented the Framework Convention has already been discussed comprehensively above regarding the various provisions of the Framework Convention. On that basis, the Netherlands is of the view that Dutch policy and Dutch regulations concerning the implementation of the Framework Convention are in line with the requirements in Article 19.

Article 20

In the exercise of the rights and freedoms flowing from the principles enshrined in the present Framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities.

- A20.1 Everyone in the Netherlands is expected to respect national legislation. Therefore, this also applies to members of minorities.
- A20.2 No cases are otherwise known of in the Netherlands in which Frisians have not respected the rights of others, particularly in relation to persons belonging to the majority or to other ethnic groups.

Article 21

Nothing in the present Framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.

- A21.1 No cases are known of in the Netherlands relating to the activities of Frisians that have been in breach of the fundamental principles of international law, such as sovereign equality, territorial integrity and the political independence of States.

Article 22

Nothing in the present Framework Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any Contracting Party or under any other agreement to which it is a Party.

- A22.1 This provision is considered to be self-evident in the Dutch legal system.
- A22.2 As this report has shown, Dutch policy in some areas goes beyond the undertakings arising from the Framework Convention. However, ratification of the Framework Convention does not mean that the Netherlands would wish for a downward readjustment of its standards as regards protecting Frisians as a national minority within the meaning of the Framework Convention.

Article 23

The rights and freedoms flowing from the principles enshrined in the present Framework Convention, in so far as they are the subject of a corresponding provision in the Convention for the Protection of Human Rights and Fundamental Freedoms or in the Protocols thereto, shall be understood so as to conform to the latter provisions.

A23.1 The ECHR applies directly to the Dutch legal system. Consequently, corresponding articles from the Framework Convention are interpreted in light of both the ECHR and the Dutch Constitution.

Article 30

1. Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible to which this Framework Convention shall apply.
2. Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Framework Convention to any other territory specified in the declaration. In respect of such territory the Framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.
3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

A30.1 In connection with the deposit of its instrument of ratification on 16 February 2005, the Kingdom of the Netherlands made a declaration according to which the Framework Convention shall apply to the Frisians.

A30.2 The Netherlands also stated that its government assumes that the protection provided by Article 10, paragraph 3 – despite the differences in phrasing – does not differ from the protection provided by Article 5, paragraph 2, and Article 6, paragraph 3, sub a and sub e, of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

A30.3 Finally, the Netherlands announced in its declaration that the convention would apply only to the Kingdom in Europe.