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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

**Third periodical report
presented to the Secretary General of the Council of Europe
in accordance with Article 15 of the Charter**

THE NETHERLANDS

The Netherlands: Low Saxon, Limburger, Yiddish, and Roma and Sinti languages

**European Charter for Regional or
Minority Languages**

2002-2007

Third State report on the measures taken by the Netherlands with regard to

the Low Saxon languages,
the Limburger language,
the Yiddish language, and
the Roma and Sinti languages
in the Netherlands

Responsible editor: Auke van der Goot

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A Low Saxon languages in the Netherlands

1 Introduction

- 1.1 Several variants of Low Saxon are spoken in the provinces of Groningen, Drenthe and Overijssel, in the municipalities of Ooststellingwerf and Weststellingwerf in the southeastern part of the province of Fryslân, and in the regions Achterhoek and Veluwe in the province of Gelderland. The greatest divergence is found in the province of Drenthe, between east and west in the province of Overijssel (Twente and Salland, respectively), between east and west in the province of Gelderland (Achterhoek and Veluwe), and between northwest and southeast in the province of Groningen. The Stellingwerfs variant is spoken in the municipalities of Ooststellingwerf and Weststellingwerf in the southeastern part of the province of Fryslân and in adjacent parts of Drenthe and the northwestern part of Overijssel. In the northeastern part of Ooststellingwerf Frisian is spoken as an everyday language.
- 1.2 The first State report to the Council of Europe (1999/2000) noted that the population of the area where Low Saxon languages are spoken totals approximately 3,000,000. A study conducted at the time by the regional radio station in the province of Groningen showed that about 65% of the inhabitants of the province were able to speak the Gronings variant of Low Saxon. Partly based on this, it was assumed that in the entire Low Saxon linguistic area about 1,800,000 people can speak Low Saxon.
- 1.3 The second State report to the Council of Europe (2002) announced that a large-scale survey for the whole Low Saxon linguistic region was being prepared. Now completed, this survey was carried out by the Low Saxon Institute at Groningen University in cooperation with SONT (see 1.13). The survey was carried out under the aegis of Dr H. Bloemhoff (regional language officer for Stellingwerfs), Professor H. Niebaum (professor of Low Saxon) and Professor S. Reker (professor of Gronings). Sections 1.5-1.8 discuss the results of this survey in more detail.
- 1.4 The second State report also announced that a new survey would be carried out among residents of the Low Saxon linguistic region in the province of Gelderland. The survey was to be carried out by a market research agency specialised in statistically representative telephone surveys. Funding commitments for this had been made by e.g. the Zutphen-based Planten Fund. The Province of Gelderland has not made any announcements regarding the results of this survey for the present report (also see 1.25).
- 1.5 In 2005 the Low Saxon Institute at Groningen University published, in collaboration with SONT, a study entitled *Taaltelling Nedersaksisch. Een enquête naar het gebruik en de beheersing van het Nedersaksisch in Nederland*. The results of this survey, conducted in 2002/03, show that Low Saxon is still frequently used and that there is a certain command of Low Saxon. However, older generations do better in terms of the level of command and frequency of use than younger generations. It can be stated that the command of Low Saxon generally exceeds its usage, according to the Province of Groningen. In 2007, Groningen took over the role of the coordinating point of contact at the administrative level from the Province of Overijssel.
- 1.6 The study *Taaltelling Nedersaksisch* shows that according to the data provided by the Province of Groningen, 77.7% of its inhabitants speak the Groningen variant of Low Saxon reasonably to very well; 45.6% actually speak it at home and 46.4% frequently (weekly to monthly) read Gronings. The results show that there is still much work to be done. The Province of Groningen perceives this quantitative survey as a baseline measurement. Time will tell whether the command and usage of Gronings will deteriorate further or if the opposite will be the case.

- 1.7 The same study shows that in the Province of Drenthe 76.6% of inhabitants speak Drents and that 52.9% do so on a daily basis. Drenthe also believes that the results show that there still is much work to be done. The Province of Drenthe also perceives this quantitative survey as a baseline measurement. Time will tell whether the command and usage of Drents will deteriorate further or if the opposite will be the case.
- 1.8 On the basis of this survey, the Province of Overijssel reports that no less than 70% of its inhabitants still speak Low Saxon, but far fewer people actually use the language. Neither the Province of Gelderland nor the municipalities of Ooststellingwerf and Weststellingwerf made any reports regarding the results of the quantitative survey (see 1.25-1.26).
- 1.9 In the Province of Drenthe two additional language surveys were carried out. In 2005, the Fryske Akademy – in assignment of the Drentse Taol foundation and the Province of Drenthe – published a study entitled *Taalbeeld van de leerlingen in het Drentse onderwijs*. This study deals with the language of pupils in Drenthe education and investigates the relationship between the linguistic background and school performance of pupils at primary education in Drenthe. *Taalbeeld* shows that probably 10% of Drenthe's toddlers arrive at their playgroup or their day-care centre knowing only Drents. In areas where many parents are low-educated, this percentage can be as high as more than 50%. In addition, there are also children who start their education with a living foreign language.
- 1.10 *Taalbeeld van de leerlingen in het Drentse onderwijs*¹ also shows that more than 20% of children (56% of boys from low-educated families) speak the regional language at home and with relatives. Outside the family and the family circle, the use of the regional language is less frequent. However, pupils in Drenthe do have a slight preference for using their own regional language when interacting with friends and at clubs/societies, compared to usage at school (the playground) and in shops.
- 1.11 In 2007 the Onderzoeksbureau Cultuur Welzijn Zorg of the Province of Drenthe was asked to map how Drenthe citizens use and perceive Drents. The so-called Drents Panel – a representative panel consisting of a large group of Drenthe citizens aged between 12 and 94 years of age – was asked about its use of Drents. Other questions concerned the panel's attitude to Drents. The conclusions: half of Drenthe's citizens speak the language on a regular basis. Only a quarter of Drenthe's citizens say they do not speak Drents. Practically everyone, however, understands the language. Especially older and low-educated people in Drenthe speak mostly Drents. This says something about the social environment in which relatively more Drents is spoken.
- 1.12 The written use of Drents is low (15% can write Drents well or fairly well). Only a few people (5%) read Drents on a regular basis. Regarding the attitude towards Drents, it can be concluded that Drenthe citizens are proud of their language and believe that their language should certainly be preserved. The majority of Drenthe citizens believe that Drents should be promoted, preferably via regional radio and/or television broadcasts, according to the report by the Onderzoeksbureau Cultuur Welzijn Zorg (2007).²

¹ E.C.M. van Ruijven, *Taalbeeld van de leerlingen in het Drentse onderwijs. Onderzoek naar de taal van de leerlingen in het Drentse onderwijs en de samenhang tussen de taalachtergrond en de schoolprestaties van de leerlingen in het Drentse basisonderwijs* (Leeuwarden: Fryske Akademy, 2005).

² E. Lange, *Drenten en hun taal; een onderzoek naar de houding en het standpunt van de Drentse*

- 1.13 There are in the Netherlands various bodies and organisations that seek to preserve and develop the Low Saxon languages. SONT, the federation of regional and local language associations in the Low Saxon linguistic region, is an umbrella organisation of 21 associations that focus on Low Saxon languages in fields varying from plays in Low Saxon to research into local language. Names and addresses are listed in Appendix A 2.
- 1.14 At the time of the parliamentary debates on the Bill to ratify the Charter, the Dutch government was asked to consider the Low Saxon languages as regional languages within the meaning of the Charter. In consultation with the provincial authorities concerned and on the basis of opinions put forward by linguists, the Dutch government acceded to this request. In accordance with this decision, the principles enumerated in Part II of the Charter are being applied to the Low Saxon languages used in the Netherlands.
- 1.15 The various provincial and local authorities from the Low Saxon-speaking region have been pressing for some time now to have Part III of the Charter applied to the policy concerning the regional languages spoken in this area. With this in mind, SONT published a report in 2003, with the title *Koesteren van een cultureel erfgoed*. This is a realisation study into the recognition of Low Saxon languages under Part III. SONT is of the opinion that the application of Part III of the Charter is possible within the current policy. At the moment, according to SONT, 39 options of Part III of the Charter have been met. The responsible authorities in the Low Saxon-speaking region agree with this. Their central point of departure for the cultural policy is that Low Saxon is an important part of the culture of the Provinces of Groningen, Drenthe, Overijssel and Gelderland and the municipalities of Ooststellingwerf and Weststellingwerf. These governments perceive the preservation of Low Saxon as their main ambition.
- 1.16 In the autumn of 2006, this *Koesteren van een cultureel erfgoed* report sparked off a petition to the permanent Committee of the Interior and Kingdom Relations of the Lower House of the Dutch Parliament. In this petition the Provinces of Groningen, Drenthe, Overijssel and the municipalities of Ooststellingwerf and Weststellingwerf urge for the application of Part III of the Charter to the Low Saxon languages. The Lower House did not take any action following this.
- 1.17 On 5 July 2007, a delegation from the Low Saxon-speaking region, led by Mr Gerritsen, member of the Provincial Executive of Groningen, met with the State Secretary of the Interior and Kingdom Relations. During this meeting, the delegation again advocated its wishes concerning the further recognition of Low Saxon. In this discussion, the State Secretary showed understanding for the fact that the provinces want further recognition for Low Saxon. She did however emphasize that the notion of the central government making an effort to achieve this, does not fit in with the current trend of decentralization.
- 1.18 The text of the Charter is published in English and French in the Netherlands Treaty Series 1993. The Dutch translation was published in the Netherlands Treaty Series 1993, 199. Netherlands Treaty Series 1998, 20 (at letter C) is also relevant to the Dutch translation. In 1996 the Netherlands ratified the European Charter for Regional or Minority Languages after a Bill to this effect had been passed by the Lower House of the Dutch Parliament on 19 October 1995 and by the Upper House on 23 January 1996 (Bulletin of Acts and Decrees 1996, 136).
- 1.19 At its 765th meeting, on 19 September 2001, the Committee of Ministers of the Council of Europe took note of the committee of experts' report. The Committee of Ministers has made certain recommendations, which are also relevant to Low Saxon.³
- 1.20 In 2001, the Netherlands was advised to develop a national language policy on Low Saxon and the

³ *burgers ten opzichte van hun taal* (Assen: Onderzoeksbureau Cultuur, Welzijn en Zorg, 2007).
Council of Europe. *Report of the Committee of Experts on the application of the Charter: The Netherlands*, ECRML (2001)1, Strasbourg, 20 September 2001.

other languages protected under Part II of the European Charter in accordance with the objectives and principles set out in Part II.

- 1.21 The Netherlands Government's policy consists of making local and regional authorities in the Low Saxon linguistic region primarily responsible for developing policy on Low Saxon in accordance with the obligations entered into under the European Charter. The emphasis and intensity of policy will vary from one province or municipality to another, depending on the situation of each Low Saxon dialect.
- 1.22 Following the second information-gathering operation in 2001-2003, the committee of experts (referred to in Article 16, paragraph 3, of the European Charter) visited the Netherlands early 2004 to gather additional information from civil-society organisations promoting Low Saxon. In the course of 2004, the committee of experts set out its findings and recommendations, based on the information gathered during the working visit and on the second State report on the Low Saxon languages.
- 1.23 At its 909th meeting, on 15 December 2004, the Committee of Ministers of the Council of Europe took note of the committee of experts' report. The Committee of Ministers made certain recommendations, which are also relevant to the Low Saxon languages.⁴ The report and the recommendations can be consulted on the Council of Europe's local and regional democracy web site: www.coe.int/local.
- 1.24 In the compilation of this report, the previous reports were used, as were data provided by the Provinces of Drenthe, Gelderland, Groningen and Overijssel. SONT, the umbrella organisation, was consulted by the provinces, as was the Low Saxon Institute at Groningen University. In addition, information was provided, via the provincial executives, by the regional language officers, who are subsidized by the provinces, in Groningen, Drenthe and Overijssel. The research data mentioned in this report were, of course, also used.
- 1.25 Two areas in the Low Saxon-speaking region need to be mentioned separately. The Province of Gelderland notified the Ministry of the Interior and Kingdom Relations that there has been little or no change at all in the situation in the province since the previous report. The level of the province's policy efforts has remained the same. According to Gelderland this means:
- completion of the regional language dictionaries for the entire province;
 - a regional language consultant for the Achterhoek (part-time);
 - one or two small projects every year to promote the regional language; this involves a grant of two to five thousand euros.⁵
- Therefore the data concerning Gelderland have not been updated in this report.
- 1.26 The reporting concerning the municipalities Ooststellingwerf and Weststellingwerf has not been updated either, but for different reasons. These municipalities did not manage to provide the data in time for the expert committee's visit. The reason for this lies in the fact that the two municipalities not only work with each other, but also with the Province of Fryslân and the Stellingwarver Schrieversronte. According to the two municipalities, a careful reply to the questions demands consultation with these parties. As soon as the data of both Stellingwerf municipalities become available, these will be included in the definitive report.
- 1.27 The reference date for this report is 1 August 2007. The local and provincial authorities, which have an intimate knowledge of the needs in this area, have developed various new initiatives on Low Saxon since the committee of experts' visit in 2004. This third State report describes its response in more detail.

⁴ Council of Europe. *Report of the Committee of Experts on the application of the Charter: The Netherlands*, 2nd monitoring cycle ECRML (2004)8, Strasbourg, 16 December 2004.

⁵ E-mail from the Province of Gelderland to the Ministry of the Interior and Kingdom Relations, dated 10 July 2007.

2 Application of Article 7

2.1 Article 7, paragraph 1.a (recognition of regional or minority languages as an expression of cultural wealth)

2.1.0a The Dutch government, by ratifying the Charter in 1996, recognises the contribution of the Low Saxon languages to the cultural wealth of our country. Dutch policy thereby accords with Article 7, paragraph 1.a, as the committee of experts noted.⁶ Local and regional authorities in the entire Low Saxon linguistic region have a primary responsibility to develop a policy favouring these regional languages. Depending on the situation of each of the Low Saxon languages, the provincial and local authorities have taken several initiatives in this respect and have based their policies on the following objectives:

2.1.1 Province of Drenthe

2.1.1a Since 1982, the following policy documents and resolutions concerning the Drenthe language and regional culture have been published:

1982 'Provincial policy on the cultural heritage of Drenthe'

1995 'Art and culture in Drenthe'

1997 'Regional culture and literature'

1999 The provinces of Drenthe, Fryslân and Groningen and the cities of Groningen and Leeuwarden jointly laid down their aspirations for regional languages in the policy document 'Northern Cultural Compass'.

2002 Letter on the 'State of play in cultural policy' from the Provincial Executive to the province's Culture and Welfare Committee

2005 *De Kunst van het Combineren* – Cultural policy document Province of Drenthe 2005-2008.

2007 Decision to establish the Huis van de Taal. In this Huis (House), the most important players in the field of the Drenthe language and regional culture were united into a solid organisation.

2.1.1b The province of Drenthe's current policy on local language is laid down in the 1997 sub-policy document on regional culture and literature. It contains ten policy proposals relating to language, of which RC 19 is considered the most significant. RC 19: 'We shall continue to promote the use and acceptance of Drents alongside Dutch, at all levels of society and in various social sectors, with particular emphasis on the use of Drents in the media, education, the courts and administration, as well as in cultural activities and exchanges.'

2.1.1c For the contents of the provincial policy 2005-2008 concerning the preservation and promotion of the Drenthe language, please see Appendix A 1.

2.1.2 Province of Fryslân (municipalities of Ooststellingwerf and Weststellingwerf)

2.1.2a Since 1977, the following policy documents and resolutions have been created with regard to the Stellingwerf language:

1977 First policy proposals submitted to the Speaker of the Lower House, Dr A. Vondeling, in a report entitled 'Veerder mit et Stellingwerfs'

1980 The provincial authority of Fryslân asked the two municipalities to take an official stance on Stellingwerfs

1981 Positive stance concerning the local language explicitly laid down in council decisions on a number of occasions. The municipal executives of Ooststellingwerf and Weststellingwerf undertook to protect the local culture and language of Stellingwerf, if possible in cooperation with other authorities. It was also agreed by the local councils that Dutch is the official language in both municipalities, but that members of the public may use Stellingwerfs in their dealings with the local authorities of Ooststellingwerf and

⁶ Ibid., section 15.

- Weststellingwerf.
- 1982 Establishment of an intermunicipal working group on Stellingwerfs
- 1983 The final report by the provincial working party on the use of Frisian in official matters, entitled 'Fan geunst nei Rjocht' (From favour to right) also looks at the position of Stellingwerfs. The municipal authorities bear primary responsibility for local languages, while the provincial and central authorities bear secondary responsibility.
- 1984 Final advisory report by the intermunicipal working group.
- 1986 The two municipal executives fully acknowledged their policy responsibility in a council decision stating that 'regional languages have a historic and a living value and that the wealth of uniquely regional expression they represent is worthy of preservation. The central aim as far as the linguistic policy of Stellingwerf municipalities is concerned will be to strive to keep the regional language alive alongside and equal to standard Dutch (ABN).'
- 1995 The provincial executive of Fryslân indicated that it favoured 'non-prescriptive language policy', thus placing primary administrative responsibility with the municipal executives of Ooststellingwerf and Weststellingwerf.
- 1999 The provinces of Drenthe, Fryslân and Groningen and the cities of Groningen and Leeuwarden jointly laid down their aspirations for regional languages in the policy document 'Northern Cultural Compass'.
- 2001 The executives of both municipalities Ooststellingwerf and Weststellingwerf have decided to maintain the activities of the regional language officer for some years to come. These activities relate to research, the production of language aids and the provision of advice on correct language usage. Priority is being given to e.g. the development of a Dutch-Stellingwerfs dictionary, a map showing the names of villages, roads, bodies of water and other major topographical features in Stellingwerfs, and an official glossary.
- 2002 The municipal executives have also decided to cooperate on further planning with a view to an intensification of action on the Stellingwerfs language (see also subsection 2.3.2). This was decided at meetings of the executives on 19 and 26 February 2002, respectively. The decision is recorded in a joint letter to the Provincial Executive of Fryslân dated 7 March 2002.

2.1.3 Province of Gelderland

- 2.1.3a In order to support research into and awareness of the unique local heritage of the Achterhoek and the Liemers districts, the Staring Institute receives subsidies from provincial and local authorities.

2.1.4 Province of Groningen

- 2.1.4a Since 1995, the following policy documents and resolutions have been created with regard to the Groningen language and culture:
- 1995 Motion by the provincial council relating to the recognition of Low Saxon within the framework of the European Charter for Regional or Minority Languages (4 October 1995)
- 1995 Decision to establish a Gronings Language and Culture Office (13 December 1995)
- 1997 Provincial Cultural Document 1997-2000 'The art of balancing', approved by the provincial council on 5 February 1997
- 1999 The provinces of Drenthe, Fryslân and Groningen and the cities of Groningen and Leeuwarden jointly laid down their aspirations for regional languages in the policy document 'Northern Cultural Compass'.
- 2001 Province of Groningen's 2001 policy document on art and culture.
- 2002 Decision to establish Huis van de Groninger Cultuur, an umbrella for organisations and foundations that develop activities in the field of the regional language and history of Groningen.
Decision to the creation of the Media budget Groninger Cultuur for all (new) media, and to support activities that strengthen Groningen culture (including language) and widen its reach.
- 2005 *Stroomversnelling*. Cultural policy document 2005-2008 Province of Groningen.

- 2005 Regional Culture Plans. (Action plan cultural range 2005-2008): increase the cultural range of young people and other target groups, for example by means of activities in the regional language.
- 2.1.4b The provincial policy concerning the regional language was articulated in the Cultural policy document 2005-2008, entitled *Stroomversnelling*. Where policy is concerned, this regional language policy places particular emphasis on bringing out the cohesion of the activities (independently) organised (locally as well as regionally) by private individuals, organisations and provincial and local authorities. The reciprocal influence of the various organisations will result in new and innovative initiatives. There are a great many (relatively) small organisations that are active in the field of the Groningen language and are (entirely) dependent on volunteers. The development of activities involves intrinsic as well as organisational issues. There is a need for contact, exchange of knowledge and organisational support.
- 2.1.4c The Province of Groningen has placed the implementation of the provincial policy concerning the preservation and promotion of the regional language in the hands of the Bureau Groninger Taal & Cultuur, the Huis van de Groninger Cultuur and the Stichting Grunneger Toal. The Province of Groningen awards various project grants related to the regional language on an occasional basis.
- 2.1.4d Especially the regional language officer, based at the Bureau Groninger Taal & Cultuur, and the two consultants of the Huis van de Groninger Cultuur have contributed significantly to the strengthening of the position of Gronings. In order to promote the collaboration between the cultural organisations in the province and to give as many as possible people access to the knowledge and activities of these organisations, the Huis created a Platform Cultural Organisations in 2004, from which larger and joint activities have been and still are being organised.
- 2.1.4e In addition, the Huis van de Groninger Cultuur has an activities budget at its disposal from which it can subsidize activities and publications by third parties.
- 2.1.5 Province of Overijssel
- 2.1.5a Since 1995, the following policy documents and resolutions have been created with regard to the regional language and regional culture:
- 1995 Publication of policy document 'Regional culture in Overijssel'.
- 2001 An action plan was drawn up for the implementation of the regional culture policies contained in the 'Foreign food/New appetite' provincial cultural policy document.
- 2.1.5b At the Province of Overijssel, the regional language is part of the integral welfare policy. During this Executive's term of office, the Province of Overijssel is strongly focusing on the implementation of policy and is therefore deliberately trying to produce as few policy documents as possible.
- 2.1.5c The Province of Overijssel's current policy on regional languages is laid down in the 1995 policy document. This 'delegated' the provincial policy on the protection and promotion of regional languages to the IJssel Academy in Kampen and the Van Deirse Institute in Enschede. Since 1998 each of these institutions has had a regional language consultant at its disposal. Since then, these consultants have done much to improve the position of Sallands and Twents. As of 2002, the provincial council has started to provide structural funding for regional culture. This is mainly intended to finance the work of the regional language consultants.
- 2.2 Article 7, paragraph 1.b (respect for the geographical area of each regional minority)
- 2.2.0a No measures of whatever nature have been taken to devise territorial divisions so as to render the use or survival of the Low Saxon languages more difficult. Dutch policy thereby accords with

Article 7, paragraph 1.b.⁷

2.3 Article 7, paragraph 1.c (the need for resolute action to promote such languages)

- 2.3.0a This paragraph requires the authorities to act resolutely to protect Low Saxon as a regional language. In 2001, the committee of experts was of the opinion that central government could do more for the provinces and municipalities concerned. It was also of the opinion that Low Saxon speakers in Gelderland received proportionately less assistance than those in the other provinces.⁸
- 2.3.0b On 9 May 2000, the then State Secretary for the Interior and Kingdom Relations consulted with representatives of provinces and municipalities in the northeast of the Netherlands. While praising various initiatives on behalf of Low Saxon, the State Secretary and the provinces noted that local and provincial policy will have to be intensified in some cases if the tiers of government concerned are to meet their obligations under Part II of the Charter. The current report shows that this conclusion has been taken to heart since.
- 2.3.0c On 5 July 2007 consultation was resumed with the current State Secretary of the Interior and Kingdom Relations. This was discussed earlier in this report (please see 1.17).
- 2.3.0d Over the past years, the following steps have been taken to promote and safeguard Low Saxon languages in the different parts of the linguistic region:

2.3.1 Province of Drenthe

- 2.3.1a Since 2002, the Province of Drenthe has granted the following subsidies for the benefit of its regional language and culture. A distinction is made between structural and project subsidies.
- 2.3.1b *Annual performance-related subsidies (amounts as paid in 2006):*
- Stichting Drentse Taol - € 161,152
Central address for advice, information and support regarding Drents, aimed at schools as well as other environments, in the cultural field.
 - Stichting Het Drentse Boek - € 47,490 (incl. publication of the regional literary magazine *Roet*)
Publishing house for publications in the Drenthe language:
 - Provides organisational and/or financial support to regional writers and encourages publications in/about the regional language;
 - Initiates/organizes cultural activities and events to stimulate writing, talking and reading in Drents.
 - Stichting Maandblad Oeze Volk - € 20,029
Publication of the monthly Drents magazine *Oeze Volk* (light literature and accessible fiction); a low-threshold stage for writing in Drents.

As of 2007, these annual performance-related subsidies will be combined in the annual subsidy for the *Huus van de Taol* (please also see 2.3.1c).

2.3.1c *Occasional performance-related subsidy 2007 for the starting-up phase of the Huus van de Taol - € 95,000*

In the provincial Cultural policy document 2005-2008, the wish has been expressed to unite the Stichting Drentse Taol, Stichting Het Drentse Boek and Stichting Uitgaaf Oeze Volk into a so-called *Huis van de Taal* (House of Language) in 2007. In October 2006, a report entitled '*Huus van de Taol - De sprong voorwaarts*' appeared, the contents of which was supported by all organisations as well as all volunteers, writers and external parties that had been consulted. On the basis of this report, the Provincial Council decided to enable the *Huis van de Taal* to establish a merger by means of a performance-related subsidy. This would make it possible to create a single *Huus* in 2007 and start organising joint activities. The *Huus van de Taol* is discussed in greater

⁷ Ibid., section 16.

⁸ Ibid., section 18.

detail in 2.4.1

2.3.1d *Various regional language-related project subsidies*

| Description | Amount in euros |
|---|------------------------|
| <i>Taal-, lees- en schriefbevordering</i> (2003-2006), a joint project of Het Drentse Boek and Drentse Taol; various activities were added to both foundations' regular plans | 31,585 |
| Linguistic survey Drents (2004-2007); research report of the Fryske Akademy (2005), language questionnaire (2006), research results of this (2007) and a proposal or the deployment of regional language in education (2007), Drentse Taol | 38,170 |
| Regional language concerts Noord Nederlands Orkest (2005) | 12,500 |
| Impulse regional language music 2007 (writing, composing and performing new songs in Drents (20 songs in 2007), organising a lyrics workshop, producing a CD with 20 songs, song festival), Stichting De Drentse Muziekmaatschappij, (2007) | 25,000 |
| Audiovisual portraits of Drenthe authors, Stichting Drentse Taol | 7,350 |
| Exhibition regional language and audio book about 50 years regional language in Drenthe, Stichting Maandblad Oeze Volk | 5,000 |
| The <i>Zeuvendaagse</i> ; a literary exploration by writers directly connected to Drenthe, Stichting Huus van de Taol | 7,000 |
| <i>Moi!</i> Language guide in the dialect guides series by In Boekvorm Uitgevers | 1,500 |
| Handbook Nedersaksische taal- en letterkunde (2007) | 2,000 |
| Pilot project <i>Klaor veur de start</i> (2006-2008) Please see below for further explanation | 40,000 |
| Total project subsidies 2003-2007 | 170,105 |

- The pilot project *Klaor veur de start* (2006-2008) comprises the following elements:
 - Providing playgroup and day-care centre leaders with handles to interact with regional language-speaking children and their parents in a pleasant and professional manner.
 - Recognizing and reducing interference mistakes in early linguistic development.
 - Visibly contributing to the development of toddlers' vocabulary, in which the regional language vocabulary contributes to the linguistic development in Dutch.
 - Providing materials to make a contribution, in the regional language, to the linguistic development of children at home and in their neighbourhood and to engage parents, neighbours and relatives in a discussion about the value of the regional language and its role in the linguistic development of children.

2.3.1d *Other project subsidies with regional language elements*

Several of the projects in the fields of culture, cultural education and tourism that are subsidised by the province, explicitly pay attention to the promotion of regional language. Examples include the activities in Drents that are part of Oktobermaand Kindermaand (annual) and the Jaar van de Molen (2007), the Drents part of the Zomerzinnen literary festival. However, it is difficult to determine a total amount for these activities.

2.3.1e *Other initiatives by the Province of Drenthe*

- Stimulating the (more) structural scientific study of Drents, The Hogeschool Drenthe (a college of higher education) is elaborating on a proposal for a lectureship Cultural Educational Science, in which the strengthening of identity and linguistic development (in the regional language) takes centre stage.

2.3.2 Province of Fryslân (municipalities of Ooststellingwerf and Weststellingwerf)

2.3.2a The following data were taken from the second State report. For the period 2000-2002, structural subsidies have been awarded by the provincial authorities/local authorities of Ooststellingwerf and Weststellingwerf to the following facilities:

Stellingwarver Schrieversronte

Its activities include:

- Stellingwerfs language courses;
- Stellingwerfs as part of regional culture;
- a documentation centre with collections relating to the language, literature, history and culture of the people of the Stellingwerf region;
- Stellingwerf literary ball;
- a 'sutelaktie' project on books in Stellingwerfs;
- publicity and information;
- development activities.

The Cultural Activities Scheme

This seeks to promote the publication of books in Stellingwerfs

Linguistic research into Stellingwerfs (project 1999-2002)

Provincial scheme to promote use of the Frisian language

The scheme's annual budget is €68,067 for projects

Since 11 June 1997 this scheme has been extended to the local languages, including Stellingwerfs and Bildts

Additional subsidies

Contribution to SONT for research into recognition of Low Saxon

From 2000 to 2002 funding totalled approximately €530,000 for both structural and occasional projects. This amount has been divided evenly among the province of Fryslân, the municipality of Ooststellingwerf and the municipality of Weststellingwerf.

- 2.3.2b The second State report announced that the municipal executives of Ooststellingwerf and Weststellingwerf had decided to intensify language policy substantially up to 2007. This intensification, along with the activities of the regional language officer in 2001 and 2002 (see section 2.1.2), was included in a master plan for an integrated "new policy on the Stellingwerfs dialect".
The planned intensification of this policy will include action to ensure the integrated introduction of Stellingwerfs into relevant fields covered by the European Charter for Regional or Minority Languages.
- 2.3.2c The planned timetable, stated the second State report, was as follows:
- a general preparatory phase (2003)
 - introduction of Stellingwerfs in the work of local authorities and associated public services (2004)
 - further introduction and integration in education (2005)
 - further introduction in the media (2006)
 - further introduction in cultural activities and facilities, and in social and economic life (2007).

2.3.3 Province of Gelderland

2.3.3a The following data were taken from the previous State report:

2.3.3b *Achterhoek and Liemers*

- In order to support research into and awareness of the unique local heritage of the Achterhoek and Liemers, the Staring Institute receives an annual provincial subsidy, a subsidy from the municipality of Doetinchem and an allowance per inhabitant of most other municipalities in the Achterhoek and Liemers.
- Since 1993 the province of Gelderland has given an annual subsidy to the Staring Institute's WALD project, which seeks to produce a dictionary of the Achterhoek and Liemers dialects. Six volumes of the systematic Dictionary of the Achterhoek and Liemers Dialects (WALD) have now been published, the last of them in 2001. The postal survey on which this systematic dictionary is based ended in 2002. Work on publishing

the results is still continuing and the next volume is due to appear in 2003. The provincial subsidy for this project totals €4,265 a year (not including indexation).

- In May, the Staring Institute is to commence the survey work for a follow-up research project on the grammar of Achterhoek and Liemers. The project will be headed by Dr J.B. Berns. No subsidy applications have yet been submitted.
- The province is providing an annual subsidy of €23,333 (not including indexation) towards the cost of employing the regional language consultant appointed at the Staring Institute on 15 February 2002. This means that Achterhoek and Liemers now have an officer whose job it is to draw attention to the value of the local dialect. The regional language consultant will focus his activities on primary schools.

2.3.3c *Veluwe*

- Since 1 April 2002, the province has been subsidising (€74,420) a large-scale research project on the dialects of the Veluwe and the Gelderse Rivierengebied (the southern part of the province watered by the Rhine, Waal and Maas rivers). On that date, researchers at the University of Nijmegen began work on a (systematically structured) dictionary of the dialects spoken in the Veluwe and Rivierengebied. The aim of the research is to record dialect in a manner similar to that employed since 1980 in the Achterhoek and Liemers by the Staring Institute and since 1998 in Overijssel by the IJssel Academy (in each case in the context of the dialect dictionaries for those areas). This project has been launched by the following institutions: University of Nijmegen, Gelders Oudheidkundig Contact (GOC: an umbrella organisation for museums, local history societies, regional language associations etc. in Gelderland), the IJssel Academy and the Staring Institute. The research project is concerned with both the Low Saxon dialects of the Veluwe and the Dutch-language dialects spoken in the Gelderse Rivierengebied not belonging to the Low Saxon linguistic region.

2.3.3d In addition, the Province of Gelderland subsidises one or two small projects promoting regional language per year. This concerns subsidies of two to five thousand euros (cf. 1.25).

2.3.4 Province of Groningen

2.3.4a *Annual subsidies*

The Province of Groningen gives an annual subsidy to the following organisations and activities:

| Organisations and activities | Amount in euros |
|---|------------------------|
| Bureau Groninger Taal & Cultuur/Regional language officer (1.0 fte) | 105,500 |
| Huis van de Groninger Cultuur | 325,000 |
| Stichting Grunninger Taol | 15,900 |
| Media budget regional culture | 25,000 |
| Total | 471,400 |

2.3.4b *Occasional subsidies*

Occasional subsidies were granted to:

- * Activities and publications by third parties, via a budget available at the Huis van de Groninger Cultuur.
- * Activities by third parties, organised via the Media budget regional culture.
- * Activities and publications by third parties, organised via the four regional culture plans.

For more information, please see section 2.4.4b.

2.3.5 Province of Overijssel

2.3.5a *Annual subsidies*

The Province of Overijssel has awarded structural subsidies to the following organisations and activities:

| Organisations | Amount in euros |
|---|------------------------|
| Subsidy 2007 Van Deinse Institute in Enschede | 71,572 |
| <i>Regional language consultant Van Deinse Institute</i> | 53,000 |
| Subsidy 2007 IJssel Academy in Kampen | 71,572 |
| <i>Regional language consultant IJssel Academy</i> | 53,000 |
| Support Stichting GOS | 12,900 |
| <i>Subsidy Stichting Grensoverschrijdende Streektalen (GOS)</i> | 25,652 |
| Total | 287,696 |

For more information about GOS, please see section 2.4.5d.

2.3.5b *Occasional subsidies*

In 2005 and 2006, the Province of Overijssel granted the following occasional subsidies:

| Projects | Amount in euros |
|--|------------------------|
| Regional soap opera “Van Jonge Leu en Oale Grond” – 2005 | 350,000 |
| ditto – 2006 | 92,000 |
| Total | 442,000 |

2.3.5c *Other occasional subsidies*

Several of projects in the field of culture, cultural education and tourism subsidised by the province, explicitly pay attention to the promotion of regional language. Examples include the DVD ‘Uutsprek’n’ and the Twentse Weggeroute. It is difficult to determine the total amount of these subsidies.

2.4 Article 7, paragraph 1.d (the facilitation and/or encouragement of the use of such languages in speech and writing, in public and private life)

2.4.0a In cultural activities and at cultural events, there is a growing tendency to use the Low Saxon languages in speech and in writing. The publicly-funded provincial and local broadcasting companies regularly use Low Saxon in programmes about regional culture. The length of such programmes varies from one to five hours a week. The use of Low Saxon in newspapers and magazines largely depends on whether or not the publications in question have a cultural section and how often it appears, and therefore the frequency varies from once/twice a week to once a fortnight. Low Saxon in newspapers is mainly used in prose, poetry and reflective texts about regional culture.

2.4.0b About 50 books are published annually in one of the variants of Low Saxon. CDs are also produced of songs and texts in Low Saxon. In Groningen 10 CDs are launched each year and in Gelderland editions of 3,000 are not unusual. In addition, there is a great variety of amateur cabaret, revue and theatre in the Low Saxon languages. On cultural occasions, Low Saxon is incidentally used by local and provincial authorities. Some municipalities in Drenthe and Overijssel offer to solemnise marriages in Drents and Twents. A similar practice exists in the municipality of Ooststellingwerf for marriages in Stellingwerfs.

2.4.0c In 2001, the committee of experts rightly noted that there is no all-embracing government policy on Low Saxon.⁹ This is partly because the emphasis and intensity of policy varies from one province or municipality to another, depending on the situation of each Low Saxon dialect. The local and provincial governments, which have an intimate knowledge of the needs in this area, can

⁹ Ibid., section 21.

thus deliver tailored solutions with scope for intensifying policy, as became evident during a conversation between the State Secretary for the Interior and Kingdom Relations and provincial and municipal representatives in the northeast of the Netherlands on 9 May 2000. Since then, the provinces have developed many activities.

- 2.4.0d The following steps have been taken to stimulate the use of Low Saxon languages, in speech and writing, and in public and private life:

2.4.1 Province of Drenthe

- 2.4.1a The regional language institutes subsidised by the Province of Drenthe (one single institute as of 2007) play a major role in encouraging the use of Low Saxon in public and private life. The Provincial Executive provides these organisations with structural subsidies. (see 2.3.1)
- 2.4.1b The Province feels responsible for a well-organised access to what is offered in the regional language. In order to achieve this, the Province promotes the actual and organisational collaboration between the small regional language organisations in a single physical and digital organisation. At the initiative of the Province, a recommendation entitled 'Huis van de Taal. De sprong voorwaarts' appeared in 2006. On the basis of this, the Provincial Executive decided on 31 January 2007 to raise the subsidy of the new Huis van de Taal with an amount of € 95,000, as of 2007. The regional language institute Huis van de Taal (Drents for House of Language) started as a new organisation on 13 April 2007. The Huis van de Taal comprises the Stichting Drentse Taal, Het Drentse Boek and Oeze Volk (also see 2.3.1).
- 2.4.1c In the Huis van de Taal, the three regional language organisations have joined forces, in order to gain a strong position for the coming period and to become a central point for advice, information and support in the field of the regional language and culture of Drenthe. This organisation is responsible for promoting the understanding of and interest in the dialect and to keep this cultural heritage alive.
- 2.4.1d The Huis van de Taal has two regional language officers at its disposal (approx. 2 fte). These regional language officers used to be based at Stichting Drentse Taal. The regional language officers are responsible for stimulating, developing and supporting activities in the field of the regional culture with an emphasis on the regional language.
- 2.4.1e Publication of the Drents translation of the 'Tekst ter kennismaking met de Provincie Drenthe' ('Text introducing the Province of Drenthe') on the web site www.drenthe.nl (2005). In addition the Province did research into language use and language attitude among the Drenthe population in 2007 (see 1.11 and 1.12).
- 2.4.1f The regional public broadcasting service, RTV Drenthe, partly broadcasts in Drents. RTV Drenthe also organised an opinion poll regarding the familiarity and appreciation of the regional broadcasting service in Drenthe.
- 2.4.1g *Some subsidised projects:*
Please find below some more relevant projects subsidised by the Province of Drenthe, in addition to those mentioned in section 2.3.1:
- biannual regional language festival with a varied programme of music, poetry and drama in the regional language
 - biannual Drentse Boekenweek (regional language book week)
 - digital publication of biographical and bibliographical material by and about writers writing in Drents (literature and music)
 - literary cafe De Literaire Hemel in Amen. Every second Friday of the month, De Literaire Hemel pays attention to Dutch and Low Saxon literature. Writers are interviewed about their

work, read from their own material and sign books afterwards. In 2007 the Province of Drenthe will make available 2500 euros for this particular activity

- literary cafe Taal aan Tafel in Veeningen and Norg (literature with a hot meal). In 2005 a second location was added in the Province of Drenthe, which means that this particular activity now takes place eight times a year, on Sundays
- writing contests
- publication of 6 to 8 books in Drents per year, in/about the regional language and/or the regional culture as well as reprints and new editions
- publication of the Drents Literary magazine Roet (4x per year-at least 300 subscriptions)
- publication regional language news letter (4x per year/ 400 subscriptions)
- adult courses on Drents and Drenthe regional culture
- projects in the field of heritage education
- development, publication and distribution of a brochure about multilingual upbringing and the value Drenthe's regional language can bring to this. The brochure is aimed at parents and distributed via playgroups in Drenthe
- the Streektaalprijs and the 'The Most Beautiful Word in Drents Contest' (since 2005), an initiative of the regional daily, Dagblad van het Noorden, and organised in collaboration with the regional language officer.

2.4.2 Province of Fryslân (municipalities of Ooststellingwerf and Weststellingwerf)

2.4.2a The municipalities have decided to use the Stellingwerf names for local bodies of water in their official business. These decisions were taken by the municipal council of Ooststellingwerf on 17 April 2001 and the municipal executive of Weststellingwerf on 27 March 2002. These names became effective in 2007, as part of a decision by the provincial Executive of Fryslân to establish the names for local bodies of water in Frisian as well as, where applicable, Bildts and Stellingwerfs.

2.4.2b The previous State report stated that the municipalities of Oost- and Weststellingwerf have decided that work should continue on the development of a new local language policy document entitled 'New language policy for Stellingwerf(s)'. The municipalities have decided to increase the number of literary prizes from two to three. The municipality of Ooststellingwerf is explicitly encouraging the use of texts in Stellingwerfs on vehicles used by the refuse department. The then mayor of Weststellingwerf spoke Stellingwerfs when appropriate.

2.4.3 Province of Gelderland

2.4.3a The second State report stated that the promotion of Low Saxon languages is an important aim of the provincial policy of Gelderland, as far as the Staring Institute and the foundations and associations listed under Gelderland (see Appendix A 2) are concerned. In Gelderland a number of new initiatives relating to Low Saxon languages were launched in 2000-2002 period (cf. subsection 2.3.3).

2.4.4 Province of Groningen

2.4.4a With respect to the second State report, the Province of Groningen reports the following. Structural subsidies to the Bureau Groninger Taal & Cultuur, Stichting Grunneger Toal have been maintained (see section 2.3.4). Structural subsidies to Stichting Kostverloren and the Provincial Schriefwedstried (Gronings for Writing Contest) were discontinued. The structural subsidy to the Huis van de Groninger Cultuur was raised from € 175,000 to € 325,000, as of 2007. Organisations and institutes can apply for occasional subsidies via the Huis van de Groninger Cultuur. As for the Schriefwedstried, the organisation of this project was taken over by the Huis, in collaboration with Biblionet Groningen.

2.4.4b A selection of the projects that received an occasional subsidy (along with, in most cases, the total amount of this subsidy):

| Projects 2002-2007 | Amount in euros |
|---|------------------------|
| New training Gronings teachers; development new Gronings course materials; organisation courses in Gronings (subsidy 2005 and 2006) | 50,000 |
| Stimulating innovation music in Gronings (subsidy 2002 and 2003) | 60,000 |
| Noord-Nederlands Orkest/Stichting Nij: concerts in regional language (subsidy 2005) | 12,500 |
| Groninger Boekendagen: annual activity on the theme of Gronings in literature | 12,500 |
| Publication <i>Loat joe nait nuigen!</i> Handy guide in which daily usage of Gronings is recorded | 7,500 |
| Publication, in 2005, of <i>Twee eeuwen Gronings - n golden taal</i> ; an anthology about two hundred years of written Gronings | 10,000 |
| Regional drama series <i>Boven Wotter</i> for RTV Noord (subsidy 2006) | 300,000 |
| Bible translation into Gronings (subsidy 2007) | 25,000 |
| Still under development: several educational projects (also see section 2.6.4) | 75,000 |
| Started in 2007: Project <i>Grunneger Leugenbaank</i> ; a travelling, multimedia presentation of selected fragments of dialect, with an accompanying exhibition | 25,000 |
| Contest and publication of the 'De mooiste honderd Groningse woorden' (The hundred most beautiful words in Gronings'), at the initiative of the <i>Dagblad van het Noorden</i> and in collaboration the regional language officer | |
| Total occasional subsidies 2002-2007 | 577,500 |

2.4.5 Province of Overijssel

- 2.4.5a The IJssel Academy in Kampen and the Van Deinse Institute in Enschede play a major role in the implementation of provincial policies on regional culture. Both institutions provide support for the implementation of a range of projects designed to ensure the survival of regional culture in the Province of Overijssel. In addition, since 1998 each of the institutions has employed a regional language consultant. These posts are funded by the Province of Overijssel and help to meet local needs in Overijssel in relation to the regional language (Sallands and Twents). The two consultants undertake numerous activities designed to ensure the survival of the regional language and to improve its status. Their efforts have created increased interest in and appreciation of Sallands and Twents.
- 2.4.5b The two regional culture institutes undertake innumerable activities involving the use of Low Saxon in spoken and/or written form. These include Streektaaltelefoon, publishing prose and poetry, establishing and publishing spelling rules for Twents, Bible translation, courses, organising activities like the Boerenlandoogstfestijn, Twentse language award, Gedichtendag and Day of the Regional Language, programmes on RTV-Oost (including commercials in the 'Twents, doar is niks mis met!' campaign, the regional soap series 'Van Jonge Leu en Oale Groond', 'Aksent', 'studio Oost'), Streektaalpostzegel (regional language stamp) stating 'Spreek je moderspraak' (Twents for 'speak your mother tongue'). In 2004 'Kieken wa-j zegt' ('See what you say'), the TV programme for Overijssel, reappeared. Every week the 'Stad en Land' section of the Twentse Courant / Tubantia and the Radio Oost 'Accent' programme pay attention to the regional language. In addition, the various local radio broadcasters also pay attention to the regional language on a regular basis, with the participation of the regional language consultant. As part of 'March - month of the dialect', the regional newspaper and several local papers will publish an entire page in Twents. In collaboration with the Wegener publishing group, six newspapers were published in Twents in 2003. This paper, which consisted of 20 pages, was distributed in the various parts of Twente.

2.4.5c The IJssel Academy is a centre of knowledge as well as a publishing house. In the period 2002-2006, the publishing division of the IJssel Academy published about 50 publications.

2.4.5d As part of their task, the above consultants spend a day or so per week working on the Cross-border Regional Language Project (GOS). The GOS project aims to carry out research into regional languages and to produce thematic dictionaries and grammars. In addition, the IJssel Academy is carrying out its own grammar project, for which purpose it employs its own project leader for a day or so a week.

2.5 Article 7, paragraph 1.e (the maintenance and development of links between groups using the language and other groups employing a language used in identical or similar form)

2.5.0a Collaboration between regional and local language institutions involved in the promotion of the variants of the Low Saxon in the northeastern part of the Netherlands has been encouraged in various ways. Most contacts between the organisations in the Low Saxon linguistic region are cultural in nature. Dutch policy thereby accords with Article 7, paragraph 1.e.¹⁰

2.5.0b The *Koesteren van een cultureel erfgoed* report by SONT and the *Taaltelling Nedersaksisch* report by the Low Saxon Institute at Groningen University and SONT sparked off a joint lobby by the provinces and municipalities responsible for Low Saxon to have Part III of the Charter applied to Low Saxon. (also see 1.15-1.17 and 2.5.5a).

2.5.1 Province of Drenthe

2.5.1a The Province of Drenthe supports SONT (see 1.13). In addition, the Province requires the Drentse Taol foundation to consult regularly with the regional language organisations in the Low Saxon-speaking region and to attend, at least once a year, a national meeting with regional language organisations and local and provincial authorities. Initially, Drenthe acted as the coordinator for the provinces and municipalities responsible for Low Saxon in the process of having Low Saxon recognised under Part III of the Charter. This role has now been assigned to the Province of Groningen (see 2.5.0b and 2.5.5a).

2.5.2 Province of Fryslân (municipalities of Ooststellingwerf and Weststellingwerf)

2.5.2a The following information was taken from the second State report:

- Both province and municipalities support SONT.
- The province of Fryslân and the municipalities of Ooststellingwerf and Weststellingwerf subsidise the Stellingwarver Schrieversronte Foundation.
- In recent years, the Schrieversronte has been carrying out the following activities:
- active assistance with the Low Saxon Handbook, a project of the University of Groningen (two contributions on Stellingwerfs have been provided)
- active assistance with a major new language survey (SONT/Univ. Groningen) (cf. section 1.3)
- active assistance with restructuring of SONT.
- The Stellingwarver Schrieversronte is represented in:
 - SONT
 - SONT's Working Group for European Recognition of Low Saxon
 - the Dutch Committee of the European Bureau for Lesser-Used Languages.

2.5.3 Province of Gelderland

2.5.3a The following information was provided by the second State report.

The province supports SONT.

A number of organisations work together, particularly in Gelderland and Overijssel.

- The GOS foundation, i.e. the Cross-border regional language project foundation, is a platform in which the Staring Institute, the IJssel Academy and the Van Deirse Institute work with the Landeskundliches Institut Westmünsterland in Vreden (Germany).

¹⁰ Ibid., section 25.

- The Union of Low Saxon Dialect Circles is a platform that has existed for a great many years between the Dialectkringe Salland en Oost-Veluwe, the Kreenk vuur de Twentse Sproak, the Dialectkringe Achterhook en Liemers and the Vereniging van de Streektaal voor Lochem en Omgeving.
- Dr A.H.G. Schaars, employed by the Staring Institute, is a member of various SONT working groups: the European recognition working group, the working group on spelling (which seeks to establish a Low Saxon spelling) and the media working group (which carries out small-scale studies in its field). He is also a member of the editorial board preparing a Low Saxon Handbook. Here, cooperation is not just cultural but academic.
- Dr Schaars represents the Staring Institute on the project steering committee for the Dictionary of Gelders dialects (WGD); the other members are: Professor R. van Hout (representing the University of Nijmegen), Mrs. P. Bloemhoff-de Bruijn (representing the IJssel Academy) and Mr. B. van Straalen (representing the GOC).

2.5.4 Province of Groningen

2.5.4a The Province of Groningen supports SONT. In addition, the Province of Groningen acted as the coordinating point of contact at the administrative level for the Low Saxon languages since 2007.

2.5.5 Province of Overijssel

2.5.5a The Province of Overijssel supports SONT as well as the GOS foundation (in which the IJssel Academy, Van Deinse Institute, Staring Institute and Landeskundliches Institut Westmünsterland work together). In addition, Overijssel spent the previous years acting as the coordinator of the process to achieve recognition of the Low Saxon languages under Part III of the Charter. After the election of the Provincial Executive in March 2007, this coordinating role was taken over by the Province of Groningen.

2.6 Article 7, paragraph 1.f (the teaching and study of the languages)

2.6.0a Depending on the situation of each individual Low Saxon language, schools can make provisions for the teaching of a variant of Low Saxon. Since 1937, the Primary Education Act has contained a provision that living regional languages may be used as mediums of instruction in schools. Only the Stellingwerf variety of Low Saxon has been made a regular part of the primary school curriculum in the municipalities of Ooststellingwerf and Weststellingwerf. In the other areas Low Saxon merely receives occasional attention.

2.6.0b This also applies to secondary education in the Low Saxon linguistic region as a whole. Language courses are organised by regional institutes. At university level the language can be studied at the University of Groningen. Occasionally language courses are offered to teachers in primary education. The committee of experts urges the development of a more coherent strategy for the study of Low Saxon and education in it.¹¹ Several provinces have responded to this suggestion. More details are given below.

2.6.1 Province of Drenthe

2.6.1a The Province of Drenthe encourages and supports efforts to strengthen the regional language in education, but like the Provinces of Groningen and Overijssel, it believes that no obligations may be imposed on schools.

2.6.1b According to the survey *Taalbeeld van leerlingen in het Drentse onderwijs* (data 2003) ten per cent of pupils in primary education and havo (Higher General Secondary Education) reply that they learned Drents as their first language. Only three per cent of pupils in VWO (Pre-University Education) state that Drents is their mother tongue.

2.6.1c The usage of regional language by pupils in Drenthe education is decreasing. Only 8% of pupils in

¹¹ Ibid., section 27.

primary education speak the regional language with their family, 7% with friends and 4% in the playground. However, in the lower social environments 34% of pupils in group 7 in primary education still prefer the regional language over Dutch. Their usage of the language at home and with their siblings is higher than average: 20% versus 6%.

2.6.1d The usage of regional language by havo pupils is as follows: 8% speak Drents with their parents, 5% with their relatives, 4% with friends and 1% in the playground. This is significantly lower for VWO pupils: only 1% speaks Drents with relatives and 2% with their parents and friends.

2.6.1e It is possible to use Drents in education on the basis of Section 9, subsection 8, of the Primary Education Act: 'education will be given in Dutch. There where in addition to the Dutch language, the Frisian language or a regional language is used as a living language, the Frisian language or the regional language can be used as well as a language of communication in education.' The municipalities in Drenthe have not translated this possibility into educational policy. In the municipalities, the Huus van de Taol is involved in the culture menu. Schools can hire the regional language officers for, for instance, a reading session in the various groups, a lecture for the older pupils, the Drents-speaking puppet Bertus or a Drents sing-along.

2.6.1f *Drents in pre-school and early education*

Together with an education support service, the Drentse Taol foundation organises the project 'Klaor veur de Start' in 2007 and 2008. 'Klaor veur de Start' is geared towards toddlers and aims to stimulate linguistic development in small children. The regional language is very much part of the project and actually used to achieve better results. Objectives of 'Klaor veur de Start' include:

1. Provide playgroup leaders with handles to interact with regional language-speaking children and their parents in a pleasant and professional manner;
2. Recognizing and reducing interference mistakes in early linguistic development;
3. Visibly contributing to the development of toddlers' vocabulary, in which the regional language vocabulary contributes to the linguistic development in Dutch;
4. Providing materials to make a contribution, in the regional language, to the linguistic development of children at home and in their neighbourhood.

2.6.1g *Drents in primary education*

Especially for primary education, the Drentse Taol foundation has developed and offered several teaching packages and kits to schools in the Province of Drenthe: '*Speulenderwies*'; *Van kabouters, knienen en doezendpoten*; *Streektaal, Peter en de wolf*; *Drèentse les in vief en zes*; *Samen deur de tied*; *Drie keer Drèents*; *Weet jij wat een evertas is?*; *Speulen met poppen*; *Krummels, een Drèents kwartier*.

2.6.1h The Drentse Taol has equipped volunteers to support primary schools in their plans to generate attention for the regional language. At the end of 2006, 128 schools had bought the teaching package *Krummels* in order to pay attention to Drents on a regular basis. The teaching package consists of three folders: one for the junior classes, one for the mid classes and one for the senior classes. The folder for the senior classes can be used for the subjects language and music as well as history and geography. The teaching kit *Speulenderwies* was lent to 15 schools in 2006. The kit consists of five different elements:

- *Drenthespel*: a game with four kinds of questions about Drenthe (general, culture, language, nature);
- *Zuuk bij mekaar*: memory game in which pictures and words have to be matched;
- *Woordenquiz*: a game about words and expressions in Drents;
- *Drenthe in twelve folk tales*: well-known folk tales in the regional language;
- *Het jaor deur*: pictures about the different seasons.

However, when it comes to the regional language, very little is done on a structural basis at primary schools in Drenthe.

2.6.1i *Drents in secondary education*

In secondary education, individual pupils do projects and write papers about the dialect. The Huus van de Taol supports secondary schools in their plans to pay attention to the regional language. The foundation has developed the following programmes:

- *Snittersessie Drents*: a brief course about the regional language;
- Poetry workshop; poetry in Drents and Dutch, writing poetry and rap.

However, there is not much structural attention here either. Organising youth writing contests should generate more interest in the regional language among young people.

2.6.1j *Drents in higher vocational education (teacher training college)*

Primary teacher training college 'De Eekhorst' in Assen has been offering a Major in the regional language for many years now. The Major includes a special skills training, classes in linguistics and literature, classes in methodology and teaching practice assignments. Gerard Nijenhuis and Stieneke Boerema were among the writers who developed materials for this Major (*Riw en Drèentse Schrieverij*). The teacher training college also offers its students an optional course in Drents. The primary teacher training colleges in Meppel and Emmen do not offer a Major in the regional language, though Meppel did offer optional courses in Drents in the past.

2.6.1k *Research into Drents*

At the end of 2005, Groningen University indicated that the creation of an extraordinary professorship Drents would not be possible. Together with the then Drentse Taol foundation, it was decided to explore the possibilities of a lectureship¹² at the Hogeschool Drenthe. A number of meetings followed, in which the Hogeschool Drenthe stated that it would like to give the lectureship a broader interpretation. The Province of Drenthe believes that it is essential that the lectureship should contribute to the linguistic performance of young children. The Hogeschool is currently developing a concrete proposal.

2.6.2 Province of Fryslân (municipalities of Ooststellingwerf and Weststellingwerf)

The following information was taken from the second State report.

2.6.2a *Stellingwerf language in preschool education and playgroups*

Preparatory work has been done on a project called "Ukkespeulplak" ('Kindergarten'), the aim of which will be to ensure systematic use of Stellingwerfs in pre-school provision.

2.6.2b *Stellingwerf language in primary education*

Stellingwerfs has been made a regular part of the primary school curriculum, in accordance with the findings of the 1995 Education Inspectorate report "Frisian in the study of local history and environmental studies". For the period 1997-1999 the municipalities of Ooststellingwerf and Weststellingwerf made funds available for the production of learning materials on and in the Stellingwerfs language for the teaching of local studies at primary schools in the two municipalities. The project has been entrusted to the Stellingwarver Schrieversronte.

2.6.2c All primary schools in Weststellingwerf (27) have been exempted from the statutory requirement to teach Frisian as a subject, and teach local studies in its place in accordance with the findings of the above-mentioned Education Inspectorate report. Local studies covers history, languages (Frisian and Stellingwerfs), country and people, society, nature and art. It is part of the school plan in primary education. Language teaching is structured differently in each school, and there are differences in levels of comprehension, oral and written skills.

2.6.2d In Ooststellingwerf the situation is different. Here all public-authority primary schools in (15) have

¹² Lecturers were introduced at Dutch colleges of higher education in 2003. They are experts in their professional fields and use their knowledge and experience in their research and in order to achieve innovation in education and the professional field. In collaboration with the professional field, the lectureship develops knowledge that can be applied in a practical manner. Lecturers work with a network consisting of teachers and external experts.

been exempted from the requirement to teach Frisian as a subject. They teach local studies in its place. Seven publicly-funded Protestant primary schools, two of which are in Oosterwolde, are not exempted, and teach Frisian as a subject instead of local studies.

- 2.6.2e The Frisian youth magazine, developed by GCO *fryslân* for use in the top classes of primary schools, also appears in a Stellingwerfs edition (circulation 2300). A quarterly bulletin is written for the infant and junior classes:
- 't Herenhoentien (circulation 2500)
 - Uut de buse (circulation 2300)
 - Switsj (circulation 2300).

- 2.6.2f The Stellingwarver Schrieversronte provides a Stellingwerfs language course for primary school teachers. In 1996 over 40 people attended the course.

2.6.2g *Stellingwerfs language in secondary education*

A secondary school in Oosterwolde (Stellingwerf College) provides regional language classes as an option.

2.6.3 Province of Gelderland

- 2.6.3a The following information was taken from the second State report. At the request of third parties (including schools) the Staring Institute provides assistance. It also provides writing and spelling courses at antiquarian societies, village halls and Doetinchem Adult Education Centre. As a result of the appointment of the regional language consultant in February 2002, the Staring Institute will now be able to play a more active part in bringing the local language to the attention of primary and other schools of Achterhoek and Liemers districts.

2.6.4 Province of Groningen

- 2.6.4a The Province of Groningen encourages and supports efforts to strengthen the regional language in education, but it believes that no obligations may be imposed on schools.
- 2.6.4b In its provincial policy, Groningen pays ample attention to its regional language, especially in the context of education. The province has made available structural and occasional subsidies for the organising of adult courses; developing and combining teaching packages for primary schools; stimulating initiatives in the field of publications, performances, joint projects and the creation of a climate allowing consultation for the benefit of Gronings and intensive support of specific target groups.
- 2.6.4c Where education is concerned, the regional language policy of the Province of Groningen is primarily aimed at the target group of adults and, after that, at children and young people. The Bureau Groninger Taal & Cultuur, the Huis van de Groninger Cultuur, the Stichting Grunneger Toal work together with other cultural organisations and the provincial agencies for cultural education (IVAK en Kunststation C).
- 2.6.4d *Concrete activities*
- * In 2002, the Stichting Grunneger Toal developed teaching materials, under the title, *'t Grunneger Ketaaiertje*, for primary schools (junior, middle and senior classes).
 - * In 2004, the Bureau Groninger Taal & Cultuur developed teaching materials with the title *Kennismaking met het Gronings. Een introductie op het eigentijdse dialect van stad en provincie* in the context of the Extraordinary professorship in Groningen Language and Culture at Groningen University. These materials were primarily intended to support the AVV lectures about this subject delivered at Groningen University.
 - * In 2005 and 2006, the Bureau Groninger Taal & Cultuur, Huis van de Groninger Cultuur and Stichting Grunneger Toal collaborated to develop and launch a new training for teachers in Gronings, create teaching materials for a course in Gronings and develop (beginners) courses in Gronings, all over the province. These courses fill a great need. Courses in Gronings are

even being organised for people living in the Randstad. This generated a lot of interest in the (national) press.

- * In 2007, the course book for the follow-up course Gronings was developed: *Grunneger taal aans bekeken*.
- * Annual organisation of the Grunneger Veurleescup (preliminaries and finals), a contest for primary school pupils.
- * In response to a survey, a specific adult course in spoken Gronings is being prepared. The course will be based on the book *Loat joe nait nuigen!* (also see section 2.4.4).
- * Together with students from the teacher training college, the Huis van de Groninger Cultuur is developing teaching kits for the junior, middle and senior classes of primary education.

2.6.5 Province of Overijssel

- 2.6.5a Like the Province of Groningen, the Province of Overijssel encourages and supports efforts to strengthen the regional language in education, but the Province believes that no obligations may be imposed on schools.
- 2.6.5b The Van Deirse Institute has developed teaching materials under the title 'Tweets Kwarteerken' for the junior and senior classes of primary education. In addition, about thirty schools work with an adapted version of the 'Jewilmke' series. The Van Deirse Institute also organises annual series of lectures at primary teaching training colleges (12 two-hour sessions) and Regional Education Centres for secondary vocational education (3x 4 hours).
- 2.6.5c Attention for Lower Saxon in education is also generated via publications like fairy-tales in the regional language for toddlers.
- 2.6.5d Both the Van Deirse Institute and the IJssel Academy organise four courses per year. One of these is organised via RTV Oost and is also accessible to employees of the broadcasting service. This will increase this target group's awareness of the dialect and the added value that using it can bring to their work as reporters.

2.7 Article 7, paragraph 1.g (the provision of facilities for non-speakers to learn the language)

- 2.7.0a Facilities to enable interested non-speakers of Low Saxon to learn the language if they so desire are found in several places. These facilities are run by organisations subsidised by provinces and municipalities. Dutch policy thereby accords with Article 7, paragraph 1.g.¹³ The various facilities are listed below:

2.7.1 Province of Drenthe

- 2.7.1a Those who do not speak Drenthe's regional language can learn Drents via the extramural courses organised by the Huus van de Taol. These courses in the regional language and culture were developed by the Drentse Taol foundation. The foundation also trained speakers of the regional language to teach the various dialects.
- 2.7.1b There are four types of courses:
1. Kom-in-de-Kunde, an introductory course in the regional language, consisting of three two-hour classes.
 2. Drenthe course, eight two-hour classes about the regional language and culture of Drenthe. This course was written in 15 different variants of Drents.
 3. Spelling course: five two-hour classes spelling.
 4. Dieper deur Drenthe, an in-depth course, consisting of nine two-hour classes.
- 2.1.7c In 2006, the Drentse Taol organised 20 courses, which were attended by a total of 259 people in 16 different locations. Earlier, a literary course was made available at Radio Drenthe and Albert Haar developed *Samen wieder, een lesboek Dreints*, together with Marga Kool.

¹³ Ibid., section 32.

- 2.1.7d Drenthe's regional language organisation regularly works with RTV Drenthe and the regional daily, *Dagblad van het Noorden*. It also encourages the use and study of the regional language from various perspectives.
- 2.1.7e For everyone interested in Drents, three employees of the Drentse Taol compiled the language guide *Moi!* It was the second book to be published about dialects in the Netherlands in 2005. The book alternates the theory behind Drents, which it describes in an accessible manner, with lyrics, poetry and prose.

2.7.2 Province of Fryslân (municipalities of Ooststellingwerf and Weststellingwerf)

- 2.7.2a The following information was taken from the previous State report. A Stellingwerfs language course is organised annually by the Stellingwarver Schrieversronte. The course takes some three months to complete and culminates in an examination. The subsidy for the course is part of a standing agreement between the municipalities and the Stellingwarver Schrieversronte.
- 2.7.2b A Dutch-language course booklet entitled 'How do you spell Stellingwerfs?' has been published. It was written by Dr H. Bloemhoff and subsidised by the province of Fryslân.

2.7.3 Province of Gelderland

- 2.7.3a The following information was taken from the previous State report. The Staring Institute provides writing and spelling courses at antiquarian societies, in community centres and at the Doetinchem Adult Education Centre. A number of these are specifically geared to interested non-speakers of the Achterhoeks variety of Low Saxon (Achterhoeks).
- 2.7.3b The Achterhoek and Liemers dialect associations and the Friends of the Local Language of Lochem and District organise a wide range of meetings which are also open to people who cannot speak Achterhoeks.
- 2.7.3c The Staring Institute cooperates with both these dialect associations on the organisation of events which are also intended for people who cannot speak Achterhoeks; these include an annual writing competition and the "Achterhoek and Liemers Book Week".

2.7.4 Province of Groningen

- 2.7.4a The Province of Groningen has included this information in section 2.7.3

2.7.5 Province of Overijssel

- 2.7.5a Non-speakers of variants of Low Saxon can learn them through courses at the two regional cultural institutes.

2.7.5b *The IJssel Academy has developed courses in the regional language and culture. The Van Deirse Institute organises classes, together with the Kreenk vuur de Twentse Sproak (see Appendix A 2 for address details). In addition, speakers of the regional language were trained to act as teachers of the various dialects. The Van Deirse Institute regularly collaborates with Radio-TV Oost and encourages the use of and research into the regional language from various perspectives.*

2.8 Article 7, paragraph 1.h (the promotion of study and research on the language at universities or equivalent institutions)

- 2.8.0a By ratifying the Charter in 1996, the Netherlands underlined that opportunities for studying and researching Low Saxon should be available at universities and similar institutions. The Netherlands is thereby implementing Article 7, paragraph 1.h, as the committee of experts noted in

- 2001.¹⁴ Since then, the position of research into Low Saxon has been strengthened at universities and research institutes in the Netherlands.
- 2.8.0b Groningen University has created a chair of Low Saxon, paid for out of the general university budget. In 2001, the university also created a professorship in the language and culture of Groningen, an appointment for one day per week, funded by the J.B. Scholten Fund.
- 2.8.0c The Low Saxon Institute at Groningen University plays an important part in researching Low Saxon. It is also involved in the large-scale survey mentioned in section 1.3. In 2007 the Handbook Low Saxon was published. This handbook will be the reference book for everyone who wants to improve their knowledge of the specific characteristics and current position of all variations of Low Saxon. The book is intended for a broad audience, but is also of particular interest to those involved in policy concerning and care of Low Saxon (in all variations).
- 2.8.0d At the end of 2005, Groningen University indicated that the creation of an Extraordinary professorship Drents would not be possible. Together with the then Drentse Taol foundation, it was decided to explore the possibilities of a lectureship¹⁵ at the Hogeschool Drenthe (also see section 2.6.1k).
- 2.8.0e The University of Nijmegen is playing a substantial part in recording the Low Saxon vocabulary of the Veluwe (see 2.3.3 and 2.5.3).
- 2.8.0f The Meertens Institute in Amsterdam - one of the research institutes of the Royal Netherlands Academy of Arts and Sciences - is involved in the research and documentation of Dutch language and culture. Its research includes dialectology, and covers all the dialects spoken in the Netherlands as well as the variants of Low Saxon.
 Research themes:
 - dialect as an autonomous system (phonology, morphology, syntax);
 - the relationship between dialect and standard language.
 Dialectology research findings are published in books and in the journal *Taal en Tongval*.
- 2.8.0g In addition, the GOS does research into Low Saxon, whereas the Van Deirse Institute is currently carrying out a grammar project (also see 2.3.5a, 2.4.5d and 2.5.5a).
- 2.9 Article 7, paragraph 1.i (the promotion of appropriate types of transnational exchanges)
- 2.9.0a By ratifying the European Charter in 1996, the Netherlands underlined that attention was being focused on cross-border exchanges concerning Low Saxon. The Netherlands is thereby implementing Article 7, paragraph 1.i, as the committee of experts noted in 2001.¹⁶ The current state of affairs is as follows.
- 2.9.0b SONT and the Stellingwarver Schrieversronte are represented in the Dutch Member State Committee of the European Bureau for Lesser Used Languages.
- 2.9.0c In addition, SONT maintains contacts with the Ostfriesische Landschaft in Aurich and, in particular, the Institut für niederdeutsche Sprache in Bremen.
- 2.9.0d There are also ties with Germany via the GOS.
- 2.9.0e The 'Over de Grup' initiative is a regional language festival with music, literature and regional products. The festival consists of three parts: in the Provinces of Groningen and Drenthe and in the German federal state Niedersachsen (Lower Saxony). This initiative took place at the end of 2005 and 2006. It was organised by the workgroup 'Over de Grup', which consisted of: Stichting

¹⁴ Ibid., section 37.

¹⁵ See footnote to section 2.6.1k.

¹⁶ Ibid., section 41.

Kostverloren (Groningen), Stichting Drentse Taol (Drenthe), Heimatverein Leer (Germany).

2.10 Article 7, paragraphs 2, 3 and 4 (other provisions)

2.10a The above measures and activities comply with the obligations of Article 7, paragraphs 2, 3 and 4.

**Appendix A 1 – The Art of Combining – Culture Policy Document Province of Drenthe
2005-2008
(Chapter Lingualisms)**

Lingualisms

In this chapter, which bears the somewhat literary title Lingualisms, is about the incentives the province gives to the Drenthe local language, to the Dutch language and to promoting reading and literary activities. The medium of culture is elaborated via the policy fields of Drenthe language and Letters and promoting reading. These three subjects are about language. The province is of the opinion that language and the proper use there of is important, both the Drenthe language as well as Dutch, and both in terms of its artistic application (literary) as its practical use (promoting reading).

Players and efforts by the province

The most important players in this field are: Drentse Boek, Drentse Taol, Oeze Volk, Redactie Roet, the Provincial Central Library, Stichting Lezen, Taaltheaternacht, writers and poets, RTV Drenthe and governments involved in Low Saxon (from governments and provinces to the Ministry of Foreign Affairs and the Council of Europe). With respect to promoting reading, the Drenthe municipalities are important partners.

In this field of policy, the province mainly focuses on actively promoting coordination and collaboration. We will support the obligatory collaboration and further professionalisation of the local language organisations by providing advice and assistance. We will also stimulate the promotion of reading and educational local language activities in becoming part of the culture-educational infrastructure (art menus and culture trajectories) as a learning line. One way in which we will do this is by making clear performance agreements with the institutions we subsidise.

Our regional language policy aims to promote the use and acceptance of the Drenthe language. The Drenthe Language is a variant of Lower Saxon and is older than the Dutch language. The province believes it is important that the people of Drenthe are proud of their language as part of their own identity and want to make them aware of this. A large portion of the Drenthe population (still) speak Drents and believe that it is important to preserve the Drenthe language.

Provincial policy in the field of letters is directed at stimulating a literary climate in which literary activities of quality can arise. Literacy is more important than ever in our current information society, which is why we stimulate activities in the field of promoting reading. Such activities aim to develop the reading skills of young people and adults as well as possible, making it easier for the people of Drenthe to actively participate in society.

Connections

Lingualisms has a direct connection to the cultural information channels, because libraries are responsible for implementing activities in the field of promoting reading. There is also a connection to *Het grote publiek*, because of the fact that language is included in the cultural educational structure and literature may be part of art projects and festivals.

There is a relationship with *Onvoltooid verleden tijd* at those moments that regional language is considered as heritage and as such as a contribution to increasing knowledge and interest in cultural heritage in general. In the Outline Policy Document lingualisms have been described in the sub-programme *Behoud en ontsluiting van Parels van Drenthe*.

Drenthe language

What does the Province of Drenthe envisage in the coming years with respect to the Drenthe language? Drents is a living language, for which there is a lot of interest among a broad public. This interest is in line with the increased interest in local history, local language and the local region. Drents is a language people are proud of. The small-scale and thus vulnerable regional language organisations will be merged for form a strong organisation in a few years' time.

We believe that the way in which various organisations influence one another can lead to professionalized and contemporary initiatives.

Huis van de Drentse taal

We are aiming for a single Huis van de Drentse taal (House of the Drenthe language), in which Drentse Taol, Drentse Boek, Oeze Volk and the Redactie Roet are united. By founding a central point of contact for advice, information and support the quality and the structure of the offering in the field of regional language will be improved strongly.

The arrival of a Huis van de Drentse taal will create impulse for Drenthe language and culture. New products will be developed in the field of theatre, music and literature. This bundling of expertise can also lead to a unified literary magazine in Drenthe. This magazine will become a stage for Drenthe authors, writing in Drents and Dutch and the medium for readers of Drents and/or Dutch publications. Special themed editions can be used to reach wider audiences, including schoolchildren and senior citizens. The Huis van de Drentse taal will publish literary publications of provincial importance. As the provincial government, we want to stimulate important publications about Drenthe.

Primary schools and regional language

The merger of regional language organisations and functions will contribute to the development of a greater number of regional language projects in (primary school) education. The policy plans and work plans of regional language organisations such as Provincial Central Library and K&C Drenthe will be coordinated. K&C will also act as a central broker to schools for these projects.

Interested schools are offered educational activities that stimulate the use of Drents. There will be cultural educational activities, based on linguistic research into the need for regional language activities in education. Schools will formulate their own demand, to which the institutions will orient their action. An exploration of the demand for educational regional language products and ensuring the timely availability of a suitable offering has priority. In this we will stimulate cooperation with regional language education in the teacher training colleges.

Recognition and scientific basis

Structural scientific research into Drenthe language and literature can give Drents a firm foundation. This can be achieved by the creation of a special university chair, around which a circle of knowledge could be gathered, aimed at researching and promoting the Drenthe language and literature.

Linguistic research is the basis for our regional language policy and its practical elaboration. This will increasingly give the Drenthe language the status it deserves. We will continue to exert ourselves to have Drents, as a Lower Saxon language, recognised by the Dutch government under chapter III of the European Charter for Regional or Minority Languages. The report *Koesteren van een cultureel erfgoed* (Cherishing a cultural heritage) demonstrated that this is possible.

Recognition of Lower Saxon under Part III will contribute to the further development of the own regional language. We also expect the state government to do all that is possible to promote this recognition. We are stimulating regional language organisations to use the available financial possibilities that European recognition offers at a European and state level. We assume that Drentse Taol will remain as alert as possible to new subsidy developments.

Appendix A 2: List of bodies and associations which further the protection and development of the Low Saxon languages in the Netherlands

Entire linguistic region of Low Saxon

SONT, Federation of regional and local language organisations in the Low Saxon linguistic region
c/o IJsselacademie
Molenstraat 28a, Postbus 244, 8260 AE Kampen, The Netherlands
Tel. + 31-38-331 5235
E-mail: ijsselacademie@a1.nl

Province of Drenthe

Stichting Huus van de Taol
Attn. Mr J. Germs (streektaalfunctionaris), Postbus 78, 9400 AB Assen, The Netherlands

Stichting De Literaire Hemel
Attn. Mr Pannekoek, c/o café De Amer, Amen 20, 9446 TC Amen, The Netherlands

't Nei Drèents Geneutschap, vereniging van streektaalschrijvers en -activisten.
Attn. Mr A. Doornbos, Hoofdstraat 26a, 9342 PC Een, The Netherlands

Stichting De Drentse Muziekmaatschappij
Attn. Ms. J. Roggen, Postbus 35, 9530 AA Borger, The Netherlands

Province of Fryslân (municipalities of Ooststellingwerf and Weststellingwerf)

Stichting Stellingwarver Schrieversronte
Willinge Prinsstraat 10, 8421 PE Oldeberkoop, The Netherlands
Tel. + 31-516-451 108

Province of Gelderland

Staring Instituut
Grutstraat 31, Postbus 686, 7000 AR Doetinchem, The Netherlands
Tel. + 31-314-332 831

Dialectkringe Achterhook en Liemers
Dollemanweg 6, 7102 GC Corle-Winterswijk, The Netherlands

Vrienden van de Streektaal veur Lochem en Umgeving
Beukenlaan 5, 7213 DD Gorssel, The Netherlands
Tel. + 31-575-493 341

Dialectkringe Salland en Oost-Veluwe
Eekwal 15, 8181 ZZ Heerde, The Netherlands
Tel. +31-578-693 894

Gelders Oudheidkundig Contact
Oudewand 31-33, 7201 LJ Zutphen, The Netherlands
Tel. +31-575-511 826

Radboud Universiteit Nijmegen – N.C.D.N.
Erasmusplein 1, 6525 HT Nijmegen, The Netherlands

Verbond Neersasse Dialecten
Hoog Delenseweg 1, 6877 AB Deelen, The Netherlands
Tel. +31-26-442 1069

Province of Groningen

Bureau Groninger Taal & Cultuur / Regional language consultant
Postbus 716, 9700 AS Groningen, The Netherlands
Tel. +31-50-363 5943
e-mail: S.J.H.Reker@rug.nl

Huis van de Groninger Cultuur
Postbus 30040, 9700 RM Groningen
tel. +31 50-599 2060/61
e-mail: info@huisvandegroningercultuur.nl
web site: www.huisvandegroningercultuur.nl
(In 2004 a Platform Cultural Organisations was created within the House. This platform comprises 33 provincial or super regional cultural organisations that are involved with the Groningen language).

Stichting Grunneger Toal
secretariat: Ms R. Bakker, Schoolstraat 25, 9781 JL Bedum
tel. +31 50-301 2404
e-mail: grunnegertoal@hetnet.nl
web site: www.grunnegertoal.nl

Province of Overijssel

Van Deirse Instituut, Twentse Academie voor Streekcultuur
De Klomp 35, 7511 DG Enschede, The Netherlands
Tel. +31-53-433 4577 or +31-53-435 4679
Internet: <http://www.vandeirse.nl>

NB The Van Deirse Instituut has been merged into the TwentseWelle museum that is currently being built in Enschede and will open its doors in 2008.

Address:

TwentseWelle, c/o Natuurmuseum Enschede, M.A. de Ruyterlaan 2, Enschede.

Postadres: M.H.Tromplaan 19, 7511 JJ Enschede

tel. + 31 53-480 76 80

E-mail: info@twentsewelle.nl

IJsselacademie
Molenstraat 28a, Postbus 244, 8260 AE Kampen, The Netherlands
Tel. +31-38-331 5235
Internet: <http://www.ijsselacademie.nl>
(IJssel Academy's activities cover West Overijssel and the northern part of Gelderland)

Stichting Grensoverschrijdende Streektalen "GOS"
c/o IJsselacademie, Postbus 244, 8260 AE Kampen, The Netherlands
Tel. +31-38-331 5235
(the GOS activities also include Gelderland)

Gaellemuniger Taelkrink
Stuivenbergstraat 5, 8281 EJ Genemuiden, The Netherlands
Tel. +31-38-385 5229

Dialektkringe Salland en Oost-Veluwe
Eekwal 15, 8181 ZZ Heerde, The Netherlands
Tel. +31-578-693 894

Secretary Kreenk vuur de Twentse Sproak
Tonnendijk 130, 7681 BS Vroomshoop, The Netherlands
Tel. +31-546-642 589

Stichting Johanna van Buren
Pastoor Rientjesstraat 13, 7447 GE Hellendoorn, The Netherlands
Tel. +31-548-656 368

Schrieversbond Oaveriessel
Ververstraat 6, 7621 TT Borne, The Netherlands
Tel. +31-74-242 7231
E-mail: a.g.m.wolbert@wb.utwente.nl

[NB Many of the 60 local history organisations in Overijssel focus structurally or sporadically on regional languages].

B The Limburger language in the Netherlands

1 Introduction

- 1.1 Within the Netherlands, the Limburger language is spoken in the province of Limburg. There are three main variants, spoken respectively in north Limburg, central and south Limburg, and south-east Limburg (the area around Heerlen, Kerkrade and Vaals).¹ The Limburger language is spoken throughout the whole province, though somewhat less commonly in the far north and north-west.
- 1.2 The province of Limburg has a population of around 1.1 million. According to the 2003 State Report on the Limburger language, approximately 70% of the province's residents could be regarded as speakers of the language. This figure was based on an older study conducted at various places in the province. In 2002, the Raod veur 't Limburgs² commissioned new research into the Limburger language. The study, which surveyed 1,600 people, was carried out by Leuven University in Belgium. According to the study's findings, 99% of Limburgers had passive knowledge of the language spoken in the place where they live (i.e. could understand it), while 83% said they also had active knowledge (i.e. could also speak it) (Leuven study, p.15). The complete findings of the Leuven study are published in R. Belemans (2002), *Eindrapport over de Limburg-enquête*: Maastricht: Raod veur 't Limburgs (ISBN 90-77457-01-1).
- 1.3 According to another recent study, Limburg is comparable with Fryslân in terms of its language situation among youngest speakers. This study of primary school children showed that in Limburg, 46.6% of pupils in group 4 (seven-year-olds) spoke the Limburger language among themselves. In an equivalent sample surveyed in Fryslân, 46.7% spoke Frisian. The scores for regional languages spoken in other Dutch provinces were much lower (the highest score being for Lower Saxon, spoken by 19.4% of seven-year-olds in Drenthe). These statistics can be found in a publication commissioned by the Raod veur 't Limburgs: S. Kroon & T. Vallen (eds.) (2004), *Dialect en school in Limburg*, Aksant, Amsterdam (ISBN 90-5260-147-x).
- 1.4 There are various local bodies concerned with the protection and promotion of the Limburger language. The best known is the Veldeke Limburg Association, founded in 1926 (see address list). With 3,500 members, this is the largest regional language association in the Netherlands. Other noteworthy bodies are the Vereniging voor Limburgse Dialect- en Naamkunde (Association for Limburg Dialect and Nomenclature, VLDN), the LiLiLi Foundation (Limburg Literary League) and Uitgeverij TIC. For further information about their activities, see Appendix B 2. For names and addresses, see Appendix B 5.
- 1.5 In 1996, the Netherlands approved the European Charter for Regional or Minority Languages after the House of Representatives passed relevant legislation on 19 October 1995 and the Senate on 23 January 1996 (Bulletin of Acts and Decrees 1996, 136).
- 1.6 On 14 February 1997, following consultations with the province of Limburg, the Dutch government took action to recognise the Limburger language as a regional language within the meaning of the Charter. This decision means that the principles of Part II of the Charter now apply to the Limburger language spoken in the Dutch province of Limburg. The letter from the Ministry of the Interior setting out the decision dates from 20 February 1997 and was signed by Jacob Kohnstamm, acting State Secretary for the Interior.

¹ Source: *Een eeuw Limburgse dialectologie* (A century of Limburg Dialectology): Hasselt, Maastricht, 1996, Vereniging voor Limburgse Dialect- en Naamkunde (Association for Limburg Dialect and Nomenclature, VLDN)

² The Raod veur 't Limburgs, a committee established by the province of Limburg, acts as an advisory body to the Provincial Executive and gives assistance and supervision to the regional language officers. For details of the provincial regulations on the Raod veur 't Limburgs, see Appendix 4.

- 1.7 On 19 March 1997, the Government of the Kingdom of the Netherlands made a supplementary declaration to the Council of Europe concerning the official recognition of the Limburger language as a regional language within the meaning of Article 2 (1) of the Charter. This action commits the Netherlands to applying the principles of Part II of the Charter to the Limburger language (cf. Dutch Treaty Series 1998, 20).
- 1.8 The text of the European Charter for Regional or Minority Languages was concluded on 5 November 1992 in English and French. The Government of the Kingdom of the Netherlands has published both texts in Treaty Series 1993, 1, and a Dutch translation in Treaty Series 1993, 199 (but see also Dutch Treaty Series 1998, 20 (C)).
- 1.9 At its 765th meeting, on 19 September 2001, the Committee of Ministers of the Council of Europe took note of the committee of experts' report. The Committee of Ministers has made certain recommendations, which are also relevant to the Limburger language.³
- 1.10 In 2001, the Netherlands was advised to develop a national language policy encompassing the Limburger language and the other languages protected under Part II of the European Charter in accordance with the objectives and principles set out in Part II.
- 1.11 The Dutch government's policy consists of making local and regional authorities in the province of Limburg primarily responsible for developing policy on the Limburger language in accordance with the obligations entered into under the European Charter. The emphasis and intensity of provincial policy will vary as the needs of different localities vary.
- 1.12 Following the second information-gathering operation between 2001 and 2003, the committee of experts (referred to in article 16, paragraph 3 of the European Charter) visited the Netherlands in early 2004 to gather information about civil society organisations promoting the Limburger language. In the course of that year, the committee of experts set out its findings and recommendations, based on the information gathered and a working visit.
- 1.13 At its 909th meeting, on 15 December 2004, the Committee of Ministers of the Council of Europe took note of the committee of experts' report. The Committee of Ministers made certain recommendations, which are also relevant to the Limburger language.⁴ The report and the recommendations can be consulted on the Council of Europe's local and regional democracy web site: www.coe.int/local.
- 1.14 When drafting this third State Report, use was made of data provided by the province of Limburg obtained from the Raod veur 't Limburgs, the regional language officers and the Veldeke Limburg Association. The provincial government, which has an intimate knowledge of the needs regarding the Limburger language, has developed various new initiatives on the language. This report describes these initiatives in more detail. The reference date for this report is 1 March 2007.

³ Council of Europe. *Report of the Committee of Experts on the application of the Charter: The Netherlands*, ECRML (2001)1, Strasbourg, 20 September 2001.

⁴ Council of Europe. *Report of the Committee of Experts on the application of the Charter: The Netherlands*, 2nd monitoring cycle ECRML (2004)8, Strasbourg, 16 December 2004.

2 Application of Article 7

2.1 Article 7, paragraph 1.a (recognition of regional or minority languages as an expression of cultural wealth)

- 2.1.1 By recognising the Limburger language as a regional language within the meaning of the Charter, the Dutch government wished to make clear that it regards it as an expression of the cultural wealth of the Netherlands. Dutch policy thereby accords with Article 7, paragraph 1.a, as the committee of experts noted.
- 2.1.2 Prime responsibility for policymaking on the Limburger language lies with the local and provincial authorities in Limburg. The province of Limburg has taken many steps in this area (see section 2.3). For further details, see Appendix B 1, which gives an account of the decisions taken by the Province of Limburg from 2002 to the present in order to protect, preserve and promote the Limburger language.

2.2 Article 7, paragraph 1.b (respect for the geographical area of each regional minority)

- 2.2.1 No measures of any kind have been taken to modify the administrative divisions within the province of Limburg in such a way as to constitute any obstacle to the continued existence of the Limburger language. Dutch policy thereby accords with Article 7, paragraph 1.b.

2.3 Article 7, paragraph 1.c (the need for resolute action to promote such languages)

- 2.3.1 Expenditure on activities (including those receiving subsidy) from 2000 to 2006 totalled €1,361,244.15. For a more detailed account, see Appendices B 2 and B 3. From 1 January 2007, the Province of Limburg is allocating €150,000 on a long-term basis for integrating Limburger language policy into the cultural policy of the province. The province's policy on the Limburger language will be evaluated again in 2010.
- 2.3.2 Since 1 January 2007, the province of Limburg has employed two regional language officers, sharing one fulltime equivalent. They are appointed by the Huis voor de Kunsten Limburg and managed by the Raod veur 't Limburgs.
- 2.3.3 In order to make the Raod veur 't Limburgs more effective, the Provincial Executive voted on 28 March 2006 (document number 2006/13473) to change the committee's composition (see Appendix B 4). It now has nine members, drawn from the fields of dialectology, education and teaching, promotion and marketing, media and communication, and folklore and ethnology. As a forum, the board is currently more balanced in terms of gender and age, and as such is better suited to its ambassadorial task. The board's remit is to keep alive the Limburger language in all its diversity and communicate the province's language policy to the public at large.
- 2.3.4 The Raod also advises the provincial authorities on application of the European Charter as described in Article 6 of the provincial regulations on the Raod veur 't Limburgs (see Appendix B 4). In so doing, it acts in accordance with the provisions of Article 7, paragraph 4, of the Charter.

2.4 Article 7, paragraph 1.d (the facilitation and/or encouragement of the use of such languages in speech and writing, in public and private life)

- 2.4.1 The province of Limburg encourages the use of the Limburger language in speech and writing, in both public and private life. It does this partly by supporting the activities of the Raod veur 't Limburgs and Veldeke Limburg Association, both of which seek to keep alive the Limburger language in all its diversity as a valuable repository of regional and provincial identity. It is hoped that raising the profile of the Limburger language, particularly among young people, will be an effective way to ensure its survival among future generations.
- 2.4.2 In addition, there is a major focus on the Limburger language in local and regional broadcasting. The local press publishes weekly columns in the language, and many readers find this useful for practising reading comprehension. A variety of television programmes are presented in the

Limburger language, and three of them (*Kinjerkraom, de Kinjerkultuurpriés and Kresj TV*) receive funding from the province of Limburg. The 13-part dialect soap *De Hemelpaort (The Gates of Heaven)*, which first went on air in February 2007, is sponsored by the province and broadcast on regional television.

- 2.4.3 Members of the Provincial Executive who speak the Limburger language do so openly in the media and at official meetings. Many journalists and radio and television presenters are bilingual. Regional language officers speak and write the Limburger language as a matter of course, providing this is not an obstacle to communication. In practice, their conversations and correspondence tend to be bilingual (in Dutch and Limburger language).
- 2.4.4 In 2002, the Province of Limburg commissioned the Veldeke Limburg Association to compile a list of place names in the Limburger language. The list was published in 2002: F. Bakker (2002), *Lijst van Limburgse plaats- en gemeentenamen in het Limburgs*. It can be downloaded from the province's web site. Thanks to the Association's efforts, a large number of towns and villages now have bilingual signs in Dutch and Limburger language. Dutch policy thereby accords with Article 7, paragraph 1.d of the Charter.
- 2.5 Article 7, paragraph 1.e (the maintenance and development of links between groups using the language and other groups employing a language used in identical or similar form)
- 2.5.1 The province of Limburg actively promotes collaboration between speakers of different varieties of the Limburger language. It does this partly by giving financial support to the negotiations and activities of the Veldeke Limburg Association, the regional language officers, the LiLiLi Foundation, the Raod veur 't Limburgs and its Belgian counterpart, the Vereniging voor Limburgse Dialect- en Naamkunde. These organisations maintain joint links and set up cultural activities together and with speakers of the Limburger language.
- 2.5.2 The Veldeke Limburg Association, in particular, organises a range of activities and uses its regional network to bring together speakers of different varieties of the Limburger language. All the organisations have activities for young people of all ages.
- 2.5.3 The Vereniging voor Limburgse Dialect- en Naamkunde also maintains links between speakers of the various varieties of the language. In this connection, the web sites www.veldeke.net and www.limburgsedialecten.nl are a useful resource.
- 2.6 Article 7, paragraph 1.f (the teaching and study of the languages)
- 2.6.1 According to the findings of the 2002 study, a very high proportion of Limburg's residents (64%) are in favour of schools devoting attention to the Limburger language. The only items which received higher scores in the questionnaire were about bringing up children to speak the Limburger language (82%) and having more regional broadcasting in the Limburger language (70%) (see Leuven study, p. 39). In view of this, educational aspects of the activities of the Raod veur 't Limburgs and the work of the regional language officers received extra attention from 2002 to 2006.
- 2.6.2 *Dien eige taal*, a method for teaching the Limburger language in primary schools, was operationalised between 2003 and 2006. It consisted of a teacher's manual, a learner's book in Dutch and course books written in the urban dialects of Roermond, Sittard, Geleen, Brunssum, Weert, Kerkrade, Venlo and Maastricht. The course is currently used in some 75 primary schools in these cities. So far, the learner's book in Dutch has run to three editions.
- 2.6.3 A Limburger language course for secondary education, entitled *Wiejer in dien taal*, was introduced in the school year 2005/2006. Like the course for primary pupils, it comprises a teacher's manual, a learner's book in Dutch and books in the urban dialects of Roermond, Sittard and Geleen. Translations into the dialects of Kerkrade, Venlo en Maastricht have already been prepared, and work is in progress on a translation into the dialect spoken in Horst. A pilot project using *Wiejer in dien taal* is currently (2006/2007) running at a secondary school in Roermond. In the meantime, a

- number of schools in Sittard and Geleen have been approached and will also be introducing the course for their pupils.
- 2.6.4 Since the beginning of 2006, the Veldeke Limburg Association has issued a magazine for pupils in the final year of primary school. The magazine focuses on bilingualism and affirms pupils' own bilingual identity. For the youngest bilinguals, the same aims are achieved through puppet shows in the Limburger language.
- 2.7 Article 7, paragraph 1.g (the provision of facilities for non-speakers to learn the language)
- 2.7.1 In a number of places in Limburg, there are facilities for non-native speakers to learn the language if they so wish. These include the school-based courses *Dien eige taal* (for primary education) and *Wiejer in dien taal* (a course for secondary school, produced by the Raod veur 't Limburgs).
- 2.7.2 The Veldeke Limburg Association provides *Laeze en Schrieve* courses for beginners and advanced learners and the *Kadercursus Limburgs* (Limburg Framework Course) for adults who have an affinity with the Limburger language and want to work in adult education. The regional language officers and the Raod veur 't Limburgs are also involved with the Limburg Framework Course.
- 2.7.3 The web sites www.limburgsedialecten.nl and www.veldeke.nl provide information about facilities for non-native speakers to learn the Limburger language.
- 2.8 Article 7, paragraph 1.h (the promotion of study and research on the language at universities or equivalent institutions)
- 2.8.1 From 2002 to 2006, the Limburger language was the focus of several research projects at Dutch and Flemish universities. In Nijmegen, the Radboud University produced the *Woordenboek van de Limburgse Dialecten* (Dictionary of Limburg Dialects). Its *D-kwadraat* (D-squared) project researched ways in which large quantities of data in dialect can be made available through modern communication technology. In addition, a Nijmegen student wrote a doctoral thesis on the use of regional dialect on both sides of the Dutch-Belgian border in northern Limburg and the neighbouring Rhineland area of Germany.
- 2.8.2 Limburger language features prominently in collaborative research into tone languages, conducted by the Radboud University and the Meertens Institute in Amsterdam. Limburger language is a regular topic of master's degree dissertations in Nijmegen.
- 2.8.3 In 2007, work on the Dictionary of Limburg Dialects was completed by Leuven University (see <http://www.ru.nl/dialect/wld/index.htm>).
- 2.8.4 And, finally, Leiden University in the Netherlands has its own Limburg dialect specialist, Dr Michiel de Vaan.
- 2.9 Article 7, paragraph 1.i (the promotion of appropriate types of transnational exchanges)
- 2.9.1 By declaring the European Charter applicable to the Limburger language in 1997, the Netherlands underlined that attention was being focused on cross-border contacts concerning the Limburger language.
- 2.9.2 The Dutch and Belgian provinces of Limburg are involved in close cooperation on Limburger language and culture issues. Major roles are being played by the provincial authorities and the voluntary dialect and culture associations.
- 2.9.3 At the time of going to press, the situation is as follows. With reference to section 2.5, links with the Belgian province of Limburg are being maintained by the Raod veur 't Limburgs, the Veldeke Limburg Association, the Vereniging voor Limburgse Dialect- en Naamkunde and the provincial authorities on both sides of the border. One of the board members of the Raod veur 't Limburgs is from Belgian Limburg. The Belgian-Limburg branch of Veldeke Limburg is actively involved in the association's activities. Veldeke Belgian Limburg (VBL) also organises regional activities in

Belgian Limburg. Since its establishment in 1999, it has been actively involved in preserving and perpetuating folk culture, particularly Limburg dialects (see www.veldeke.be). The Vereniging voor Limburgse Dialect- en Naamkunde is based in Hassled (Belgium) but is active in both Dutch and Belgian Limburg.

- 2.9.4 To date, Belgium has not ratified the European Charter for Regional or Minority Languages. Consequently, the Limburger language is not recognised in Belgium under this Council of Europe agreement, nor is it a well-established and accepted feature of daily life in the Belgian (as opposed to the Dutch) province. Belgian initiatives concerning the Limburger language are eligible for provincial subsidy and, as such, they are dealt with by the Provincial Centre for Cultural Heritage. The Belgian province of Limburg lays cautious emphasis on encouraging general sensitivity to, and appreciation of, regional language and culture. One of the projects supported by the province in 2004 was the Lived Dialectkaart (Living Dialects Map) produced by the VBL.
- 2.9.5 On 22 September 2006, in the town hall in Tongeren (Belgium), the VBL presented Veldeke Limburg with a unique gift to mark the Association's 80th anniversary. The multi-dialect strip cartoon, *Ambiorix* (about a local historical figure who travels in time from the Roman era to the present day), is the first of its kind. It features a cast of characters representing over 20 different varieties of Limburger language as spoken from Kerkrade to Beringen and from Sint-Truiden in Belgium to Venlo in the Netherlands. All primary school pupils received a personal copy of *Ambiorix* from the provincial authorities.

2.10 Article 7, paragraphs 2,3 and 4 (other provisions)

- 2.10.1 The measures and actions described above meet the obligations imposed by article 7, paragraphs 2, 3 and 4. The Raod veur 't Limburgs operates as an advisory body within the meaning of Article 7, paragraph 4, of the Charter. It makes recommendations to the Provincial Executive on the development of language policy of the province of Limburg with regard to the application of Part II of the European Charter for Regional or Minority Languages (see in Appendix B 4 the Regulations, Article 2, paragraph 1, and Article 6).

Appendix B 1: Orders enacted by the Province of Limburg since 2002 to protect, preserve and promote the Limburger language.

The Provincial Council of Limburg,

Having regard to the proposal by the Provincial Executive of Limburg, ref. **I-695-1**, Welfare Department, no. 96/26578F, of 18 June 1996;

Having regard to the recommendation by the Veldeke Limburg Association on recognition of the Limburger language as a regional language;

Orders that:

On the basis of the said recommendation, the Provincial Executive be mandated to submit an application to the State Secretary for the Interior for the Limburger language to be granted recognition as a regional language under the terms of Part II of the European Charter for Regional or Minority Languages.

Done by the Provincial Council of Limburg at its meeting on 20 September 1996.

The Provincial Council of Limburg,

Having regard to the proposal *Et recht op et Limburgs* by the Partij Nieuw Limburg (New Limburg Party), ref. **I-718** of 22 May 2000;

Orders that:

1. an independent regional language officer be appointed as soon as possible, as described in the letter of 22 Augustus 2000 submitted by Camiel Eurlings, member of the Provincial Executive;
2. the Raod veur 't Limburgs be established on 1 January 2001 in order to research all potential repercussions of the recognition of the Limburger language as a regional language in accordance with Part II of the European Charter for Regional or Minority Languages, and that the Provincial Council be informed of its findings;
3. an agenda, task list and job description for the regional language officer and Raod veur 't Limburgs be drafted and submitted to the Provincial Council;
4. the activities of the regional language officer be evaluated every two years;
5. the necessary funds be made available.

Done by the Provincial Council of Limburg at its meeting on 8 September 2000.

The Provincial Council of Limburg,

Having regard to the proposal by the Provincial Executive of Limburg, ref. **I-721**, Welfare Department, no. 00/55576, of 19 December 2000, concerning the regional language officer and the Raod veur 't Limburgs supervisory committee;

Orders as follows:

The Council concurs with the recommendation of the Regional Language Officer Advisory Committee in respect of:

1. the nomination of the Veldeke Limburg Association;
2. the composition and methodology of the advisory committee, with the proviso that:
 - the supervisory board consist of *at least* five members, contrary to the recommendation made by the Advisory Committee;
 - one seat on the supervisory board be reserved for a joint representative of DOL and AGL, expressly on the principle of constructive participation;
 - the Belgian province of Limburg be offered the opportunity to occupy two seats;

3. the job description of the regional language officer.

Done by the Provincial Council of Limburg at its meeting on 26 January 2001.

The Provincial Council of Limburg,

At its meeting on 15 March 2002, having regard to the proposal by the Provincial Executive of Limburg, ref. **I-727**, Culture and Social Development Division, no. 2002/5806, of 19 February 2002, for a Multi-Year Regional Language Plan for the Raod veur 't Limburgs;

Orders that:

1. the Multi-Year Regional Language Plan for the Raod veur 't Limburgs be noted;
 2. the core of the policy submitted by the Raod veur 't Limburgs be accepted, together with the proposals included under the provisions of Article 7 of the Charter, and that they be taken as the operating principle for regional language policy in the province of Limburg.
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The Provincial Council of Limburg,

Having regard to the proposal by the Provincial Executive of Limburg, ref **I-755**, Culture and Social Development Division, no. 2005/59167, of 20 December 2005, concerning evaluation of the province's language policy between 2001 and 2006;

Orders that:

1. based on the alternatives and considerations proposed in paragraph 3, an active regional language policy be pursued in the Province, and to that end, the requisite funding (payable from general funds) be reserved in 2006 for the 2007 Spring Budget Memorandum;
 2. the regional language policy be incorporated into the province's cultural policy as a prelude to the new coalition agreement and based on the forthcoming Multi-Year Regional Language Policy for 2007 to 2010 to be drawn up by the Province in consultation with Raod veur 't Limburgs, the regional language officer, Veldeke Limburg and the Huis voor de Kunsten Limburg.
-

Regulations governing the regional language officer's supervisory and advisory committee, Raod veur 't Limburgs, adopted by the Provincial Executive of Limburg, and entered into force on 28 March 2006

For details of the Regulations, see Appendix B 4.

Appendix B 2: Brief summary of Limburger language projects, 2000–2006.

The following overlapping projects were carried out in Limburg between 2000 and 2006.

1. Multi-year plan for 2001 to 2004

2002 – The regional language officer's web site (www.limburgsedialecten.nl) was launched. It gives linguistic information about Limburger dialects, literature and projects; it has special items for children and teenagers; and it includes an interactive section designed to help the regional language officer to find out what local people think about language and regional language policy.

2002/2003 – In collaboration with Raod veur 't Limburgs and the regional language officer, the Dialectology Department of Leuven University conducted major research into the Limburger language. The aim of the study was to discover the extent to which Limburg dialects are still in use and find out the attitudes and perceptions of Limburgers about their own dialects.

2003/2006 – *Dien eige taal*, an introductory course to the Limburger language for primary school pupils aged around 10 years. The course consists of a teacher's manual, a learner's book in Dutch and learner's books in several different Limburg dialects.

2005/2007 – *Dien eige taal wiejer*, a Limburger language course for secondary school pupils aged around 15 years. The course introduces a range of topics related to the language and culture of Limburg, from multilingualism to children's literature. This method also consists of a teacher's manual, a learner's book in Dutch and learner's books in several different Limburg dialects.

2. Multi-Year Regional Language Plan for 2004-2006

2003/2006 – *Dien eige taal*, an introductory course to the Limburger language for primary school pupils aged around 10 years. The course consists of a teacher's manual, a learner's book in Dutch and learner's books in several different Limburg dialects.

2005/2007 – *Dien eige taal wiejer*, a Limburger language course for secondary school pupils aged around 15 years. The course introduces a range of topics related to the language and culture of Limburg, such as distinctive features of the language, bilingualism, history and children's literature. This method also consists of a teacher's manual, a learner's book in Dutch and learner's books in several Limburger dialects.

3. Other projects

2002 – The Symposium *'t is neet allein 'n kwestie van gedöld*. The morning session consisted of three lectures, on 'dialect vitality and cultural identity', 'the status and vitality of regional or minority languages in the Netherlands' and 'language and dialect'. The afternoon's proceedings featured three rounds of discussion, in which participants were divided into four groups: young people, teachers, policymakers and media professionals.

2003 – Standardised spelling was introduced for Limburg dialects (the third revision took place in 2006).

2003/2004 – A report was published on the effect of bilingualism on pupils' educational performance.

2006 – The province of Limburg provided its regional language officer with a basic resource pack consisting of print dictionaries and digital reference works, equipment for recording live conversations in dialect, a laptop for lectures and field research, and a scanner for digitising texts (usually older ones) in the Limburger language.

2006 – With the support of the provincial authorities, the Raod veur 't Limburgs organised the first National Conference on Regional Languages, which addressed the following issues:

1. What features and what impact can a successful provincial language policy have?
2. How can regional language policy be harmonised at national and European level?
3. How can the aims of regional language policy best be achieved?

Conference speakers included Wim van Gelder (Queen's Commissioner for the province of Zeeland) and Lambert van Nistelrooij (Member of the European Parliament).

A follow-up conference will be held in 2007 and will be organised by the Sont Foundation (the regional language association for the area where Lower Saxon is spoken), which acts as an umbrella organisation for the regional language interest groups in Groningen, Overijssel, Stellingwerven, Drenthe and Gelderland.

4. Veldeke Limburg Projects

2000/2006 – The Veldeke Limburg Association received a grant for improving professional support for its senior board. This includes funding for projects geared to strengthening provincial policy. The project funding was spent on the *Laeze en schrieve* courses for beginners and advanced learners, poetry and prose recitation competitions for primary school pupils, the Veldeke Prize for Literature, updates to the web site, and festivities to celebrate the organisation's 75th anniversary in 2001.

2003/2005 – *Laeze en schrieve* (a course in reading and writing the Limburger language), comprising a teacher's manual and coursebooks for beginners and advanced learners.

2004/2006 and 2007/2008 – The Limburg Framework Course for adults who have an affinity with the language and are working in adult education or hoping to do so in the future.

2005/2007 – The following projects targeting teenagers and children received grants from the Province:

- the Puppet Show project for primary school pupils aged 5 to 7;
- the Verse Recitation project for primary school pupils aged 7 to 12;
- the Youth Magazine project for primary school pupils aged 12;
- the Veldeke Prize for Literature;
- the Jubilee Symposium to mark the Association's 80th anniversary in 2006.

At the Symposium, topics included 'the effect of dialect use on language development in children' and 'opportunities for fostering the use of dialect at home and school'. Both lectures sought to convince teachers and education policymakers that speaking dialect does not necessarily impede a child's language development. They were also aimed at stimulating discussion on the use of dialect in education.

5. Vereniging voor Limburgse Dialect- en Naamkunde (VLDN)

2000/2006 – a grant to organise an annual conference. This grant was matched by the Belgian province of Limburg. The VLDN promotes research into the linguistic heritage of the Dutch and Belgian provinces of Limburg and seeks to achieve its aims through scholarly gatherings, publications and services.

6. Stichting LiLiLi (Limburgse Literaire Lies)/ Uitgeverij TIC

2001/2006 – A grant was awarded to the LiLiLi Foundation for a range of activities. The LiLiLi Day is aimed at the general public and promotes the speaking and writing of Limburg dialects in combination with other expressions of culture such as literature, recitation, plastic arts, drama, theatrical productions, cabaret, music and cinema. Special items are currently being developed for children and teenagers. The LiLiLi Foundation celebrates its tenth anniversary in 2007 and has published 55 titles in dialect.

7. Television projects

2000/2006 – *KinjerKraom* is a popular programme in Dutch and local dialect for children of primary school age. It is broadcast on Saturday and Sunday mornings and Wednesday afternoons on the province's TV channel, L1. It has been running for over nine years, and its 1,100th edition went on air in March 2005. Regular features on *KinjerKraom* are *Kinjerkultuurpriés*, *Waat wet se van techniek? Kinjerkraomsport*, *Kindervensen*, and *Kinjer wie dich en ich*. Topics on the programme include art, culture, the environment, hobbies, music, primary education, youth work, preventive social work, research, science and technology. The programme also covers major entertainment events for children and young people. See www.l1.nl/tv/Kinjerkraom. *Kinjerkraom* is partly financed by the Dutch province of Limburg.

2001/2006 – *Kresj-TV* is a bilingual programme for teenagers in Dutch and local dialect. It is broadcast on the province's TV channel, L1. The programme invites participation from its target group and runs features

on pop music, theatre, festivals, art and culture, training courses, job information, technology, youth work, internationalisation and sport. Kresj-TV is sponsored by the Dutch province of Limburg. See www.kresjtv.nl.

2006/2007 – *De Hemelpaort* is a drama series in Limburger language commissioned by the L1 television channel. The actors come from all over the province, and many local dialects can be heard. *De Hemelpaort* is an excellent tool for demonstrating that local dialects are flourishing – particularly among young people. It reflects Limburgers' pride in their region, language and culture. These factors motivated the provincial authorities to help launch the programme. See also www.l1.nl/tv/De_Hemelpaort.

2006 – the Mooi Limburgs Muziek Festival. (Beautiful Limburg Music Festival). This song festival – the first of its kind in the province – was open to a wide range of song types, excluding the Carnival genre. The qualifying rounds were held in Venlo, Roermond and Kerkrade, after which the remaining 12 competitors battled it out in a finale, broadcast live from Sittard by L1 TV. The entries were judged jointly by a panel of experts and the Limburg viewers. Prizes were awarded for the all-round best entry, best lyrics and best musical composition. The organisers, Mediagroep Limburg and L1 television, would like to make the Mooi Limburgs Muziek Festival a regular two-yearly event. The festival, which aims to promote dialect through music, is partly financed by the Dutch province of Limburg authorities.

8. Miscellaneous

2000 to 2006 – Since 2000, the *Nach van 't Limburgse leed* (Evening of Limburg Song) has become Venlo's biggest musical event at the end of Carnival. This annual festival – with an all-day programme – aims to give the general public an accessible, low-threshold introduction to the folk music and local dialects of Limburg. Dialect musicians and composers are actively encouraged to attend. The Priés veur 't Limburgse leed (Limburg Song Prize) is awarded to the dialect singer(s) or band with the best innovative entry in dialect. See www.limburgsleed.nl. The event is organised jointly by the catering industry in Venlo.

2001 to 2007 – *The Kinjer Vasteloavend Leedjes Festival* (KVL) is a competitive Carnival event for children. Primary school children throughout the province of Limburg are invited to compose a Carnival song in dialect and enter it for the festival. The entries may be individual compositions or joint efforts by a class or school. Qualifying events are held at regional level. The eleven best competitors are invited to attend the finals. The project encourages active use of spoken and written dialect by children and their teachers. The Carnival performance is live and is accompanied by dances rehearsed for the occasion. The event is jointly produced by KVL, the Veldeke Limburg Association and the regional language officer.

2005 to 2007 – the *Oud Limburgs Schuttersfeest OLS* (Old Limburg Militia Festival) is an annual event. To make it more widely known, particularly among young people, a junior version (the Kinjer-OLS) has been organised. This mini-festival takes place in the same traditional location as the adult version held in Stamproy on Sunday 2 July, but a week earlier. As might be expected, the festivals are similar in format, but the junior event is on a smaller scale. The event is open to all primary school children from the Dutch and Belgian provinces of Limburg. The Limburger language is the medium of communication during the festival.

1998 to 2009 – publication of dialect dictionaries at regular intervals, particularly in collaboration with the regional Veldeke Association network. Provision has already been made for publishing the *Vallekebergse Dieksjonaer* in 2009. The province of Limburg provides a modest grant for such cases.

Appendix B 3: Grants awarded for Limburger language-related activities (2000 – 2006)

| Grant | 2000 to 2006 Non-recurring € | 2006 Non-recurring € | from 2007 Long-term € |
|--|---|-------------------------------------|--------------------------------------|
| Regional language officer's office | | | |
| Regional language officer | 178,854.48 | 36,167.00 | 62,000.00 |
| Member of staff (2004-2005) | | | |
| Specialist 0.5 full time equivalent (FTE) | 58,237.00 | 30,442.00 | |
| Secretarial assistance (2003) | 18,150.00 | | |
| Secretarial assistance (2004-2005) | 48,500.00 | 16,000.00 | 16,000.00 |
| Accommodation (2004-2005) | 16,500.00 | | |
| Raod veur 't Limburgs | | | |
| 1. Multi-year project plans 2001-2004 | 74,073.00 | | |
| 2. Multi-year project plans 2004-2006 | | 66,600.00 | |
| 3. Miscellaneous projects | 32,884.93 | 10,031.49 | |
| Meeting attendance fees (Raod) | 54,000.00 | 10,000.00 | 16,000.00 |
| Raod activities funding | | | 28,000.00 |
| Veldeke Limburg Association | | | |
| 4. Projects | 73,798.04 | 33,308.27 | |
| Activities funding (Veldeke) | | | 28,000.00 |
| 5. Vereniging voor Limburgse Dialect- en Naamkunde (VLDN) | 7,800.00 | 2,300.00 | To be agreed |
| Culture and dialect projects | | | |
| 6. <i>LiLiLi Foundation (Limburgse Literaire Lies)</i> | | | |
| - LiLiLi Day | 29,188.49 | 10,040.00 | 7,500.00 |
| - LiLiLi books | 4,775.00 | | |
| - LiLiLi miscellaneous | 10,500.00 | | |
| 7 <i>LI TV</i> | | | |
| Kinjerkraom (Kinjer Kultuurpriés) | 349,349.17 | 60,000.00 | |
| Kresj TV | 339,806.68 | 90,000.00 | |
| De Hemelpaort TV series | | 300,000.00 | |
| <i>LI TV and Mediagroep Limburg</i> | | | |
| Mooi Limburgs Muziek Festival | | 36,500.00 | |
| 8 <i>Miscellaneous</i> | | | |
| Nach van het Limburgse Leed | 6,810.00 | | |
| Kinjer Vastelaovend Leedjes festival | 58,017.36 | 9,975.00 | 7,500.00 |
| Kinjer-OLS | 2,000.00 | 3,000.00 | 2,000.00 |
| Vallekebergse Dieksjonaer | | | 2,268.90 |
| Total | 1,361,244.15 | 714,196.76 | 169,268.90 |

* long-term allocation of €150,000.00 for the Limburger language, as from 2007

Items 1 to 8 inclusive correspond to the numbered project summaries in Appendix B 2.

Appendix B 4: Regulations governing the regional language officer's supervisory and advisory committee, Raod veur 't Limburgs

Provincial Bulletin of Limburg 2006/26

The Provincial Executive of Limburg,

in application of the provisions of the General Administrative Law Act and the Provinces Act, hereby gives notice that, at its meeting on 28 March 2006, the following was decided:

Article 1: Establishment

The Provincial Executive of Limburg, ('the Executive') has established a supervisory and advisory committee, (the 'Raod veur 't Limburgs' abbreviated in these regulations to 'the Committee'), to assist the regional language officer.

Article 2: Principal tasks

The Committee's principal tasks are as follows:

1. to make recommendations to the Executive on the development of language policy in the Province with regard to the application of Part II of the European Charter for Regional or Minority Languages;
2. to make recommendations to the Executive on the Committee's composition, in order to secure and promote its ongoing functioning as a well-balanced and efficient sounding board;
3. to assist the regional language officer in setting up and implementing a language policy for the province and to provide the officer with substantive support in carrying out his duties;
4. to approve the regional language officer's multi-year plan, annual programme and annual report;
5. to nominate prospective Committee members to the Executive;
6. to act as an ambassador by profiling the Limburger language and communicating the province's language policy to the general public. Three members of the Committee will be appointed by the Provincial Executive as regional language ambassadors and will give the regional language officer advice on, and assistance with, promotional activities.

Article 3: Composition and appointment

1. The members of the Committee are appointed by the Executive on the Committee's nomination.
2. The composition of the Committee appropriately reflects its role as a sounding board, and includes representatives from the fields of dialectology, education, promotion and marketing, media and communication, and folklore and ethnology. As far as possible, the membership should reflect a balance of age and gender.
3. The Committee may nominate one or more individuals for Committee membership by virtue of personal capacity or based on recommendation by an organisation. The Committee may have no more than nine members in total.
4. Committee members may be appointed on the recommendation of the Linguistics Department of the Radboud University of Nijmegen, the Dialectology Department of Leuven University, the Amt für rheinische Landeskunde of the Landschaftsverband Rheinland or the Jongeren Netwerk Limburg, on the basis of one seat per body, and of organisations that are actively involved in promoting the Limburger language at provincial level (currently the Senior Board of Veldeke Limburg, with one seat). In addition, one seat is available for a representative of the Dutch province of Limburg, to be appointed directly by the Executive. Three seats are available for the regional language ambassadors, whose task is to actively implement the province's regional language policy. The Committee nominates regional language ambassadors to be appointed by the Provincial Executive.
5. When making a nomination for re-appointment, the Committee takes into account, if necessary, the candidate's performance during his most recent term of membership.
6. The members of the Committee are appointed in their personal capacity.
7. Membership of the Committee is for a maximum of three years. The Committee will compile a staggered timetable for members to stand down, so that the composition of the Committee will be completely renewed every three years. A member standing down is eligible for immediate re-appointment by the Committee on the recommendation of the relevant body.
8. The Committee appoints one of its members as chair and one as deputy chair.
9. The regional language officer acts as secretary to the Committee and does not have the right to vote.

Article 4: Attendance fees

The Committee members receive a fee for attending Committee meetings and reimbursement of travel expenses, in accordance with the By-law governing Monetary Provision for Members of the Provincial Council and Committees. The Committee draws up its own rules of procedure, which, within the scope of the budget approved by the Provincial Council and/or Provincial Executive, provide for additional arrangements covering the Committee meetings (plenary or otherwise) to be convened during the year, travel expenses incurred by the regional language ambassadors' promotional activities, etc.

Article 5: Committee meetings

1. The Committee meets at least twice a year and otherwise at its own discretion.
2. Procedure at meetings is determined by the Committee itself.
3. The quorum required for making legally binding decisions is equivalent to half the total number of members plus one (including the chairperson).
4. The Committee's recommendations and nominations are determined by majority vote. Each member (including the chairperson) has one vote.
5. The Committee's meetings preferably take place in the 'Gouvernement' [i.e. the Provincial Government Building] in Maastricht.
6. Documents issued by the Committee must be signed by both the chair and the regional language officer.
7. The Committee convenes in closed session, and the documents pertaining to its business are confidential unless the Committee decides otherwise.

Article 6: Advice on implementation of the European Charter

1. Once a year, based on topical developments, the Committee submits written recommendations on language policy in the province to the Provincial Executive. It may also make other recommendations, of a solicited or unsolicited nature. The Committee makes its recommendations directly to the Executive. If the Provincial Council requests advice, the Committee communicates with the members of the Provincial Council, too. For advice on regional language policy, the definitive document is the European Charter, as referred to in Article 2.
2. If the Executive solicits advice from the Committee, the Executive enacts the orders or makes proposals to the Provincial Council after taking account of the Committee's recommendations. The Provincial Council and Provincial Executive may disregard these recommendations.

Article 7: Ad hoc expertise

The Committee may seek advice from outside experts, whom it may invite to address Committee meetings or to give information on a particular subject. These experts may also, at the Committee's invitation, participate in project teams set up by the Committee. The experts do not have the right to vote.

Article 8: Amendments

Amendments to these regulations are made by the Executive, having heard the Committee.

Article 9: Miscellaneous

In matters not covered by these regulations, the Committee's decision is final.

Article 10: Entry into force

These regulations will enter into force on 28 March 2006.

For the Provincial Executive,
L.J.P.M. Frissen, Chair
W.L.J. Weijnen, Secretary

Published on 30 March 2006

W.L.J. Weijnen,
Secretary

Appendix B 5: Addresses of associations working to promote and preserve the Limburger language in the Netherlands

Raad veur 't Limburgs
c/o Huis voor de Kunsten Limburg
Postbus 203
6040 AE Roermond, The Netherlands
Tel. +31 475 399 280
Fax +31 475 399 298
Email tvdwijngaard@hklimburg.nl / msteegs@hklimburg.nl (regional language officers)
Web site www.limburgsedialecten.nl

Vereniging Veldeke Limburg
p/a Huis voor de Kunsten Limburg
Postbus 203
6040 AE Roermond, The Netherlands
Tel. +31 475 399 299
Fax +31 475 399 298
Email info@veldeke.net
Web site www.veldeke.net

Vereniging Limburgse Dialect- en Naamkunde vzw.
Mombeekdreef 18
B-3500 Hasselt, Belgium
Email secretariaat-vldn@skynet.be
Web site www.vldn.be

Uitgeverij TIC/Stichting LiLiLi
Th. Schaepkensstraat 32
6221 VZ Maastricht, The Netherlands
Tel +31 43 326 24 14
Fax +31 43 326 19 91
Email tic@euronet.nl
Web site www.uitgeverijtic.nl

Stichting DOL (Stichting voor Dialect- en Cultuuronderwijs Limburg)
Insula 80
6416 BZ Heerlen, The Netherlands
tel. +31 45 574 0679
Email: info@ichkalplat.nl
Web site: www.ichkalplat.nl

Werkgroep AGL (Werkgroep Algemeen Geschreven Limburgs)
Beatrixlaan 46
6133 BD Sittard, The Netherlands
tel. + 31 46 451 7363
Email: info@limburghuis.nl
Web site: www.limburghuis.nl

1 Introduction

- 1.1 Worldwide, Yiddish is spoken as a community language by an estimated one million people. The Netherlands has a few hundred Yiddish speakers, most of whom live in Amsterdam and The Hague. By ‘Yiddish speakers’, we mean people who use Yiddish at home or as a language of study – people with an active command of the language. It should be noted that these figures are based not on surveys or other systematic research but on estimates by the Stichting Joodse Kindergemeenschap Cheider, an Orthodox Jewish school in Amsterdam. The various organisations dedicated to protecting and developing Yiddish in the Netherlands attach importance not only to the spoken language but also to Yiddish literature and culture.
- 1.2 Various organisations are working to preserve and promote Yiddish in the Netherlands, most of them based in Amsterdam. They include the Cheider, the Jiddisjer Kraiz, and the Menasseh ben Israel Institute. For names and addresses, see Appendix C 1.
- 1.3 In 1996, the Netherlands approved the European Charter for Regional or Minority Languages after the requisite legislation was passed in the House of Representatives on 19 October 1995 and in the Senate on 23 January 1996 (Bulletin of Acts and Decrees 1996, 136).
- 1.4 During the parliamentary proceedings on the bill to approve the Charter, the Dutch government decided to recognise Yiddish as a non-territorial minority language within the meaning of the Charter. In accordance with this decision, the principles of Part II of the Charter apply to Yiddish spoken in the Netherlands, taking due account of the provisions of article 7, paragraph 5, of the Charter.
- 1.5 The text of the European Charter for Regional or Minority Languages was concluded in English and French on 5 November 1992. The Government of the Kingdom of the Netherlands published the text in both languages in Treaty Series 1993, 1, and a Dutch translation in Treaty Series 1993, 199 (see also Treaty Series 1998, 20 (C)).
- 1.6 In drawing up this report, we used information from previous State reports produced in the Netherlands, updated with information provided by the Cheider, Professor Shlomo Berger (University of Amsterdam), and the Stichting Jiddisj (Yiddish Foundation) (see Appendix C 1). Other relevant information came from the COM and SAMO organisations (see section 2.3). The reference date for this report is 1 August 2007.
- 1.7 Following the second information-gathering operation in 2001-2003, the Committee of Experts (referred to in article 16, paragraph 3, of the Charter) visited the Netherlands in early 2004 to gather information about voluntary organisations concerned with the promotion and study of Yiddish. During the course of 2004, the Committee of Experts set out its findings and recommendations, based on the information gathered and a working visit.
- 1.8 On 15 December 2004, at its 909th meeting, the Committee of Ministers of the Council of Europe took note of the Committee of Experts’ report. The Committee of Ministers made a number of recommendations.¹ The report and the recommendations can be consulted on the Council of Europe’s local and regional democracy web site: www.coe.int/local.
- 1.9 In 2001, the Netherlands was advised to develop a national language policy encompassing Yiddish and the other languages protected under Part II of the Charter (in accordance with the objectives

¹ Council of Europe, *Report of the Committee of Experts on the application of the Charter: The Netherlands, 2nd monitoring cycle*, ECRML (2004)8, Strasbourg, 16 December 2004.

and principles set out in Part II²).

- 1.10 The Dutch government's policy is to make voluntary organisations concerned with preserving and studying Yiddish primarily responsible for expressing any wishes concerning policy on the language, taking account of the obligations entered into under the Charter).

² Council of Europe, *Report of the Committee of Experts on the application of the Charter: The Netherlands*, ECRML (2001)1, Strasbourg, 20 September 2001.

2 Application of Article 7

2.1 Article 7, paragraph 1a (recognition of the language as an expression of cultural wealth)

2.1.1 In ratifying the Charter in 1996, the Dutch government recognised Yiddish as an expression of the cultural wealth of the Netherlands.

2.2 Article 7, paragraph 1b (respect of the language's geographical area)

2.2.1 This provision does not apply to non-territorial minority languages.

2.3 Article 7, paragraph 1c (the need for resolute action)

2.3.1 In 1998, the Ministry of Health, Welfare and Sport made a one-off contribution of NLG 21.5 million for projects to benefit victims of persecution in the Second World War. Grants were awarded in 1999/2000 for up to four years. They were used to finance the following activities aimed at protecting and maintaining Yiddish:

- the development of a Yiddish course book and teaching materials for Stichting Joodse Kindergemeenschap Cheider in Amsterdam (NLG 200,000 or € 90,756);
- an archive and library study of the Yiddish legacy in the Dutch Jewish community, for the Menasseh ben Israel Institute in Amsterdam (NLG 150,000 or € 68,067).

The involvement of the Ministry of Health, Welfare and Sport with projects to benefit the Yiddish language or other projects for collective purposes within the Dutch Jewish community was thus of a temporary nature.

2.3.2 At present, project grants for collective purposes within the Jewish community in the Netherlands are mainly awarded by a voluntary organisation, the Stichting Collectieve Maror-gelden Nederland (COM). This organisation's resources come from the Maror Fund: sums disbursed to the Jewish community in the Netherlands by the Dutch government and private parties in 1999 and 2000 as restitution for Jewish assets looted in the Second World War. Consultations were held within the Jewish community in 2000 to decide how to spend the money. It was decided to pay at least 80% directly to individuals and to spend the rest on community projects.

2.3.3 The first two grant rounds for community projects in the Netherlands were organised by the Stichting Maror-gelden Overheid (SMO), the organisation mandated to manage Maror funds paid by the government. These rounds took place in 2003 and 2004. SMO was an autonomous administrative authority operating under the supervision of the Ministry of Finance. At that time, the Minister of Finance was jointly responsible for distributing Maror funds. In 2003 and 2004, SMO made the following amounts available for Yiddish language projects:

| Name of organisation ³ | Project | Year | Amount in euros |
|---|--|------|-----------------|
| Stichting Jiddisj | Yiddish in the Netherlands 1 | 2003 | 12,000 |
| Stichting Jiddisj | Mira Rafalowicz Library (see section 2.4.3) | 2003 | 1,288 |
| Menasseh ben Israel Instituut | Creation of a university chair of Yiddish language and culture (see section 2.8.2) | 2003 | 27,500 |
| Stichting Hebreeuwse en Jiddische woorden in het Nederlands | Sofeer: Yiddish words for MS Office | 2004 | 53,200 |

2.3.4 On 1 January 2005, SMO changed its name to SAMO (Stichting Afhandeling Maror-gelden Overheid). SAMO is also an autonomous administrative authority operating under the supervision of the Ministry of Finance. It also deals with objections and applications for review, and it monitors the projects for which SMO awarded grants in 2003 and 2004.⁴ In a letter of 21 November 2005 to the president of the House of Representatives, the Minister of Finance reported that the government was winding up its supervision of the distribution of Maror funds paid by the

³ The names of the organisations are explained in English in Appendix C 1.

⁴ Parliamentary Papers, House of Representatives, 2006/2007, 30 800, Chapter IXB, no. 2, p. 85 and ibidem, 30 850, no. 7, pp. 14-15.

government.⁵

- 2.3.5 Since 2005, responsibility for managing grants for community projects has lain with a non-profit-making foundation, the Stichting Collectieve Maror-gelden Nederland (COM). COM manages the Maror funds paid by private parties (banks, the stock exchange, and insurers) and intended for collective objectives within the Jewish community in the Netherlands. It also awards project grants from these funds. In 2005 and 2006, COM made the following amounts available for Yiddish language projects:

| Name of organisation | Project | Year | Amount in euros |
|---|--------------------------------------|------|-----------------|
| Stichting Jiddisj | Yiddish in the Netherlands 2 | 2005 | 7,100 |
| Menasseh ben Israel Institute | ‘The Bible and/in Yiddish’ symposium | 2005 | 4,000 |
| Stichting Jiddisj | Yiddish in the Netherlands 3 | 2006 | 4,500 |
| Stichting bevordering Jiddische Cultuur | Yiddish songs from shtetl to shtetl | 2006 | 10,719 |

- 2.3.6 For grants from COM to the Cheider, see section 2.6 of this report. Grants to the Cheider are not intended specifically to benefit Yiddish.

2.4 Article 7, paragraph 1d (facilitation and/or encouragement of the use of the language)

- 2.4.1 Through the support described above, the government, COM, and SAMO all encourage the use of Yiddish in speech and writing in both public and private spheres (see section 2.3 above).

- 2.4.2 Private-sector organisations (see Appendix C 1 for addresses) are primarily responsible for developing activities in this area, as the Committee of Experts noted in its report on the implementation of the Charter in the Netherlands.⁶

- 2.4.3 The above-mentioned organisations are carrying out the following activities:

- each semester, the Chair in Yiddish language and culture at the University of Amsterdam holds a cultural evening on a subject connected with Yiddish culture. These evenings are open to a wide audience;
- the Cheider uses Yiddish as an everyday language and as a medium of instruction. As mentioned above, the school is also developing a Yiddish course book and teaching materials;
- the Yiddisher Kraiz promotes the speaking and reading of Eastern Yiddish;
- in 2002, the Sdu publishing house published *Hebreeuwse en Jiddisje woorden in het Nederlands: spelling, uitspraak, buiging, herkomst, betekenis*. (‘Hebrew and Yiddish words in Dutch: spelling, pronunciation, inflection, origin, meaning’). This dictionary, with spelling and transcription guidelines, was an initiative of the Stichting Hebreeuwse en Jiddische Woorden in het Nederlands. In 2004, this organisation received a Maror grant to produce a computer-based Yiddish dictionary and spelling checker. The product, called ‘Sofeer: Yiddish words for Microsoft Office’, is now almost complete, thanks to additional grants from other organisations including the Prince Bernhard Culture Fund and the Dutch Language Union.⁷ Sofeer is produced by linguistic software company Polderland, which also produces the digital version of the *Groene Boekje* standard Dutch spelling dictionary;
- the Menasseh ben Israel Institute (MbII) is dedicated to studying Jewish society and culture; some of its activities are mentioned in section 2.3.1 above. The MbII also maintains a chair of Yiddish language and culture (see section 2.8) at the University of Amsterdam;
- the Stichting Jiddisj aims to promote interest in the Yiddish language and culture in the Netherlands. It does so by organising an annual seminar as well as literary and musical

⁵ Parliamentary Papers, House of Representatives, 2005/2006, 25 839, no. 37.

⁶ Council of Europe, *Report of the Committee of Experts* (2001), section 24.

⁷ In 1980, the cooperation between the Netherlands and Flanders on the Dutch language (including linguistic issues, language policy, language teaching and literature) was confirmed by founding the Taalunie or Dutch Language Union. Surinam has been an associate member of the Dutch Language Union since 2004.

gatherings in Amsterdam and other places. Since September 2000, the organisation has published a Yiddish literary quarterly, called *Grine Medine*. The magazine is bilingual, in Yiddish and Dutch, and will enter its eighth year in September 2007. It has more than 140 subscribers, including universities and libraries;

- the Stichting Jiddisj has a web site, www.stichtingjiddisj.nl. It also maintains a collection of books bequeathed by the late Mira Rafalowicz, an expert in the Yiddish language and culture. The organisation recently published an information booklet, entitled *Kortom Jiddisj* ('In a word, Yiddish').

- 2.4.4 The Stichting Hachnosés-Orchim, mentioned in the previous State report (2003), has now ceased its activities. This organisation was dedicated to studying the history of the language of East European Jewish immigrants in the Netherlands between the two world wars.
- 2.4.5 Until 2005, the publication and translation of Yiddish literary works was provided by the Vassallucci publishing house, in its Yiddish Library series. Vassallucci ceased its activities in 2005. The L.J. Veen publishing house has taken over this task. In March 2007, it started publishing its New Yiddish Library series. Every year, it will publish two Yiddish literary works in Dutch translation.
- 2.4.6 In September 2006, the Contact publishing house published an 800-page dictionary of Yiddish and Sephardic words in Dutch. The dictionary took 14 years to compile.⁸

2.5 Article 7, paragraph 1e (the maintenance and development of links between groups using the language and other groups employing a language used in identical or similar form)

- 2.5.1 The Cheider is an Orthodox Jewish school combining primary and secondary levels, where Yiddish is used alongside Dutch as an everyday language and medium of instruction. This makes the school a centre for both colloquial Yiddish and Yiddish as a language of study. The Cheider works with members of the Jewish community who, for reasons of personal background or belief, use Yiddish in their everyday affairs and as a medium of learning.

2.6 Article 7, paragraph 1f (the teaching and study of the language)

- 2.6.1 The Council of Europe's Committee of Experts noted in 2000 that there was an Orthodox Jewish school in Amsterdam – the Cheider – where Yiddish was taught at both primary and secondary level.⁹ The Cheider also offers Yiddish-medium childcare. In the traditional Jewish education that the Cheider offers, Yiddish is the default medium of instruction for all pupils, including those from non-Yiddish-speaking homes. These pupils are taught Yiddish through a total immersion method. The new teaching materials enable children who know very little Yiddish to be taught through the medium of Yiddish.
- 2.6.2 In 2005 and 2006, the Cheider twice received a grant to improve the education it provides. The grant was awarded by the Stichting Collectieve Maror-gelden Nederland (COM). These grants as such were not specifically targeted at Yiddish-medium education, however, but at the development of a school plan and a pupil monitoring system in accordance with Dutch educational legislation in general. For more information on the Maror funds, see section 2.3.

| Name of organisation | Project | Year | Amount in euros |
|--|----------------------------|------|-----------------|
| Stichting Joodse Kindergemeenschap Cheider | Development of school plan | 2005 | 10,000 |
| Stichting Joodse Kindergemeenschap Cheider | Pupil monitoring system | 2006 | 10,000 |

- 2.6.3 Alongside Yiddish, Cheider pupils are also taught Hebrew. Until 31 July 2004, the Ministry of Education, Culture and Science provided the Cheider with 'OALT funds',¹⁰ to be spent on

⁸ Justus van de Kamp and Jacob van der Wijk, *Koosjer Nederlands: Joodse woorden in de Nederlandse taal*. Uitgeverij Contact, 2006.

⁹ Council of Europe, *Report of the Committee of Experts* (2001), section 30.

¹⁰ OALT is a Dutch abbreviation for 'minority language teaching'. Government funding for OALT came to an end on 31 July 2004.

teaching Hebrew. The OALT funds came to an end in 2004. The Minister of Education, Culture and Science has been examining ways of making up for the loss of these funds in consultation with representatives of the Cheider. But it has been impossible to find an alternative solution without creating a precedent.¹¹

2.7 Article 7, paragraph 1g (the provision of facilities for non-Yiddish speakers to learn the language)

- 2.7.1 During the period of this report (2002-2007), Yiddish courses were offered annually by the University of Amsterdam. The Yiddish for Beginners course is open to anyone who wants to learn the language (see also section 2.8).
- 2.7.2 The Jewish Study Centre in Leiden also offers Yiddish courses. In Leiden, the emphasis is not on Yiddish for beginners. For more than ten years, Leiden has been offering a popular course on literature in the original Yiddish. The Volksuniversiteit Amsterdam (an adult education institute) offers Yiddish courses (but not on a regular basis), as does the Crescas Jewish educational centre (www.crescas.nl). In 2005, Crescas organised a Yiddish course for beginners, and in 2006, a Yiddish literature course. A list of courses can be found on the web site of the Stichting Jiddisj, whose mission is to promote Yiddish language, literature and culture in the Netherlands (see section 2.4.3).
- 2.7.3 The Cheider in Amsterdam teaches all its pupils Yiddish, whether or not it is their mother tongue. Until recently, non-Yiddish-speaking pupils were taught Yiddish in class on an ad-hoc basis. But the course development project has imposed a more structured framework on their learning (the Ministry of Health, Welfare and Sport helped fund the development of a Yiddish course book and teaching materials – see section 2.3.1).

2.8 Article 7, paragraph 1h (study of and research into the language at universities)

- 2.8.1 A range of research into Yiddish is currently being conducted at Dutch universities and research institutes. Until 1998, Yiddish was taught and research into it was conducted at both universities in Amsterdam; since then, both teaching and research have been confined to the University of Amsterdam. Outside the universities, too, there is a great deal of research into Yiddish, mostly in collaboration with the University of Amsterdam.
- 2.8.2 The University of Amsterdam has taught Yiddish for years. Since 1 January 2005, the university has had an endowed chair of Yiddish language and culture, financed by the Menasseh ben Israel Institute. The chair is currently held by Professor Shlomo Berger, whose research is primarily concerned with Yiddish culture from the 15th to the 18th century (see also section 2.9). The chair also provides education in Yiddish language and culture (see sections 2.8.3 and 2.8.4).
- 2.8.3 The Hebrew and Jewish studies programme at the University of Amsterdam offers a one-year Yiddish for Beginners course. The course is an obligatory module for every student on the programme. It is also offered as an optional module for other students in the humanities and other faculties of the University of Amsterdam.
- 2.8.4 Since 2005, the professor of Yiddish has given an annual lecture on a literary or cultural subject related to Yiddish studies.
- 2.8.5 The Menasseh ben Israel Institute (MbII) for Jewish social and cultural studies is a joint venture of Amsterdam's two universities and Jewish Historical Museum. The MbII is currently housed in the Jewish Historical Museum. One of its research projects is the written legacy of Dutch Ashkenazi Jews, who used Yiddish from the 17th century to the end of the 19th century. The project involves cooperation with the chair of Yiddish culture, language and literature at Heinrich Heine University in Düsseldorf. The project

¹¹ Parliamentary Papers, House of Representatives, 2003/04, 29 019, no. 10. See also the letter from the Minister of Education, Culture and Science to the President of the House of Representatives of 11 October 2004 (ref. PO/PJ/2004-47454).

has been partly financed by the Netherlands Organisation for Scientific Research (NWO) (see also section 2.9.2).

- 2.8.6 At the International Institute for Social History, also in Amsterdam, Professor R.G. Fuks-Mansfeld is conducting research into the Institute's own Yiddish collection (mainly political writings, pamphlets, etc.). The professor was previously attached to the University of Amsterdam.

2.9 Article 7, paragraph 1i (international exchanges)

2.9.1 The Cheider organises frequent exchanges with Yiddish speakers in all the Jewish communities abroad. In practice, most of the contacts have been with Antwerp, London, and Israel. They take the following form:

- the Cheider organises exchange programmes for its pupils, with international quizzes on Jewish law in which Yiddish is the lingua franca;
- there are exchanges for teachers, enabling staff at the Cheider to get to know teaching methods and lesson topics developed in larger Yiddish-speaking communities elsewhere;
- the Cheider regularly receives Yiddish-speaking guest teachers, who speak to the pupils in Yiddish;
- Yiddish-speaking adults have social, religious, and intellectual contact with kindred spirits in communities in other countries.

2.9.2 Worldwide, the main centres for studying Yiddish at university level are abroad (in Düsseldorf, Trier, Jerusalem and the United States). The University of Amsterdam is aspiring to join this league. During the reporting period (2002-2007), the Chair of Yiddish language and culture at the University of Amsterdam has developed the following activities:

- Professor Berger (University of Amsterdam) has worked as a guest lecturer at universities in Israel and the United States: in 2005, as visiting professor at the Hebrew University, Jerusalem, and in 2006, as research fellow at the University of Pennsylvania;
- each December since 2005, Professor Berger has organised a symposium on Yiddish culture at the University of Amsterdam. Three well-known foreign speakers are invited to each symposium. The speakers are experienced academics, attached to foreign universities, who give lectures on their own research specialities. Their lectures are published. So far, the lectures held in 2005 and 2006 have appeared in print;
- as mentioned in section 2.8.5, between 2000 and 2005, the University of Amsterdam worked with Heinrich Heine University in Düsseldorf to conduct an international research project into Yiddish in the Netherlands in the 17th and 18th centuries. The results will appear in print during the next few years. One book has so far been published: a bibliography of Yiddish books in Amsterdam from the 17th to the 20th century.

2.10 Article 7, paragraphs 2,3, and 4

2.10.1 The measures and activities described above meet the obligations imposed by Article 7, paragraphs 2, 3 and 4.

Appendix C 1: List of organisations working to promote and develop Yiddish in the Netherlands

Stichting Joodse Kindergemeenschap Cheider
Yiddish School
Postbus 7828
1008 AA Amsterdam
The Netherlands
Tel.: +31 20 646 5564
Web site: www.cheider.nl

Jiddisjer Kraiz
Eastern Yiddish Association
Van Eeghenstraat 113
1071 EZ Amsterdam
The Netherlands

Menasseh ben Israel Instituut
Postbus 16737
1001 RE Amsterdam
The Netherlands
Tel.: +31 20 531 0325
Web site: www.mbi.nl

Stichting Hebreeuwse en Jiddische woorden in het Nederlands
Foundation for Hebrew and Yiddish Words in Dutch
Mariatteplein 13
1098 NW Amsterdam
The Netherlands

Stichting Jiddisj
The Yiddish Foundation
Weesperzijde 300
1097 EB Amsterdam
The Netherlands
Tel.: +31 20 668 1634
Email: info@stichtingjiddisj.nl
Web site: www.stichtingjiddisj.nl

Prof S. Berger
Chair of Yiddish Language and Culture
Spuistraat 134
1012 VB Amsterdam
The Netherlands
Tel.: +31 20 525 4482
Email: s.z.berger@uva.nl

D Roma and Sinti languages in the Netherlands

1 Introduction

- 1.1 Research sources estimate the number of Roma speakers in the Netherlands at around 7,000 – equivalent to about 90% of the estimated Sinti and Roma population. The Sinti live mainly in the south, in the provinces of North Brabant and Limburg, while the Roma are spread around the country. The Sinti speak a single language, whereas the Roma speak various dialects, depending on their origins.
- 1.2 In 1996, the Netherlands adopted the European Charter for Regional or Minority Languages after the House of Representatives passed relevant legislation on 19 October 1995 and the Senate on 23 January 1996 (Bulletin of Acts and Decrees 1996, 136).
- 1.3 In the bill to adopt the Charter, the Dutch government designated the Roma and Sinti languages as non-territorial languages within the meaning of the Charter. Parliament passed the bill. This means that the principles of Part II of the Charter now apply to these languages as spoken in the Netherlands, taking due account of the provisions of article 7, paragraph 5 of the Charter.
- 1.4 The text of the European Charter for Regional or Minority Languages was finalised in English and French on 5 November 1992. The Government of the Kingdom of the Netherlands has published both texts in Treaty Series 1993, 1, and a Dutch translation in Treaty Series 1993, 199 (see also Treaty Series 1998, 20 (C)).
- 1.5 This report is based on information from previous reports in the Netherlands and has been updated to include the latest information from the various ministries and FORUM. The reference date for this report is 1 March 2007.
- 1.6 Following the second information-gathering operation between 2001 and 2003, the committee of experts (referred to in Article 16, paragraph 3 of the European Charter) visited the Netherlands in early 2004 to hear the views of civil society organisations promoting the Roma language. In the course of that year, the committee of experts set out its findings and recommendations, based on the information gathered and a working visit.
- 1.7 At its 909th meeting, on 15 December 2004, the Committee of Ministers of the Council of Europe took note of the committee of experts' report. The Committee of Ministers made certain recommendations.¹ The report and the recommendations can be consulted on the Council of Europe's local and regional democracy web site: www.coe.int/local.
- 1.8 The Committee of Ministers of the Council of Europe recommended that measures be taken to protect and promote the Roma language, particularly in schools, by working together with Roma speakers.
- 1.9 The accompanying report describes these and other measures that have been taken in recent years.

2 Application of Article 7

2.1 Article 7, paragraph 1.a (recognition of regional or minority languages as an expression of cultural wealth)

- 2.1.1 With the ratification of the Charter in 1996, the Dutch government recognised that the Roma and Sinti languages are expressions of the cultural wealth of the Netherlands.

¹ Council of Europe. *Report of the Committee of Experts on the application of the Charter: The Netherlands*, 2nd monitoring cycle ECRML (2004)8, Strasbourg, 16 December 2004.

2.2 Article 7, paragraph 1.b (respect for the geographical area of each regional or minority language)

2.2.1 This provision does not apply to non-territorial languages.

2.3 Article 7, paragraph 1.c (the need for resolute action to promote such languages)

2.3.1 The government has in the past taken measures to promote and safeguard the Roma and Sinti languages as spoken in the Netherlands:

- subsidy has been provided for a schools video (partly in Sinti) produced in cooperation between the National Organisation for Sinti in the Netherlands² and the Institut für Lehrerfortbildung (Pädagogik mit Roma und Sinti) in Hamburg (Germany)
- a Roma-speaking advisor has been appointed to a primary school in south-east Amsterdam. Since the publication of the last State report, the advisor's appointment has been terminated for organisational reasons.
- There are currently three Sinti-speaking teaching assistants involved in three mainstream primary schools in the province of North Brabant. They work with Sinti-speaking pupils in Asten and Nuenen and Roma-speaking pupils in Veldhoven. The assistants are jointly funded by local government and project grants from the Foundation for the Restitution of Sinti and Roma Rights. For more information about the Veldhoven project, see section 2.6.2.

2.4 Article 7, paragraph 1.d (the facilitation and/or encouragement of the use of such languages, in speech and writing, in public and private life)

2.4.1 The government has done nothing to encourage the use of Roma and Sinti either in speech or in writing, in either public or private life.

2.5 Article 7, paragraph 1.e (the maintenance and development of links between groups using the language and other groups employing a language used in identical or similar form)

2.5.1 In 2000, the Dutch government made a sizeable sum of money (nearly €14 million) available, most of which was to be paid out in the form of benefits to Second World War victims and their surviving dependants, and the remainder (some €9 million) spent on projects benefiting the Sinti and Roma.

2.5.2 The Foundation for the Restitution of Sinti and Roma Rights was established in 2000 in order to administer these funds. Its governing board included members of the Sinti and Roma communities, and it was directly responsible to the Ministry of Health, Welfare and Sport. To ensure that the project funds were put to appropriate use, the Foundation set up a number of core groups in 2005, which would advise on areas of need. Their members included Sinti and Roma representatives as well as invited individuals with expertise in this field.

2.5.3 Based on the core groups' recommendations, the Foundation selected five focal areas for its activities: education, a new multifunctional resource centre, employment, social participation, music and culture. The Foundation's activities will run until the end of 2010.

2.5.4 The various Sinti and Roma groups have increasingly been in contact with one another and with various authorities. Most of the communication is in Dutch, but the Roma language is gradually playing a more prominent role.

2.6 Article 7, paragraph 1.f (the teaching and study of the language)

2.6.1 Schools in the Netherlands make no use whatever of the Roma or Sinti languages, other than in the video mentioned above. However, there are a number of schools which have (or used to have) advisors or teaching assistants with special responsibility for Roma or Sinti pupils (see section 2.3).

² In 2002, the National Organisation for Sinti in the Netherlands became the National Organisation for Sinti and Roma in the Netherlands (LSRO), which ceased its activities in 2006. Some of its staff joined the Foundation for the Restitution of Sinti and Roma Rights. The Foundation is due to open a national multi-purpose resource centre at the end of 2007, part of whose mandate will be to promote Sinti and Roma interests.

2.6.2 The Roma project in Veldhoven has developed a Dutch language course for Sinti and Roma pupils. Nikola Rašić, the project's language consultant, is advising on ways in which knowledge of Roma can benefit acquisition of Dutch. He is the author of Romanies in the Netherlands, a background article commissioned in connection with the OWWZ project³ and published on the web site of the KPC Groep. The expertise gathered in Veldhoven is being made available to other schools and municipalities in the Netherlands.

2.7 Article 7, paragraph 1.g (the provision of facilities for non-speakers to learn the language)

2.7.1 No effort is being made by the Dutch authorities to provide facilities for the teaching of these languages to non-speakers either within the educational system or elsewhere. In addition, it should be noted, that the Sinti community is rather reticent about sharing their language with people from outside.

2.8 Article 7, paragraph 1.h (the promotion of study and research on the language at universities or equivalent institutions)

2.8.1 No study or research is currently being undertaken at Dutch universities or equivalent institutions in relation to the Roma and Sinti languages.

2.9 Article 7, paragraph 1.i (the promotion of appropriate types of transnational exchanges)

2.9.1 While the Action Plan to improve the prospects of Roma and Sinti was being drafted (at the time of the Dutch chairmanship of the OSCE in 2003), contact was established with representatives of these communities with a view to seeking a joint solution to the problems.

2.9.2 Before and during the Dutch presidency of the EU in 2004, this initial contact led to substantive consultations between all the organisations representing the Roma and Sinti and those promoting their interests (including the Anne Frank Foundation and Médecins du Monde), national and local self-organised groups (such as the National Organisation for Sinti and Roma in the Netherlands (LSRO), the National Foundation for Equal Rights for the Roma (REO) and the Utrecht-based Triana Foundation) structured by FORUM and chaired by a representative of the Ministry of Foreign Affairs. This resulted in better coordination between the various bodies involved and between them and the central government (i.e. the Minorities Integration Policy (Coordination) Department, which was then part of the Ministry of Justice),⁴ and succeeded in giving the Roma and Sinti and their organisations a stronger international profile.

2.9.3 The consultations initiated a system of best practices, in which local, regional and international experiences (especially those mentioned in section 2.3) were exchanged and modelled.

2.9.4 Under the auspices of the Dutch presidency of the EU in 2004, two seminars were organised with the European Commission for policymakers and others on the social position and inclusion/exclusion of Sinti and Roma in the Netherlands as well as discrimination against them. This was part of a drive by the European Commission to structure the strategies for tackling problems in the member states (especially those that had recently joined) through existing programmes.

2.9.5 During the Dutch presidency of the EU, informal consultation between the various international organisations dealing with Roma-Sinti issues was intensified and more effectively structured,

³ OWWZ is the Dutch abbreviation for the Educational Support Agency for Roma, Sinti and Traveller Children in the Netherlands. The organisation's website (in Dutch only) can be accessed at www.kpcgroep.nl. The work of the OWWZ is currently being studied by the KPC Groep, an 'innovation institute' that conducts many research projects every year for the Ministry of Education, Culture and Science.

⁴ When the new Dutch government came to power in February 2007, this department was transferred to the Ministry of Housing, Spatial Planning and the Environment. It now reports to the Minister for Housing, Communities and Integration.

- which resulted in better all-round cohesion.
- 2.9.6 During the EU presidency, the Netherlands also made a substantial contribution to the Roma Education Fund for 2005/2007 (see section 2.9.8)
- 2.9.7 Using its own resources, the government-subsidised institute FORUM organised five expert meetings entitled ‘Sinti and Roma at European Level’. They were attended by representatives of government bodies, civil society organisations and institutions, and national and local organisations addressing Sinti and Roma issues in the Netherlands. Roma and Sinti delegates highlighted the importance of their own language and culture and the opportunity of experiencing both in the Netherlands. Participants illustrated how the Roma language could be given a higher profile, but also pointed out that Sinti are more reticent than Roma about sharing the knowledge of their language with outsiders.
- 2.9.8 In 2005, the Netherlands participated in the Roma Education Fund, which was started by the Open Society Institute, the Council of Europe Social Development Fund and the World Bank. The Dutch contribution was explicitly not intended for developed countries like the Netherlands, because their education systems may be considered as sophisticated and flexible enough to accommodate the needs and requirements of their minority groups. For information about education in the Netherlands, see section 2.6.
- 2.9.9 On the Dutch government’s recommendation, a member of the FORUM staff has been put forward as a permanent member of the Council of Europe’s Committee of Experts on Roma and Travellers.
- 2.10 Article 7, paragraph 2 (the elimination of any unjustified distinction, exclusion, restriction or preference relating to the use of the language)
- 2.10.1 The FORUM institute for multicultural development receives grants from the Minister for Housing, Communities and Integration (Ministry of Housing, Spatial Planning and the Environment). As part of FORUM’s Social Cohesion programme, the funding is spent on national and international consultancy and on developing and disseminating knowledge about Roma, Sinti and Travellers for the benefit of policymakers and other professionals. The programme also aims to achieve better communication between the various authorities involved and to improve the image that civil society organisations have of Roma, Sinti and Travellers.
- 2.11 Article 7, paragraphs 3 and 4 (other provisions)
- 2.11.1 Taking due account of the situation of these languages in the Netherlands, the measures and actions described above go as far as possible to meet the obligations imposed by article 7, paragraphs 3 and 4.

Appendix D 1: Addresses of associations working to promote and preserve the languages and culture of the Sinti and Roma in the Netherlands

Stichting Landelijke Sinti/Roma Organisatie (LSRO)
National Organisation for Sinti and Roma in the Netherlands
Oranjestraat 75-A
5682 CB Best
The Netherlands
Tel +31 499 379 471
Email: info@sintienroma.nl
Web site: www.sintienroma.nl

Landelijke Roma Stichting 'Roma Emancipatie' (REO)
National Foundation for Equal Rights for the Roma
Gerrit van der Veenplein 12
5348 RG Oss
The Netherlands
Tel/Fax +31 412 651 346
Email: romaemancipatie@wanadoo.nl
Web site: www.roma-emancipatie.org

KPC-Groep Onderwijs Woonwagen-, Sinti- en Roma-kinderen (OWWZ)
Educational Support Agency for Roma, Sinti and Traveller Children in the Netherlands
Postbus 482
5201 AL 's-Hertogenbosch
The Netherlands
Tel +31 73 624 7247
Contact Diny Albers, Wilbert Seuren
Email: d.albers@kpcgroep.nl
Web site: www.kpcgroep.nl/owwz

Stichting Rechtsherstel Sinti en Roma
Foundation for the Restitution of Sinti and Roma Rights
Vondellaan 138
3521 GH Utrecht
The Netherlands
Tel +31 30 281 9955
Email: info@srsr.nl
Web site: www.srsr.nl

FORUM
Programma Sociale Cohesie (Sinti en Roma aangelegenheden)
Social Cohesion Programme (Sinti and Roma Affairs)
Address for visitors
Kanaalweg 86
3533 HG Utrecht
The Netherlands
Postal address
Postbus 201
3500 AE Utrecht
The Netherlands
Tel +31 30 297 4321
Email: p.jorna@forum.nl
Web site: www.forum.nl

Ministry of the Interior and Kingdom Relations
Schedeldoekshaven 200
Postbus 20011
2500 EA Den Haag (The Hague)
The Netherlands

European Charter

for Regional or Minority Languages 2002-2007

Ministry of the Interior and Kingdom Relations

The Netherlands: Frisian

European Charter for Regional
or Minority Languages

2002-2007

Third State report on the measures taken by the Netherlands with regard to the Frisian language and culture

Responsible editor: Auke van der Goot

Rapporteur: Piet Hemminga, Fryske Akademy, Ljouwert/Leeuwarden

Ministry of the Interior and Kingdom Relations,
The Hague/Leeuwarden 2007

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1 Foreword

In a letter dated 17 October 2006, ref. 2006-0000311526, the Ministry of the Interior and Kingdom Relations instructed the *Fryske Akademy* to update the information from the second periodical report as described in Article 15 of the European Charter for Regional or Minority Languages, with particular reference to the Frisian language.

In the above-mentioned article, the European Charter provides: ‘The Parties shall present periodically to the Secretary General of the Council of Europe, in a form to be prescribed by the Committee of Ministers, a report on their policy pursued in accordance with Part II of this Charter and on the measures taken in application of those provisions of Part III which they have accepted. The first report shall be presented within the year following the entry into force of the Charter with respect to the Party concerned, the other reports at three-yearly intervals after the first report.

The structure of the third periodical report follows the *Outline for three yearly-periodical reports to be submitted by contracting parties*, as adopted by the Committee of Ministers.¹ In doing so, it also adheres to the structure of the second periodical report.² In addition, the present State report – the third in succession – frequently refers to the previous monitoring reports by the Committee of Experts of the Council of Europe on the application of the European Charter in the Netherlands of 2001 and 2004.³ Furthermore, references are made to the Covenant on the Frisian Language and Culture (2001) as well as to the Implementation Covenant on the Frisian Language and Culture (2005), as agreed on 5 June 2001 and 14 March 2005, respectively, between central government and the Province of Fryslân.⁴

The third periodical report was prepared and compiled for the *Fryske Akademy* by Dr. Piet Hemminga, expert researcher on public administration at the Fryske Akademy. Responsible editor for this report is Mr Auke van der Goot, senior adviser at the Dutch Ministry of the Interior and Kingdom Relations.

¹ Council of Europe, *Outline for three-yearly periodical reports to be submitted by contracting parties*, MIN-LANG (2002) 1. Strasbourg, 7 February 2002.

² Auke van der Goot (ed.), *European Charter for Regional or Minority Languages. Second Report on the measures taken by the Netherlands with regard to the Frisian Language and Culture*. Ministry of the Interior and Kingdom Relations and Fryske Akademy, The Hague/Leeuwarden 2003.

³ Council of Europe, *European Charter for Regional or Minority Languages, Application of the Charter in the Netherlands. Report of the Committee of Experts on the Charter*, ref.: ECRML (2001)1. Strasbourg, 20 February 2001 (henceforth: *Report of the Committee of Experts (2001)*). Council of Europe, *European Charter for Regional or Minority Languages, Application of the Charter in the Netherlands. 2nd monitoring cycle. Report of the Committee of Experts*, ref.: ECRML (2004)8. Strasbourg, 16 December 2004 (henceforth: *Report of the Committee of Experts (2004)*).

⁴ Covenant on the Frisian Language and Culture (2001), *Government Gazette* 2001, 125. Implementation Covenant on the Frisian Language and Culture (2005), *Government Gazette* 2005, 58.

2 Introduction

- 2.1 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 (ETS 148), following the adoption of a bill to this effect by the House of Representatives and the Senate of the States General, on 19 October 1995 and 23 January 1996 respectively (Bulletin of Acts and Decrees 1996, 136). In doing so, the Netherlands became the fourth member state of the Council of Europe to accept or ratify the Charter.⁵
- 2.2 The Charter entered into force on 1 March 1998, following its acceptance, ratification or approval by at least five member states of the Council of Europe, in accordance with the provisions of Article 19. 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). In addition, a member state may undertake to apply certain provisions from Part III of the Charter, in accordance with Article 2(2).
- 2.3 The European Charter for Regional or Minority Languages of 5 November 1992 was concluded in English and French. The Government of the Kingdom of the Netherlands published both texts in Dutch Treaty Series 1993, 1. A Dutch translation of the Charter was published in Dutch Treaty Series 1993, 199. Dutch Treaty Series 1998, 20 (under subparagraph C) is also relevant to the Dutch translation.
- 2.4 On accepting the Charter in 1996, the Netherlands undertook to apply the provisions of Part II of the Charter to the following regional or minority languages that are spoken within its territory:
- Frisian,
 - the Low Saxon languages,
 - Yiddish,
 - the Roma and Sinti languages.
- 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 (cf Dutch Treaty Series 1998, 20).
- 2.5 On 19 March 1997, the Government of the Kingdom of the Netherlands submitted an additional declaration to the Council of Europe concerning the

⁵ The Charter was previously accepted or ratified by Finland (9 November 1994), Hungary (26 April 1995) and Norway (10 November 1993). After the Netherlands, the Charter was accepted and/or ratified by Armenia (25 January 2002), Austria (28 June 2001), Croatia (5 November 1997), Cyprus (26 August 2002), Czech Republic (15 November 2006), Denmark (8 September 2000), Germany (16 September 1998), Liechtenstein (18 November 1997), Luxembourg (22 June 2006), Serbia (15 February 2006), Slovenia (4 October 2000), Slovak Republic (5 September 2001), Spain (9 April 2001), Sweden (9 February 2000), Switzerland (23 December 1997) Ukraine (19 September 2005) and the United Kingdom (27 March 2001) (state of affairs at the end of December 2006).

official recognition of the Limburger language as a regional language within the meaning of Article 2(1) of the Charter. In doing so, the Netherlands has also undertaken to apply the principles of Part II of the Charter in relation to the Limburger language (cf Dutch Treaty Series 1998, 20).

2.6 In respect of the Frisian language in the province of Fryslân,⁶ the Netherlands has also 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.

2.7 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 section. The choice of these provisions was guided by the prevailing government policy on Frisian language and culture. The following provisions were chosen (cf Dutch Treaty Series 1998, 20):

Nine provisions from Article 8 (Education)

| | |
|----------------------|--|
| Article 8(1)(a)(ii) | pre-school education |
| Article 8(1)(b)(ii) | primary education |
| Article 8(1)(c)(iii) | secondary education |
| Article 8(1)(e)(ii) | university and higher education |
| Article 8(1)(f)(i) | adult and continuing education |
| Article 8(1)(g) | teaching of Frisian history and culture |
| Article 8(1)(h) | basic and further training of teachers |
| Article 8(1)(i) | supervisory body under Article 8 |
| Article 8(2) | educational arrangements outside the province of Fryslân |

Six provisions from Article 9 (Judicial authorities)

| | |
|----------------------|---|
| Article 9(1)(a)(ii) | in criminal proceedings: oral |
| Article 9(1)(a)(iii) | in criminal proceedings: documents and evidence (written and oral) |
| Article 9(1)(b)(iii) | in civil proceedings: documents and evidence |
| Article 9(1)(c)(ii) | in proceedings before administrative courts: oral |
| Article 9(1)(c)(iii) | in proceedings before administrative courts: documents and evidence |
| Article 9(2)(b) | validity of legal documents |

Twelve provisions from Article 10 (Administrative authorities and public services)

| | |
|----------------------|--|
| Article 10(1)(a)(v) | with regard to the national authorities |
| Article 10(1)(c) | with regard to the national authorities |
| Article 10(2)(a)-(f) | with regard to local and regional authorities |
| Article 10(2)(g) | determination of place names |
| Article 10(4)(a) | additional measures with regard to translation or interpretation |
| Article 10(4)(c) | additional measures with regard to public service employees |
| Article 10(5) | family names |

Five provisions from Article 11 (Media)

| | |
|-----------------------|---|
| Article 11(1)(a)(iii) | public broadcasting (radio and television) |
| Article 11(1)(b)(ii) | non-public broadcasting (radio) |
| Article 11(1)(c)(ii) | non-public broadcasting (television) |
| Article 11(1)(f)(ii) | audio-visual productions |
| Article 11(2) | Frisian-language media communications from neighbouring countries |

⁶ 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.

| | |
|--|--|
| Nine provisions from Article 12 (Cultural activities and facilities) | |
| Article 12(1)(a) | general promotion of culture |
| Article 12(1)(b) | translation from regional language into other languages |
| Article 12(1)(d) | bodies responsible for organising or supporting cultural activities of various kinds |
| Article 12(1)(e) | staff working for the aforementioned bodies |
| Article 12(1)(f) | organising cultural activities |
| Article 12(1)(g) | institutions collecting deposit copies |
| Article 12(1)(h) | translation and terminological research services |
| Article 12(2) | facilities for Frisian-speakers outside the province of Fryslân |
| Article 12(3) | foreign cultural policy |

| | |
|--|--|
| Five provisions from Article 13 (Economic and social life) | |
| Article 13(1)(a) | employment contracts, operating instructions, etc. |
| Article 13(1)(c) | practices designed to discourage the use of regional or minority languages |
| Article 13(1)(d) | general encouragement |
| Article 13(2)(b) | economic and social sectors under direct government control |
| Article 13(2)(c) | care sector, retirement homes, hospitals, etc. |

| | |
|--|---|
| Two provisions from Article 14 (Transfrontier exchanges) | |
| Article 14(a) | cultural agreements with neighbouring countries where the same language is spoken |
| Article 14(b) | international exchanges and co-operation |

- 2.8 In 1999, with a view to the periodical report, as prescribed in Article 15 of the European Charter, at the request of the Ministry of the Interior and Kingdom Relations, the *Fryske Akademy* prepared a first review in 1999 and a second in 2002 of the measures adopted by the Netherlands in application of the provisions it had accepted from Part III of the Charter in relation to the Frisian language.⁷ The present report may be classified as a periodical follow-up report, in accordance with Article 15 of the Charter.
- 2.9 In response to the second review, the Committee of Experts, as referred to in Article 16(3) of the Charter, visited the Netherlands in February 2004 to ascertain the views of the civil-society organisations involved in promoting the Frisian language. On the basis of the review and its fact-finding visit, the Committee published its findings and recommendations in mid-2004.⁸
- 2.10 On 15 December 2004, at its 909th meeting, the Committee of Ministers of the Council of Europe took note of the Committee of Experts' report. The Committee of Ministers formulated a number of recommendations that were incorporated into the Committee of Experts' report as an annexe. In addition, the Committee of Ministers decided to make the report public. The report and the recommendations can be consulted on the Council of Europe's website on local and regional democracy, at www.coe.int/local. The recommendations are discussed in depth in section 4.11 of this report.

⁷ Auke Sj. van der Goot, *European Charter for Regional or Minority Languages. Report on the measures taken by the Netherlands with regard to the Frisian language and culture*. Fryske Akademy, Ministry of the Interior and Kingdom Relations [The Hague] 1999.

Auke van der Goot (ed.), *European Charter for Regional or Minority Languages. Second Report on the measures taken by the Netherlands with regard to the Frisian language and culture*. Ministry of the Interior and Kingdom Relations and Fryske Akademy, The Hague/Leeuwarden 2003.

⁸ Council of Europe, *2nd Report of the Committee of Experts on the application of the Charter in the Netherlands*, ref.: ECRML(2004)8. Strasbourg, 16 December 2004.

- 2.11 On 6 February 2002, the Committee of Ministers adopted the outline for the three-yearly reports, as referred to in Article 15(1) of the Charter, which had been approved three years earlier, with a few changes.⁹
- 2.12 In accordance with the Committee of Ministers' outline, the Introduction of this report (Chapter 3) provides a certain amount of background information, including historical developments, the demographic situation, economic developments, administrative arrangements and key policy developments. It subsequently focuses on the sociolinguistic aspects of the Frisian language, before concluding with some recent, general statements by central and provincial government concerning the protection of the Frisian language.
- 2.13 Part I of this report (Chapter 4) provides an overview of legislation relating to the implementation of the European Charter. In addition, it lists the organisations involved in protecting and promoting the Frisian language. It also lists the measures adopted to publicise the rights and duties arising from the application of the European Charter. Finally, it discusses the recommendations of the Committee of Ministers of the Council of Europe.
- 2.14 Part II of this report (Chapter 5) discusses the measures adopted by the Netherlands with regard to the Frisian language in relation to Article 7 of the European Charter.
- 2.15 Part III of this report (Chapters 6-12) provides an overview of the measures adopted by the Netherlands to promote the use of the Frisian language in public life, in accordance with the undertakings entered into under Article 2(2) of the European Charter:
- | | |
|--|------------|
| – education | Chapter 6 |
| – judicial authorities | Chapter 7 |
| – administrative authorities and public services | Chapter 8 |
| – media | Chapter 9 |
| – cultural activities and facilities | Chapter 10 |
| – economic and social life | Chapter 11 |
| – transfrontier exchanges | Chapter 12 |
- 2.16 The seven chapters in Part III follow a fixed pattern. Each chapter begins with a general section focusing on policy developments, including legislation and regulations, in the relevant policy field. In addition, each chapter presents the general recommendations that appeared in the report of the Committee of Experts in response to the initial and second Dutch report. On an article-by-article basis, each chapter then considers
- the undertakings entered into by the Netherlands,
 - the opinions issued by the Committee of Experts,

⁹ Council of Europe, *Outline for three-yearly periodical reports to be submitted by contracting parties*, ref. MIN-LANG (2002) 1. Strasbourg, 7 February 2002.

- the arrangements adopted by central government and the Province of Fryslân in the 2001 Covenant and the 2005 Implementation Covenant on the Frisian Language and Culture in the area in question, and
- an accurate description of the situation.

Finally, each chapter concludes with a brief synopsis.

2.17 This report also includes seven annexes. Annexe 1 provides an overview of existing legislation relating to the implementation of the European Charter for Regional or Minority Languages. In doing so, it distinguishes between the legislation of central government, bye-laws and regulations issued by the Province of Fryslân and bye-laws issued by the municipal authorities of Fryslân.

Annexe 2 provides an overview of the positions adopted by the Dutch government in relation to the Frisian language.

Annexe 3 provides an overview of European and international treaties relevant to the Frisians and their language.

Annexe 4 lists reports and policy documents on the Frisian language issued during the past three years.

Annexe 5 provides an overview of bodies and organisations that were requested to provide additional information, as well as institutions that were consulted in greater depth.

Annexe 6 provides an overview of legally established institutions and organisations for the protection and development of the Frisian language that are located in the Netherlands.

Annexe 7 lists the abbreviations used in this report.

2.18 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 2001,¹⁰ for the third time in succession. Where relevant, the present report refers to the provisions of the Covenant on the Frisian Language and Culture (2001), as concluded and signed in The Hague on 5 June 2001. 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.¹¹ Furthermore, in the present report, reference is also made to the 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. In any event, an official interministerial committee

¹⁰ 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).

¹¹ Letter to the President of the House of Representatives, BZK 0000739, 28 August 2001.

was set up to monitor the implementation of the 2001 Covenant.¹² This committee includes officials from the Province of Fryslân,

- 2.19 This report deals with the state of affairs on 17 October 2006, which is the date when the Ministry of the Interior and Kingdom Relations commissioned the Fryske Akademy to update the information from the second report. As far as possible and in view of their policy relevance for the Frisian language, documents published after that date are also used.

At the end of each chapter, this report provides a brief summary of Dutch policy initiatives in the light of the commitments undertaken by the Netherlands under the Charter.

¹²

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

3 Preliminary Section

3.1 Background

- 3.1.1 The outline for the three-yearly reports states that the preliminary section should provide a certain amount of background information. In this regard, the outline suggests that attention should first be devoted to the relevant historical developments, the demographic situation in relation to the economic data for the region in question, and the administrative organisation of the state (see sections 3.2 to 3.5).
- 3.1.2 Secondly, the outline requests the contracting parties to list all regional or minority languages, including non-territorial languages, as defined in Article 1(a) of the Charter, and to indicate the region where the speakers of such languages reside, the number of speakers and the criteria used to define a speaker of a regional or minority language (see section 3.6).
- 3.1.3 Thirdly, the outline requests contracting parties to indicate the number of speakers of each regional or minority language (see section 3.6).
- 3.1.4 Finally, the outline request the contracting parties to devote attention to recent, general statements on government policy concerning the protection of regional or minority languages, in so far as this forms a useful addition to the above-mentioned information (see section 3.7).

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.¹ 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 1668.²
- 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*

¹ Oebele Vries, ‘Die Verdrängung des Altfriesischen als Schreibsprache’, in: Horst Haider Munske (ed.) *Handbuch des Friesischen*, Max Niemeyer Verlag, Tübingen 2001, 606-612.

² Anthonia Feitsma, ‘Mittelfriesische Sprache und Literatur’, in: Horst Haider Munske (ed.) *Handbuch des Friesischen*, Max Niemeyer Verlag, Tübingen 2001, 704.

Fryske Tael- en Skriftekennisse (Frisian Language and Literature Society) in 1844, provided the Frisian language with its first organisational framework for linguistic emancipation.³ 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.⁴ The beginnings of Frisian cultural policy can be traced back 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.⁵ Legislation followed in the fields of education (in 1955) and legal matters (1956).⁶
- 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 1972.⁷ The report implicitly recognised the central government's responsibility for sustaining and promoting Frisian language and culture.⁸ 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 1980,⁹ 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 schools 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. For an overviews of modifications to legislation in the field of education since 1980, in so far as they relate to the position of Frisian, see Chapter 6 and Annexe 1.
- 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

³ Sj. van der Schaaf, *Skiednis fan de Fryske Biweging*. De Tille, Ljouwert 1977, 45 ff.

⁴ Piet Hemminga, *Het beleid inzake unieke regionale talen*. Fryske Akademy, Ljouwert/Leeuwarden 2000, 175.

⁵ Parliamentary Papers II (House of Representatives) 1953-1954, 3321, no. 1.

⁶ Bulletin of Acts and Decrees 1955, 225 and Bulletin of Acts and Decrees 1956, 242.

⁷ Parliamentary Papers II (House of Representatives) 1969-1970, 10 728, no. 1.

⁸ Piet Hemminga, *Het beleid inzake unieke regionale talen*. Fryske Akademy, Ljouwert/Leeuwarden 2000, 184.

⁹ Bulletin of Acts and Decrees 1975, 271.

executive of Fryslân (see section 2.18).¹⁰ 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.¹¹

3.2.6 On 1 January 1996, the amendment of the General Administrative Law Act came into force.¹² 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 section 8.1 et seq.).

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 a notarial deeds in Frisian. Finally, as of 1 February 2002, the constitutions of Frisian associations and foundations may be drawn up in Frisian. Chapter 7 discusses the implementation of these legal provisions.

3.2.8 **In summary**, it is clear that the official position of the Frisian 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. A year earlier, on 1 January 2005, the Frisian population stood at 642,977. On 1 January 2004, 642,066 people lived in Fryslân and 1 January 2003 and on 1 January 2002, the figures were 639,782 and 636,184 respectively.¹³ 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.¹⁴ 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.¹⁵

¹⁰ Piet Hemminga, *Het beleid inzake unieke regionale talen*. Fryske Akademy, Ljouwert/Leeuwarden 2000, 200-222.

¹¹ *Ibid.*, 191.

¹² Bulletin of Acts and Decrees 1995, 302.

¹³ 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.

¹⁴ Province of Fryslân, *Fryslân in cijfers/Fryslân yn sifers*. [Ljouwert 2006], 9.

¹⁵ *Ibidem*.

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.¹⁶ 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 until now (see sections 3.6.4 to 3.6.9). In addition, the results of a survey conducted among Frisian municipalities by *Berie foar it Frysk* (the Frisian Language Board) in 2000 demonstrated that eight of the twenty-five municipalities that responded devote attention to the Frisian language in their information to new residents (see also section 3.3.7).¹⁷ In 2005, 14 of the 31 Frisian municipality websites provided information in Dutch and Frisian.

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.¹⁸ 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.¹⁹ 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.²⁰

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.²¹

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

¹⁶ 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.

¹⁷ Provincial Council of Fryslân, *Notitie Minderhedenbeleid 2000*. Province of Fryslân 2001, 20.

¹⁸ Jacob van der Vaart, ‘De wenjende Fries’, in: Piet Hemminga (ed.) *De Aktuele Steat fan Fryslân*, Ljouwert 2001, 15-16.

¹⁹ Engbert Boneschanker and Hannie Heemstra, *Statistisch Jaarboek voor het Noorden*. Kamers van Koophandel en Fabrieken in de drie noordelijke provincies, Groningen, Leeuwarden en Meppel, 2001, 31.

²⁰ CBS (Statistics Netherlands), *Demografische kerncijfers per gemeente 2006*. Voorburg/Heerlen 2006, 8-9.

²¹ Durk Gorter, ‘De meartalige Fries’, in: Piet Hemminga (ed.) *De Aktuele Steat fan Fryslân*, Ljouwert 2001, 103.

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.²²

- 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.²³ The same observation applies to at least half the Moroccans living in Fryslân.²⁴ 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.²⁵
- 3.3.7 Section 3.3.7 of the previous State report for the years 1999-2001 mentions the intention on the part of the Provincial Executive of Fryslân to produce special information material and glossaries of everyday Frisian words and phrases for social and professional use, to develop language courses, as well as to consult with the Frisian municipalities in order to produce information material and simple glossaries in various languages.²⁶ It can be concluded, however, that the plans in question have not been carried out, partly due to the falling number of asylum seekers in Fryslân.
- 3.3.8 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.²⁷
- 3.3.9 **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,

²² 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.

²³ Engbert Boneschansker, Marja Janssens and Iris van der Tuin, *Irakezen in Fryslân*. Economisch Bureau Coulon, Leeuwarden/Ljouwert 2002, 67.

²⁴ Engbert Boneschansker, *Allochtonen in Fryslân*. Economisch Bureau Coulon, Leeuwarden/Ljouwert 2002, 102.

²⁵ *Ibidem*.

²⁶ Provincial Council of Fryslân, *Notitie Minderhedenbeleid 2000*. Province of Fryslân 2001, 20.

²⁷ Durk M. B. Krol, ‘Steat fan taalplanning by gemeenten’, in: G. I. Jellema and A. M. J. Riemersma (eds.) *Taalpraktyk en taalbeleid by gemeenten*, Berie foar it Frysk, Ljouwert 2003, 36.

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 1947.²⁸ 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.²⁹ The position of Frisian in the business and health care sectors is discussed in sections 3.4.5 and 11.6 to 11.37.

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 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.³⁰ 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.³¹ 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.³²

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.³³

²⁸ Tom van der Meulen, 'De warbere Fries', in: Piet Hemminga (ed.) *De Aktuele Steat fan Fryslân*, Fryske Akademy, Ljouwert 2001, 38.

²⁹ Province of Fryslân, *Fryslân in cijfers/Fryslân yn sifers*. [Ljouwert 2006], 10.

³⁰ L. Broersma and D. Stelder, *Noordelijke Arbeidsmarkt Verkenning 2006*. University of Groningen, Groningen 2005, 3-5.

³¹ L. Broersma and D. Stelder, *Noordelijke Arbeidsmarkt Verkenning 2007*. University of Groningen, Groningen 2007, 3.

³² *Ibidem*, 30.

³³ Province of Fryslân, *Fryslân in cijfers/Fryslân yn sifers*. [Ljouwert 2006], 12.

- 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 (see also sections 11.24 and 11.25).³⁴
- 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.³⁵
- 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 (see sections 11.43 to 11.50).³⁶ 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.

³⁴ 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.

³⁵ Berie foar it Frysk, *Rapportaaazje fan de wurksumheden oer de jierren 2002, 2003-2004*. Ljouwert 2005, 51-52.

³⁶ Jasper Blömer, Engbert Boneschansker and Iris van de Tuin, *Taal in de zorg/Taal yn 'e soarch*. Economisch Bureau Coulon, Leeuwarden 2001, 33.

3.5 Administrative structure

3.5.1 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.

In the period under review (2002-2007), central government has not made any proposals to reorganise local government, except at the request of the municipalities concerned, or based on a proposal from the province.³⁷ Municipal reorganisation carried out in the 2002-2007 period and involving smaller municipalities has all taken place outside the province of Fryslân. There have been plans to re-draw provincial boundaries, in which the Randstad conurbation would be involved, but this has not led to any concrete changes so far.

3.5.2 The two issues mentioned in the preceding section are discussed in greater depth below:

- for the reorganisation of provinces and municipalities and/or redrawing of their boundaries (see sections 3.5.3 to 3.5.6);
- for the tasks and responsibilities of provinces and municipalities (see sections 3.5.7 and 3.5.8).

In these sections, this report examines the extent to which the presence of the Frisian language has an effect on policies concerning the reorganisation of, and the distribution of tasks and powers to, the Province of Fryslân and municipalities in Fryslân.

3.5.3 In May 2006, the Minister of the Interior and Kingdom Relations issued a discussion document *Maatwerk in het middenbestuur* (i.e. Tailor-made middle tier of government). In this document, the Minister states that he is looking for a clear and integrated administration in a maximum of three tiers. In *Maatwerk*, he wondered whether in the provinces of Fryslân, Groningen and Limburg, a stronger municipal reorganisation policy was required, in view of the decentralisation of state tasks in relation to the administrative ‘capabilities’ of municipalities. With regard to the provinces, the Minister points out that in the North, there are provinces with strong social legitimacy, which also have a strong cultural identity of their own. In terms of population, they are rather on the small side, however. This is dealt with to a certain extent by effective co-operation between the provinces concerned. With regard to the

³⁷

Letter from the Minister of the Interior and Kingdom Relations to the President of the House of Representatives, 18 December 2002, reference BW 2002/u101476.

municipal level, the Minister pointed out: ‘Groningen and Fryslân have areas with relatively large numbers of smaller municipalities. For these municipalities, the question may be asked whether in future they will be sufficiently capable to perform their current and/or new tasks properly. Therefore, a debate over a new round of municipal reorganisation may be useful, in which debate the role of the provinces would definitely also be considered’.³⁸

- 3.5.4 In a reaction to the above-mentioned discussion document, the Provincial Executive of Fryslân issued a paper on its activities as how to arrive at a common definition of the problem in Fryslân and how to put the subject of administrative capacity of municipalities on the political agenda. ‘The forthcoming period will be a time of seeking broadly-supported outlines for solutions.’³⁹
- 3.5.5 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.
- 3.5.6 Since the redrawing of the municipal boundaries in 1984, the province of Fryslân has comprised 31 municipalities.⁴⁰ In 2002, the Provincial Executive of Fryslân and the Association of Frisian Municipalities took the initiative of proposing a self-assessment procedure to local authorities, by which each municipality for itself could draw up an inventory of bottlenecks and deficiencies at local government level in Fryslân. In its final report, issued in December 2003, the Provincial Executive invited the Provincial Council to come up with guidelines for a follow-up approach. This led to a document *Kaders voor kwaliteit*, in which it was proposed that every four years, each Frisian municipality should evaluate its administrative capacities under the auspices of an independent inspection committee. This approach was rejected by the Association of Frisian Municipalities, following which the Provincial Executive decided to consult, by geographical area, with the municipalities concerned about how to strengthen administrative capacity at local level.⁴¹
- 3.5.7 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 (see section 3.2.4). However, the provincial authority of

³⁸ *Maatwerk in het middenbestuur*. Discussion document sponsored by the Minister of the Interior and Kingdom Relations, 6 May 2006.

³⁹ Province of Fryslân, *Friese gemeenten samen sterk*. Leeuwarden 11 July 2006.

⁴⁰ 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/Leeuwarden 2003, section 8.55.

⁴¹ Province of Fryslân, *Friese gemeenten samen sterk*. Leeuwarden 11 July 2006, 1.

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 (see sections 6.98, 6.99 and 6.184). 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 (see sections 8.42 to 8.45).

- 3.5.8 In 1969, the provincial authority of Fryslân gave itself the powers to determine the official spelling of the Frisian language.⁴²
- 3.5.9 In 2001, the Committee of Experts observed that Article 7(1)(b) has been complied with in the case of Frisian.⁴³ This concerns the existence, boundaries and tasks of the Province of Fryslân, to which no changes have been made. In its second report the Committee of Experts did not examine compliance with Article 7 in this respect.
- 3.5.10 **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. 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.

3.6 The Frisian language

- 3.6.1 The present report limits itself primarily to Frisian in Fryslân, that is to say, the language for which 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. For Frisian spoken outside the Province of Fryslân only the provisions of Part II of the Charter are applicable, as well as Articles 8(2) and 12(2) of the Charter.
- 3.6.2 Frisian complies with the definition of a regional or minority language in the Charter, in the sense that it is a living language traditionally spoken within the territory of what is now the province of Fryslân by citizens of the Kingdom of the Netherlands, who form a group numerically smaller than the rest of the population of the state. 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 3.6.4). *De facto*, Frisian is a living language.⁴⁴

⁴² Provincial Bulletin 1969, 116.

⁴³ Council of Europe, *Report of the Committee of Experts* (2001), 16.

⁴⁴ 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 (see section 3.6.7). 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

- 3.6.3 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.
- 3.6.4 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.⁴⁵ This study of the Fryske Akademy indicated that 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.
- 3.6.5 Furthermore, on the basis of similar research published in 1969⁴⁶ and 1984⁴⁷, there appears to have been a slight decline in speaking and reading skills, while writing skills appear to have increased (see table on next page).⁴⁸ In general, it can be concluded that the position of Frisian has remained relatively stable in Fryslân.⁴⁹

*Command of Frisian, 1967-1994, in per cent*⁵⁰

| | 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

cases considerably, from Standard Frisian.

⁴⁵ Durk Gorter and Reitze J. Jonkman, *Taal yn Fryslân op 'e nij besjoen*. Fryske Akademy, Ljouwert 1995.

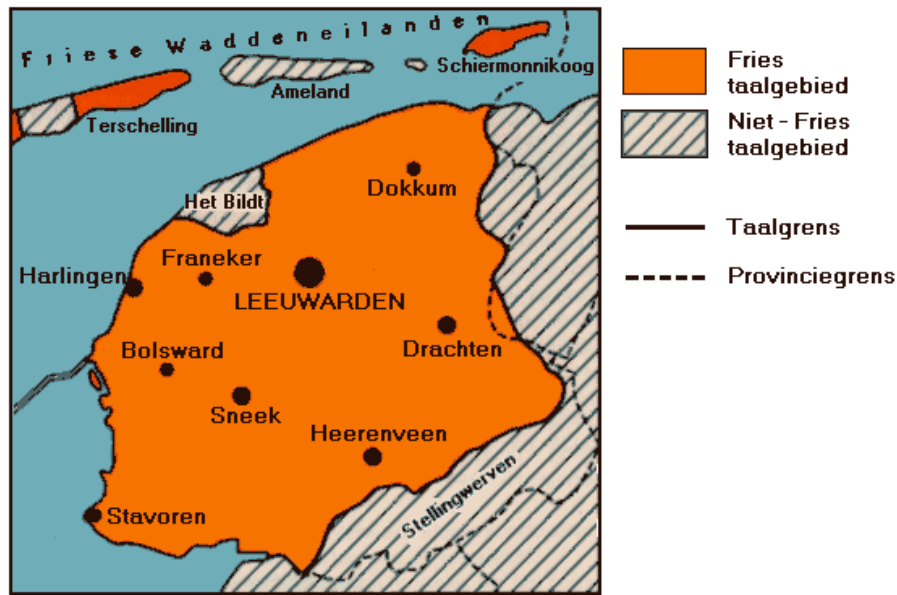
⁴⁶ L. Pietersen, *De Friezen en hun taal*. Laverman, Drachten 1969.

⁴⁷ D. Gorter, G.H. Jelsma, P.H. van der Plank and K. de Vos, *Taal yn Fryslân*. Fryske Akademy, Ljouwert 1984.

⁴⁸ 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.

⁴⁹ Durk Gorter and Reitze J. Jonkman, *Taal yn Fryslân op 'e nij besjoen*. Fryske Akademy, Ljouwert 1995, 8.

⁵⁰ *Ibid.*, 8.



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.⁵¹

Map shows the area where the Frisian language is spoken in the Netherlands⁵²

3.6.6 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.⁵³ At the same time, however, it is clear that Dutch has a stronger position than Frisian in today's multilingual Fryslân.⁵⁴

3.6.7 The superior status of Dutch as regards position and use also applies in relation to the non-Frisian local languages and dialects spoken in Fryslân, which constitute the mother tongue for 11 per cent of the population. The total number of active speakers of local languages is estimated at approximately 48,000. An overwhelming majority of this number speaks one of the urban dialects. Mention should also be made of the Stellingwerf and Bildt dialects, with account for 11,500 and 3,200 speakers respectively.⁵⁵ In view of the rapidly declining transmission of local languages down the generations, the future looks bleak for the local languages and dialects in question.⁵⁶

⁵¹ Jan Jongsma, 'Symposium oer de takomst fan it Frysk: gewoan dwaan!' In: *De Pompeblêden* 74 (2003) 3, 50.

⁵² The legend of the map is as follows. *Fries taalgebied* means Frisian-speaking region. *Niet-Fries taalgebied*: non Frisian-speaking region. *Taalgrens*: linguistic border. *Provinciegrens*: provincial border.

⁵³ 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.

⁵⁴ Durk Gorter, 'De meartalige Fries', in: Piet Hemminga (red.) *De Aktuele Steat fan Fryslân*, Ljouwert 2001, 104.

⁵⁵ *Ibid.*, 99.

⁵⁶ *Ibid.*, 101.

- 3.6.8 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.⁵⁷ 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’.⁵⁸ 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.
- 3.6.9 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.⁵⁹
- 3.6.10 **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.

3.7 Policy

- 3.7.1 The most important policy document on the Frisian language during the period under discussion is without doubt the Covenant on the Frisian Language and Culture (2001-2010) which was signed on 5 June 2001 by central government and the Province of Fryslân. On 14 March 2005, the Covenant was updated and made concrete by the Implementation Covenant on the Frisian Language and Culture (2005).

This report has already touched upon the nature of the 2001 Covenant and the interaction between the Covenant and the Charter (see section 2.18). The following sections in this report examine various issues that are of particular

⁵⁷ *Ibid.*, 106.

⁵⁸ Durk Gorter and Reitze J. Jonkman, *Taal yn Fryslân op 'e nij besjoen*. Fryske Akademy, Ljouwert 1995, 34.

⁵⁹ Arjen Versloot, ‘Opinyeiling draachflak Fryske taal’, in: *De Pompeblêden*, 73 (2002) 1, 2-5.

relevance to the implementation of the 2001 Covenant (see sections 3.7.2 to 3.7.5). This is followed by a summary of the degree to which national and provincial policy documents currently address the implications of the policy proposals concerning the Frisian language in various policy areas (see section 3.7.6 et seq.).

- 3.7.2 The focus on the position of the Frisian language in policy documents is a direct consequence of the 2001 Covenant. In the general provisions of the said Covenant, the parties agreed on the following. Central government and the Province of Fryslân will ensure that all policy documents relating to areas regarded as falling within the scope of the Covenant, will consider the consequences of the policy intentions for the Frisian language (Covenant 1.1), having regard to the provisions of the European Charter accepted by the Netherlands.
- 3.7.3 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.⁶⁰ 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.
- 3.7.4 In the final provisions of the third Covenant, central government and the Province of Fryslân agree to use the 2001-2004 period to explore way of operationalising the provisions of the European Charter. The periods between 2004 and 2007 and 2007 and 2010 will be used for this purpose, where necessary by means of supplementary legislation (Covenant 9.2 and 9.3).
- 3.7.5 In consultations that are to take place at least once every three years between central government and the Province of Fryslân concerning the implementation of activities in the framework of the Covenant, the parties will conclude implementation covenants for the aforementioned three-year periods that include agreements on financing the implementation of the Covenant. In addition, the parties will issue annual 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). To date, the latter agreement on annual reporting has not been implemented.
- 3.7.6 The following sections examine the manner in which central government and the Province of Fryslân are currently implementing Article 1.1 of the new Covenant

⁶⁰ 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).

(cf. section 3.7.2). The next sections follow the structure employed in Part III of the Charter, first for central government, and then for the Province of Fryslân.

- 3.7.7 **Legislation and government policy documents on education (Article 8 of the Charter).** Policy measures concerning the use of the Frisian language have been enshrined in legislation and/or other policy documents. During the 2002-2007 period, such measures were included in the Childcare Act (Bulletin of Acts and Decrees 2004, 455), the Decree on Competence Requirements for teaching staff (Bulletin of Acts and Decrees 2005, 460), the Renewed Decree on Attainment Targets in Primary Education (Bulletin of Acts and Decrees 2005, 551), the Act amending the profiles for the second phase of secondary education in the HAVO and VWO schools (Bulletin of Acts and Decrees 2006, 251), the Act governing the first years of secondary education (Bulletin of Acts and Decrees 2006, 281) and the Decree on the Attainment Targets in Lower Secondary Education (Bulletin of Acts and Decrees 2006, 316). At this moment, central government has no specific policy memorandums or plans in preparation that appear likely, at first sight, to have consequences for Frisian in education.
- 3.7.8 **Legislation and government policy documents on the use of language in legal and administrative matters (Articles 9 and 10 of the Charter).** Policy measures concerning the use of the Frisian language have been enshrined in legislation and/or other policy documents. During the period under review, such measures were included in the Judicial Data Act (Bulletin of Acts and Decrees 2002, 552), the Judicial Data (Amendments) Act (Bulletin of Acts and Decrees 2004, 315), the Act Amending Ministry of Justice Legislation II (Bulletin of Acts and Decrees 2006, 24) and the Act Amending Ministry of the Interior and Kingdom Relations Legislation 2003 (Bulletin of Acts and Decrees 2004, 493). Specific policy memorandums that are relevant to the position of the Frisian language in these sectors are currently unavailable.
- 3.7.9 **Legislation and government policy documents on media policy (Article 11 of the Charter).** Policy measures concerning the use of the Frisian language have been enshrined in legislation and/or other policy documents. During the period under review, such measures were included in the Act Amending the Media Act (Bulletin of Acts and Decrees 2003, 485), the Regulation on the Application and Comparative Assessment of Commercial Radio Broadcasting Licences 2003 (Government Gazette 2003, 40), the Regulation on Follow-up of Allocation of Frequencies for Commercial Radio Broadcasting 2003 (Government Gazette 2003, 151) and the Policy Rules on Programme Quotas (Government Gazette 2005, 189 and 244; 2006, 225). Specific policy memorandums that are relevant to the position of the Frisian language in this sector are currently unavailable.
- 3.7.10 **Legislation and government policy documents on culture policy (Article 12 of the Charter).** Relevant regulation during the period under review was the Fixed Book Prices Act (Bulletin of Acts and Decrees 2004, 600), the Letterhoeke Joint Scheme (Government Gazette 2002, 163), a number of schemes sponsored by the Literary Fund, t.w.

- the Authors’ Incentive Scheme (Government Gazette 2002, 164),
 - the Incentive Grants Scheme for Translated Literary Work (Government Gazette 2002, 164),
 - the Incentive Grants Scheme for Translated Literary Work 2005-2009 (Government Gazette 2005, 101),
 - the Incentive Grants Scheme for Literary Authors 2005-2009 (Government Gazette 2005, 101)
- and a scheme sponsored by the NLPVF, t.w.
- the Subsidy Scheme for International Literature Projects and Events (Government Gazette 2005, 130).

In 1999, the State Secretary for Education, Culture and Sciences issued the Cultural Policy Report 2001-2004 ‘*Cultuur als confrontatie*’ (Culture as Confrontation), which was followed in 2003 by the Cultural Policy Report 2005-2008 ‘*Meer dan de som*’ (More than the Sum). Neither report referred explicitly to the Frisian language. Only Frisian-language facilities and activities to be subsidised were mentioned (on this point, see section 10.10).

- 3.7.11 **Legislation and government policy documents on economic and social life (Article 13 of the Charter).** Policy measures on the use of the Frisian language, enshrined in legislation concern the Land Registry Reform Act I (Bulletin of Acts and Decrees 2005, 107) and the Land Registry Archive Regulation (Government Gazette 2004, 86). Specific policy memorandums that are relevant to the position of the Frisian language in this sector are currently unavailable.
- 3.7.12 **Government policy documents on international cultural relations (Article 14 of the Charter).** Specific policy memorandums that are relevant to the position of the Frisian language in this sector are currently unavailable.
- 3.7.13 **Other.** On 1 February 1995, the Netherlands signed the Framework Convention for the Protection of National Minorities (ETS 157), which was concluded in Strasbourg on the same day.⁶¹ Ratification followed on 16 February 2005 (Bulletin of Acts and Decrees 2004, 681). The Framework Convention came into effect on 1 June 2005 for the Netherlands and its scope of protection applies to the Frisians living in the Netherlands.
- 3.7.14 **Provincial policy documents on education (Article 8 of the Charter).** With regard to the position of Frisian in education, three provincial policy memorandums were particularly relevant at the time of writing of this report. The first memorandum is entitled ‘Plan fan Oanpak Frysk yn it ûnderwiis Provinsje Fryslân’ (Action Plan on Frisian in education), issued in October 2002 (see section 6.48). The second memorandum is entitled ‘Utfieringsnotysje 2005-2007’ aimed at implementing the Action Plan (see section 6.48). The third policy memorandum, entitled ‘Boppeslach’, has been issued in November 2006 (see section 6.49).

⁶¹ The text of the Convention was also published in the Dutch Treaty Series 1995, 73. For the Dutch translation, see: Dutch Treaty Series 1995, 197.

3.7.15 **Provincial policy documents on the use of language in legal and administrative matters (Articles 9 and 10 of the Charter).** The Province of Fryslân has no specific powers of its own with regard to the use of language in legal matters. On Frisian language use in administrative matters, however, local and provincial authorities can take any measures within the scope of the General Administrative Law Act.

In 2003, the Provincial Executive of Fryslân issued a memorandum on Language Policy 2003-2007. According to the memorandum, the province seeks to pursue an ‘active and realistic’ policy of bilingualism, where in more cases than so far, both Dutch and Frisian will be used simultaneously, taking account of the groups for whom information in writing is provided.

In June 2006, the Provincial Executive issued the draft of a new language policy memorandum 2007-2010, entitled ‘Frysk yn Fryslân: better sichtber, mear fertroud’. The draft document formulated as policy aim that by 2020

- at least 95% of the Frisian population should understand Frisian;
- at least 70% of the Frisian population should be able to read Frisian adequately to very well;
- at least 70% of the Frisian population should be able to speak Frisian reasonably to very well;
- at least half of young people up to thirty years of age in Fryslân should be able to speak Frisian well, and
- at least 20% of the Frisian population should be able to write Frisian well.

3.7.16 **Provincial policy documents on the media (Article 11 of the Charter).** On regional broadcasting, the Provincial Council of Fryslân has not adopted any policy memorandums during the period covered by this report. However, in the years 2003 to 2006, the Provincial Executive of Fryslân pressed for additional resources to be made available to the regional public broadcaster *Omrop Fryslân* in three letters to the State Secretary for Education, Culture and Science (see sections 9.27 to 9.31).

In a policy memorandum issued in 2006, entitled ‘Frysk skreaune Media 2007-2010’ (Frisian in the written media), the Provincial Executive evaluated its policy on Frisian-language magazines in previous years. Based on the evaluation, the Province of Fryslân took a decision on which Frisian-language media should be supported financially in the next few years (see section 10.16).

3.7.17 **Provincial policy documents on culture (Article 12 of the Charter).** For the initial years of the period covered by this report, the provincial policy memorandum issued in 2000, entitled ‘kultuer yn fryslân 20.0\04’, was still relevant. The memorandum concerned was succeeded in 2005 by the culture policy paper 2006-2008, entitled ‘Sels dwaan!’. Its aim is to strengthen the cultural production climate, to clarify subsidy relationships and to reinforce the relationship between culture and the economy (see sections 10.11 to 10.15).

- 3.7.18 **Provincial policy documents on economic and social life (Article 13 of the Charter).** Specific policy documents that are relevant to the position of the Frisian language in economic and social life are currently unavailable. However, in the draft language policy paper 2007-2010, entitled ‘Frysk yn Fryslân: better sichtber, mear fertroud’, the need for regional marketing was identified. The Provincial Executive aims at exploiting the economic aspects of the Frisian language, in particular in cultural tourism and in SMEs. The purpose is to link cultural tourism more closely with the Frisian language from 2007 onward. The number of package tours combining cultural tourism with language courses should increase by at least 10 per cent each year. In provincial rural policy, too, full attention should be paid to the opportunities for the Frisian language (the F-factor) in project procurement. In 2007-2008, an awareness campaign will be carried out in the commercial and tourism sectors. By 2009, the culture and language bodies subsidised by the province should have developed plans to give Frisian a modern image. The profile of the Frisian language in public life in Fryslân must be raised considerably from 2007 onward.⁶²
- 3.7.19 **Provincial policy documents on international cultural relations (Article 14 of the Charter).** Specific policy memorandums that are relevant to the position of the Frisian language in this field are currently unavailable. However, the draft language policy memorandum 2007-2010, entitled ‘Frysk yn Fryslân: better sichtber, mear fertroud’, cites the five ambitions that the Covenant on Frisian Language and Culture 2001-2010 sets out with regard to transfrontier exchanges.⁶³
- 3.7.20 **Other.** In 2005, the Provincial Council of Fryslân adopted a new policy memorandum on local languages replacing the previous policy memorandum on

⁶² The provincial language policy paper 2007-2010 formulates a number of concrete objectives up to and including 2010: at least ten products of Frisian origin must be labelled in Frisian; at least 10 per cent of all SMEs in Fryslân should have a website in Frisian; 50 per cent of the inhabitants of Fryslân state that Frisian has a contemporary, modern image and at least 25 cultural institutions in Fryslân have a language code.

⁶³ The provincial language policy paper 2007-2010 formulates a number of concrete objectives up to and including 2010: from 2007, in the criteria of the provincial funds which are oriented on Europe, an F-factor will be incorporated as far as possible (integral policy); the province aims to stimulate exchange projects of primary schools in Fryslân with other schools in EU-minority language regions; by 2011 at least 20 different primary schools in Fryslân and primary school teacher training colleges should have taken part in an EU exchange project with the aim of acquiring experience about teaching in a multilingual community; the Province of Fryslân aims at intensifying contacts with East and North Friesland by having more exchanges and setting up joint projects in the field of culture, language and education. Links have been established with Lancelwad and the Inter-regional Cooperation of the Wadden Region; starting from the Action Programme 2004-2006, the Province of Fryslân has committed itself to a new framework strategy for multilingual people, including Frisian along with English, German and French in the lifelong learning programme at national level; in 2007 European research will be carried out into the practical impact within the countries of Europe which have ratified Part III of the European Charter with regard to interpreting minimum standards; Fryslân and Leeuwarden should be playing an important role in the European network for minority languages; in 2010, central government and the Province of Fryslân should have formulated a Covenant for the Frisian Language and Culture (2011-2020); in 2015 the position of Frisian in the Netherlands in the context of regional or minority languages in Europe should be a top 10 position within the Euromosaic.

local languages of 1985.⁶⁴ The Province underlines that the relevant local authorities have primary responsibility for *Bildts* and *Stellingwerfs*. The Province of Fryslân has a monitoring and stimulating role in that regard. The latter also applies to the various town, village and island dialects.

3.7.21 **In summary**, it is clear that the Frisian language is receiving attention from both central government and the Province of Fryslân. The most important policy documents are the 2001 Covenant and the 2005 Implementation Covenant on the Frisian Language and Culture, which are of great significance from the point of view of both substance and procedure. As far as further policy documents of central government and the Province of Fryslân are concerned, developments are to be expected in the fields of education, administrative matters, culture and economic and social life.

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Provincial Council of Fryslân, *Notysje Streektalen*. [Ljouwert] 2005.

Part I

4 General measures

4.1 According to the outline of the Committee of Ministers of the Council of Europe for the preparation of the periodical reports, Part I of this report should provide an overview of existing laws and regulations that are relevant to the implementation of the European Charter for Regional or Minority Languages. The overview provided in annexe 1 distinguishes between national laws, regulations, bye-laws, regulations issued by the Province of Fryslân, and bye-laws issued by the municipal authorities of Fryslân.

4.2 In the period under review (2002-2007), the most important policy document concerning the Frisian language is the Implementation Covenant on the Frisian Language and Culture (2005), which was signed in Dokkum on 14 March 2005 (*Government Gazette* 2005, 58). The 2005 Implementation Covenant seeks to give further direction to implementing the undertakings agreed upon under the Covenant on the Frisian Language and Culture (2001) (*Government Gazette* 2001, 125). Within the framework of the Covenant, central government and the Province of Fryslân concluded numerous agreements to improve the status of the Frisian language and culture.

In line with the Covenant, new policy documents issued by central government or the Province of Fryslân should include specific measures aimed at strengthening the position of the Frisian language and culture, if appropriate. Chapter 3 of the current report includes an overview of policy documents relevant to the Frisian language (see sections 3.7.1 to 3.7.21). This overview distinguishes between central government policy documents and those of the Province of Fryslân. The Province of Fryslân is currently in the middle of implementing the European Charter's provisions within its own policies, thereby implementing the agreements made within the context of both the 2001 Covenant and the 2005 Implementation Covenant.

Case law concerning the use of the Frisian language in official documents issued by local and provincial authorities came into being between 2002 and 2007 (see footnote to section 8.49).

4.3 Annexe 6 provides an overview of legally established institutions and organisations for the safeguarding and development of the Frisian language that are located in the Netherlands.

4.4 Annexe 5 provides an overview of the bodies and organisations that were requested to provide additional information during the preparation of this report, as well as the institutions that provided additional comments or corrections regarding an earlier draft of this report.

4.5 According to Article 6 of the European Charter, the parties undertake to see to it that the authorities, organisations and persons concerned are informed of the

rights and duties established by the Charter. The following are worth mentioning (see sections 4.6 to 4.10).

- 4.6 Firstly, the Dutch government has involved the responsible regional authorities, institutions and associations as much as possible in the preparation of the periodical reports, to ensure that they are well informed regarding the rights and duties arising from the Charter. The aim of the initiative taken by the Ministry of the Interior and Kingdom Relations to publish a ‘Guide for Local Authorities in Fryslân’ in 2004 was to facilitate local authorities’ language and culture policy.¹ Included in the guide is an examination of the European Charter, the powers and responsibilities for language policy at different levels of government in the Netherlands, local authorities’ language policy and language practice, and the model ordinance covering the use of the Frisian language in public life at the local level.
- 4.7 Secondly, with regard to the report on the Frisian language in relation to the Charter, the updating of the report was commissioned to the Fryske Akademy. The Fryske Akademy involved relevant authorities, bodies and associations in the drafting of the report, as stated in sections 4.4 to 4.6.
- 4.8 Thirdly, it is worth mentioning the activities of the Consultative Committee on the Frisian Language (*Consultatief Orgaan voor de Friese taal*) (see section 5.14). This task of this body, as already mentioned (see section 3.7.3), is to report to the Minister of the Interior and Kingdom Relations on wishes and needs of Frisian-language groups in relation to the Charter. With this in mind, the Committee holds periodic discussions with representatives of Frisian civil-society organisations. As it had done previously in 2000, the Committee, in 2004, submitted a memorandum to the national government setting out the wishes and needs to improve the policy on Frisian language and culture. In 2006, the Committee sent its opinion to the Minister of Education, Culture and Science on an Education Inspectorate report regarding the position of the Frisian language in primary and secondary education, which was published earlier that year (see sections 6.51 to 6.55).
- 4.9 Fourthly, it is also worth mentioning the activities of the Frisian Language Board, *Berie foar it Frysk* (see section 5.15). During the period covered by this report, these activities included the organisation of seminars intended for municipalities of Fryslân. The information provided by local authorities and the work of the special registrars of births, deaths and marriages were discussed. These seminars were connected with reports published by the Frisian Language Board. The 2003 report on ‘Language practice and language policy by local authorities’ includes an inventory of the language used in wedding addresses in Fryslân during the 1997-2001 period.² In 2003, the Language Board also

¹ Ministry of the Interior and Kingdom Relations, *Handreiking voor gemeenten in Fryslân [Guide for local authorities in Fryslân]*. Ministry of the Interior and Kingdom Relations/Province of Fryslân [The Hague/Leeuwarden] 2004.

² G. I. Jellema, A. M. J. Riemersma (eds.), *Taalpraktyk en taalbelied by gemeenten*. Berie foar it Frysk, Ljouwert 2003.

published a study on the use of the Frisian language in birth, death and marriage notices and other announcements.³ In 2005, the Board published a report on local authority language policy, a follow-up to a similar study dating from 2000.⁴ In addition, it should be mentioned that in 2003, the Berie foar it Frysk joined the European network of language planning organisations, established on the initiative of the Welsh Language Board. On 11 November 2005, the network produced a joint presentation on the Internet.⁵

4.10 Finally, it is worth noting that the presentation of the European Charter at the Council of Europe's website, as well as the overview of signatures and ratifications, the monitoring mechanism and the publication of, *inter alia*, the Committee of Experts' findings, ensure that a wide range of relevant information is always available.⁶ The visit of the Committee of Experts to the Netherlands and Fryslân, on 9-11 February 2004, received a considerable amount of publicity. The same applies to the report of the Committee of Experts, which was published at the end of 2004. Furthermore, an information brochure published by the Province of Fryslân in 2004 about the Frisian language also highlights the relevance of the Charter.⁷

4.11 On 15 December 2004, the Committee of Ministers of the Council of Europe took note of the second report of the Committee of Experts and formulated a number of recommendations. In these recommendations, which were included in the report of the Committee of Experts as an annexe, the Committee of Ministers recommends that the Netherlands take account of all the observations of the Committee of Experts. With regard to the Frisian language, priority should be given to:

- 1 developing an overall and coherent policy for the teaching of and in Frisian at all levels of education and adopting concrete measures for its implementation;
- 2 introducing practical measures in order to enable the use of Frisian in central State administration agencies located in the province of Fryslân, as well as in public services directly under control of the State.

The implementation of the recommendations is currently being addressed. In the context of the further implementation of the Covenant on the Frisian Language and Culture (2001), these two recommendations of the Committee of Ministers were incorporated.

4.12 In response to the report on the implementation of the European Charter for Regional or Minority Languages in the Netherlands, an exchange of views took place between the Minister of Education, Culture and Science and the standing

³ G. I. Jellema, A. M. J. Riemersma (eds.), *Frysk taatgebrûk yn famyljeberjochten en advertinsjes 1932-2002*. Berie foar it Frysk, Ljouwert 2003.

⁴ G. I. Jellema, A. M. J. Riemersma (eds.), *Taalbelied by gemeenten*. Berie foar it Frysk, Ljouwert 2005.

⁵ www.languageplanning.com

⁶ http://www.coe.int/T/E/Local_Democracy/Minlang/Presentation/

⁷ Ingrid Wagenaar (ed.), *taal fan it hert*, Province of Fryslân, [Ljouwert] 2004.

committee for Education, Culture and Science in the House of Representatives. The committee remarked that it had read with interest the report by the Council of Europe's Committee of Experts and the Minister's response to it. The standing committee subsequently presented the Minister of Education, Culture and Science with a number of questions. These questions related to the position of Frisian in preschool education, primary education, secondary education, higher and university education, education on Frisian history and culture, and Frisian in teacher training. The Minister replied to these questions in a letter dated 15 August 2005.⁸

- 4.13 With regard to the steps it has undertaken to inform the government bodies, judicial authorities and civil-society organisations concerned of the above-mentioned recommendations (see section 4.11), the Dutch government has noted with satisfaction, on the basis of letters and comments from the relevant provincial authorities and organisations, that the authorities and associations in question have already taken note of the report of the Committee of Experts and the recommendations of the Committee of Ministers of the Council of Europe by other means, for example, via the websites of the Council of Europe and the Dutch Committee of the *European Bureau for Lesser-Used Languages*. On the reference date for the current report, the Ministry of the Interior and Kingdom Relations had not yet put the 2003 report and the 2004 recommendations on its own website, which was a departure from previous practice.⁹
- 4.14 In answer to the question of how the government involved the government bodies, judicial authorities and civil-society organisations concerned in the implementation of the recommendations, the reader is referred to sections 4.11 to 4.13 above.

⁸ Parliamentary Papers II (House of Representatives) 2004-2005, 29 800 VIII, no. 254.
⁹ <http://www.minbzk.nl/bbe>

PART II

5 Article 7: Objectives and principles

5.1 Under Article 7 of the European Charter for Regional or Minority Languages, the Netherlands has undertaken to base its policies, legislation and practical measures in respect of the Frisian language, within the territories where the Frisian language is used and according to the situation of the Frisian language, on the following objectives and principles:

Article 7(1)(a): recognition of [the Frisian language] as an expression of cultural wealth

5.2 In 2001, the Committee of Experts has determined that Article 7(1)(a) implies a recognition of the existence of the Frisian language, as well as the legitimacy of its use.¹ In practice, this provision is a precondition for taking the specific features and needs of the language in question into consideration and for taking appropriate action on its behalf. Furthermore, with its inclusion within the scope of the European Charter, the Netherlands fully recognises the importance of the language as an expression of cultural wealth.

Article 7(1)(b): respect of the administrative division of language area

5.3 In 2004, the Committee of Experts considered that Article 7(1)(b) has been fulfilled for the Frisian language.² This provision particularly concerns the existence, borders and tasks of the Province of Fryslân, which have not been subject to change. As already mentioned, central government and the Province of Fryslân confirmed in Article 1.2 of the Covenant on the Frisian Language and Culture (2001) that central government will respect the administrative unit that is the Province of Fryslân (see section 3.5.5).

Article 7(1)(c): need for resolute action

5.4 In 2004, the Committee of Experts noted the Dutch authorities' awareness of the need to protect the Frisian language by adopting the Covenant on the Frisian Language and Culture (2001).³ The Implementation Covenant on the Frisian Language and Culture (2005), agreed upon four years later, once again underlines the willingness of central government and provincial authorities to implement the commitments undertaken under Part III of the Charter. Part III of this report will discuss in more detail the practical implementation of the commitments.

Article 7(1)(d): facilitation and/or encouragement of the use of [the Frisian language]

5.5 The actions taken by the Dutch government to facilitate and/or encourage use of the Frisian language in speech and writing in public and private life are described in Part III of this report.

¹ Council of Europe, *Report of the Committee of Experts* (2001), 15.

² Council of Europe, *2nd Report of the Committee of Experts* (2004), 35.

³ *Ibidem*, 36.

Article 7(1)(e): maintenance and development of links between users of [the Frisian language] and other groups employing a language in identical or similar form

- 5.6 The actions taken by the Dutch government to maintain and develop links between Frisian-speakers and other groups using identical or similar languages are described in Part III, chapters 10 and 12 of this report.

Article 7(1)(f): teaching and study of [the Frisian language]

- 5.7 The actions taken by the Dutch government to provide appropriate forms and means for the teaching and study of the Frisian language at all appropriate stages of education are described in Part III, chapter 6, of this report.

Article 7(1)(g): facilities enabling non-speakers of [the Frisian language] living [in Fryslân] to learn [the Frisian language]

- 5.8 The actions taken by the Dutch government to create facilities enabling non-speakers of the Frisian language living in Fryslân to learn the Frisian language if they so desire, are described in Part III, chapters 6 and 10, of this report.

Article 7(1)(h): study and research on [the Frisian language] at universities

- 5.9 The actions taken by the Dutch government to promote the study and research of the Frisian language at universities or equivalent institutions are described in Part III, chapters 6 and 10, of this report.

Article 7(1)(i): transnational exchanges

- 5.10 The actions taken by the Dutch government to promote appropriate types of transnational exchanges, in the fields covered by the European Charter, for Frisian-speakers in the Netherlands and Germany are described in Part III, chapter 12, of this report.

Article 7(2): elimination of unjustified forms of distinction, exclusion, restriction or preference

- 5.11 On accepting the European Charter, the Netherlands undertook to eliminate, if it had not yet done so, ‘any unjustified distinction, exclusion, restriction or preference relating to the use of the Frisian language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of [the Frisian language], aimed at promoting equality between users of [the Frisian language] and the rest of the population, or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.’ The Committee of Experts did not elaborate on this point in its second report, in view of the lack of change since its first report.⁴

⁴

Ibidem, 30.

Article 7(3): promoting mutual understanding

- 5.12 On accepting the European Charter, the Netherlands undertook ‘to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.’ In 2001, the Committee of Experts noted that there was no evidence, with the exception of some activities relating to Frisian (media subsection), that the Netherlands had undertaken any initiatives such as those described in Article 7(3).⁵ In its second report, the Committee of Experts emphasised the importance of fostering mutual understanding and tolerance between all linguistic groups.⁶ To the extent that this concerns specific activities in this field, these activities could not be reported either for the period covered by this report (see section 3.3.7).

Article 7(4): advisory mechanisms

- 5.13 On accepting the European Charter, the Netherlands undertook that ‘[i]n determining its policy with regard to [the Frisian language it] would take into consideration the needs and wishes expressed by the groups which use [the Frisian language]. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to [the Frisian language].’
- 5.14 On 15 January 1998, the Ministry of the Interior issued a decree establishing a Consultative Committee on the Frisian Language for the purpose of advising the Dutch government on all matters pertaining to the Frisian language (*Government Gazette* 1998, 33).⁷ This Committee, which was inaugurated on 19 January 1998 in Leeuwarden, currently comprises five members and a secretary who is a civil servant.⁸

In 2004, the Committee sent a memorandum to the national government, as it had done previously in 2000, setting out the wishes and needs in respect of the Frisian language and culture. In 2006, the Committee issued an opinion to the Minister of Education, Culture and Science on a report published earlier that year by the Education Inspectorate on the position of the Frisian language in primary and secondary education (see sections 6.51 to 6.55).

⁵ Council of Europe, *Report of the Committee of Experts* (2001), 47.

⁶ Council of Europe, *2nd Report of the Committee of Experts* (2004), 59.

⁷ The decree establishing the Consultative Committee on the Frisian Language was amended by decree of 19 February 2002, ref. BW2002/U58332, to the extent that a new second paragraph has been added. As a result, the Committee’s responsibilities now include advising the Minister of the Interior and Kingdom Relations on the implementation of the Covenant on the Frisian Language and Culture (2001) and the associated implementation covenants, in relation to the European Charter for Regional or Minority Languages (*Government Gazette* 2002, 62).

⁸ By a decree of 19 February 2002, ref. BW2002/U58333, the State Secretary for the Interior and Kingdom Relations appointed or reappointed the five members of the Consultative Committee on the Frisian Language with effect from 1 January 2002, taking account of a retirement schedule.

- 5.15 The Frisian Language Board, *Berie foar it Frysk*, advises the provincial authority of Fryslân on language policy and related general policy issues (see section 4.9). In addition, the Board is also responsible for advising the provincial authority on
- the relationship between provincial language policy and that of Frisian municipalities and central government;
 - actions to ensure that provincial language policy is not isolated from provincial policies in other areas, from policies of other government bodies and from developments in society, and on
 - issues requiring further study and research.⁹
- 5.16 In 2001, the Committee of Experts noted that the provincial authorities in Fryslân and the Fryske Akademy were consulted prior to acceptance as well as during the preparation of the initial periodical report.¹⁰ In 2002, a similar procedure was followed. For the writing and preparation of the present periodical report, the same procedure was used as in 2002 (see Annexe 6).

Article 7(5): non-territorial languages

- 5.17 Article 7(5) regulates the application of the principles listed in paragraphs 1 to 4 to non-territorial languages. It therefore does not apply to the Frisian language.

⁹ Berie foar it Frysk, *Rapportazje fan de wurksumheden oer de jierren 2002-2004*. Ljouwert 2005, 21.
¹⁰ Council of Europe, *Report of the Committee of Experts* (2001), 48.

PART III

6 Article 8: Education

- 6.1 In the period under review (2002-2007), adjustments have been made to legislation and regulations in respect of education in order to better position the parties involved to assume their responsibilities. Further to this, it has been assumed that school boards are responsible for the quality of their education and that central government's role is chiefly to monitor and require an account from the school boards. The Education Inspectorate is charged with monitoring education.
- 6.2 It has been agreed with the Province of Fryslân that central government determines general educational, cultural and media policy, is directly or indirectly responsible for fulfilment of the European Charter, and puts resources at the disposal of the Province of Fryslân to enable it to implement its policy in respect of Frisian. The Province of Fryslân determines policy in relation to Frisian and is responsible for its implementation, the objective in respect of which being that the province's policy concerning Frisian and central government's general educational, cultural and media policy should reinforce each other wherever possible.
- 6.3 In the period under review, the position of school boards to assume responsibility for the quality of their education was strengthened by, for example, the introduction of broad attainment targets in primary and secondary education and by the introduction of a lump sum to defray the educational costs. The subject of Frisian has remained mandatory in primary education and in the first stage of secondary education; however, broader, more realistic attainment targets have been established for Frisian.
- 6.4 Additional initiatives were implemented on the part of central government to put schools in a better position to fulfil their responsibilities for the quality of teaching in Frisian and of (the subject of) Frisian. Frisian was included in the national policy for subsidising initiatives supporting education (the annual outline statement). On that basis, the Curriculum Development Institute (Stichting Leerplanontwikkeling (SLO)) has developed a curriculum for Frisian in primary education.
- 6.5 Additional financial resources were made available on the part of central government to create the online classroom in order to achieve the attainment targets for Frisian and improve the position of Frisian in pre-vocational secondary education (VMBO). Furthermore, the Frisian language and culture examination syllabuses for senior general secondary education (HAVO) and pre-university education (VWO) have been adjusted, and examination syllabuses have been developed for all educational programmes in VMBO. An amendment to the Final Examinations Decree is in preparation in which provision is also to be made for pupils in middle-management vocational

programmes and basic vocational programmes to be able to take examinations in the subject of Frisian (envisaged introduction date 1 August 2008).

- 6.6 With due regard for the individual responsibility of higher education institutions in Fryslân, the State Secretary for Education, Culture and Science has written to these institutions, requesting that they give attention in their annual reports to their policy regarding the use and promotion of the Frisian language and culture.
- 6.7 The Education Inspectorate carries out supervision of the quality of education pursuant to the Education Supervision Act (WOT). This (independent) supervision is to be exercised on the basis of a 'supervision framework' to be determined by the Minister of Education, Culture and Science.
- 6.8 Frisian is also included in the supervision framework for primary education in consultation with the Province of Fryslân. (The framework consists of amendments or adjustments to the annual questionnaire, the annual inspection and the periodic quality review by the Inspectorate.) A specific supervision model for Frisian is also to appear for schools very actively involved with the Frisian language within their teaching and interested in the Inspectorate's opinion about the education that they provide in the Frisian language. On the basis of experiences in primary education, Frisian is also to be included in the supervision framework for secondary education.
- 6.9 The Education Inspectorate reports annually to the Minister through its (public) education report. The 2004/2005 Education Report devoted express attention to the quality of teaching in Frisian in primary education. The Inspectorate report entitled "The quality of the subject of Frisian in primary education and secondary education in the Province of Fryslân" was released in September 2006.
- 6.10 In a letter to the Ministry of Education, Culture and Science dated 31 May 2007, the Education Inspectorate stated its conformity with the (model) Regulation concerning the use of the Frisian language in written documents emanating from decentralised central government departments.
- 6.11 To put the Province of Fryslân in a better position to develop and implement policy in relation to Frisian, the province obtained the power to grant exemptions from the obligation to provide the subject of Frisian in secondary education. The province already had this power in relation to primary education.
- 6.12 In order to lessen the burden on administration and place a greater emphasis on individual responsibility, general central government policy has aimed at reducing the number of specific grants. As a result of this, the Frisian language and culture specific grant for improving the quality of teaching in Frisian was added to the Provinces Fund. Further to this, the Minister of the Interior and

Kingdom Relations guaranteed that the full amount of the specific grant would continue to be made available to the Province of Fryslân.

- 6.13 The Province of Fryslân has decided on an integral policy to improve Frisian in education. This policy has been set out in the Boppeslach memorandum. This memorandum also includes measures to counterbalance the lack of knowledge about the bilingual or multilingual development of children and the benefits of bilingualism or multilingualism on individual children.
- 6.14 Pre-school facilities – such as playgroups and childcare centres – are not formally part of the Dutch education system. However, since 22 February 2007, the Minister of Education, Culture and Science has been responsible for childcare. Responsibility for playgroups rests with municipalities – successively on the basis of the Welfare Act (Bulletin of Acts and Decrees 1994, 447) and, since 1 January 2007, the Social Support Act (Bulletin of Acts and Decrees 2006, 351). Quality and funding of childcare was provided for in the Childcare Act (Bulletin of Acts and Decrees 2004, 455), which came into force as of 1 January 2005. Section 55 of the Childcare Act states that Dutch is to be used as the medium of communication with regard to pre-school education in childcare centres. However, in cases where the Frisian language or a local dialect is in active use in addition to the Dutch language, the Frisian language or local dialect can be used as a medium of communication alongside Dutch.
- 6.15 Primary education in the Netherlands is aimed at children between the ages of four and twelve and lasts eight years. In practice, these years are divided into eight year-groups. Although primary schools admit children from the age of four, compulsory education starts at the age of five.¹ Ninety-nine per cent of children begin attending school at the age of four. The Primary Education Act (WPO) (Bulletin of Acts and Decrees 1998, 495) regulates primary education and special schools for primary education.
- 6.16 Section 9, subsection 4 of the WPO states that ‘education is also to be given in the Frisian language at schools in the Province of Fryslân, unless the Provincial Executive has granted an exemption from this obligation at the request of the competent authorities’. Section 9, subsection 8 of the WPO goes on to state that ‘education is to be given in Dutch. Wherever the Frisian language or a local dialect is in active use in addition to the Dutch language, the Frisian language or local dialect can be used as a language of instruction in education alongside Dutch.’
- 6.17 Special schools for primary education also come under the WPO. These are schools that in previous legislation, namely the Special Education and Special Secondary Education (Interim) Act (ISOVSO), were designated as schools for Children with Learning Difficulties (MLK), schools for Children with Learning

¹ The bill amending the Primary Education Act, the Expertise Centres Act and the Compulsory Education Act 1969 in respect of certain age limits and other matters provides that compulsory education shall start at the age of four: see Parliamentary Papers II (House of Representatives) 2001-2002, 28 085, nos. 1 and 2.

and Behavioural Difficulties (LOM) and departments attached to LOM schools for the education of pre-school children with developmental difficulties (IOBK). In ISOVSO schools, the subject area of Frisian was optional. Primary schools *and* special schools for primary education are now expected to comply with the WPO with regard to the subject area of Frisian. The position of Frisian at special schools for primary education has been strengthened by all of this.

- 6.18 Special education and special secondary education are provided for in the Expertise Centres Act (WEC) (Bulletin of Acts and Decrees 1998, 496). This relates to the education of children with extreme learning difficulties and children with physical, visual or other disabilities. Section 13, subsection 6 of the WEC states that special education in the Province of Fryslân can include education given in part in the Frisian language. Section 14, subsection 3 makes the same provision for special secondary education.
- 6.19 In 1993, the Minister of Education laid down attainment targets for the first time concerning all mandatory subjects in primary education (Bulletin of Acts and Decrees 1993, 264). Since then, primary schools have been required to treat the attainment targets in each subject as goals that must be achieved by the end of primary education. In 1998, the attainment targets of 4 May 1993 were revised (Bulletin of Acts and Decrees 1998, 354). The revised attainment targets for primary education were established in the decree of 8 October 2005 (Bulletin of Acts and Decrees, 551). These attainment targets took effect from 1 August 2006, at least in respect of nursery school groups. These new attainment targets must be introduced in their entirety throughout all primary schools as of August 2009. While attainment targets for the Frisian language (mandatory only for schools in the Province of Fryslân) had previously been the same as attainment targets for the Dutch language, this has no longer been the case since 2005. As was made clear by the survey conducted by the Education Inspectorate in 2001, this had been too onerous a task for most schools.² As a result, attainment targets have been drawn up that are more realistic in scope (see section 6.20).³
- 6.20 The attainment targets for Frisian in primary education read as follows:
Oral language teaching
- Pupils developing a positive attitude towards their use and others' use of Frisian.
 - Pupils learning how to acquire information from spoken Frisian. This involves texts that are informative, fun, and which contain opinions or instructions about subjects familiar to them.
 - Pupils learning how to express themselves in Frisian in terms of form and content in situations from their daily lives in which they ask for or provide information on a subject with which they are familiar.

² Education Inspectorate, *Fries op school*, [Utrecht], 2006, 21.

³ *Ibid.*

Written language teaching

- Pupils learning to acquire information from texts in Frisian in commonly arising printed formats (e.g. articles in children's publications, songs, stories).
- Pupils learning to write simple texts in Frisian about everyday subjects with the goal of communicating about these subjects with others.

Linguistics, including strategies

- Pupils acquiring a vocabulary of commonly used Frisian words and strategies in order to understand words unfamiliar to them.

- 6.21 Secondary education in the Netherlands is regulated by the Secondary Education Act (WVO) (Bulletin of Acts and Decrees. 1963, 40). The act distinguishes between five different types of secondary education:
- pre-university education (VWO) with a course duration of six years;
 - senior general secondary education (HAVO) and junior general secondary education (MAVO) with course durations of five and four years respectively;
 - pre-vocational secondary education (VMBO) with a course duration of four years;
 - at the end of the second year, VMBO students choose a programme and a sector. The VMBO includes four types of programme: a basic vocational programme (BB); a middle-management vocational programme (KB); a combined theoretical and vocational programme and a theoretical programme. The basic and middle-management vocational programmes are for students with a practical orientation. The theoretical programme is intended for students with an orientation towards theory. The combined theoretical and vocational programme combines theoretical and practical skills;
 - other types of secondary education.

Compulsory education finishes at the end of the school year in which a student reaches the age of sixteen or in which the student has completed no less than 12 full years of school.

- 6.22 Since the 1993-1994 school year, all secondary schools theoretically set out with the same general programme, known as basic secondary education. The programme could last for a period of two to four years, with an average length of three years (from ages twelve to fifteen).⁴ Since 1 August 2006, basic secondary education has been replaced by a new regulation for the first stage of secondary education (Bulletin of Acts and Decrees 2006, 281). This relates to the first two years of secondary education.

- 6.23 Section 11e of the WVO states that at schools in the Province of Fryslân teaching is also to be given using the Frisian language and on Frisian culture with due regard for the attainment targets laid down in that respect, unless the

⁴ The first stage of secondary education includes:
- the first three years of VWO and HAVO;
- all years of VMBO.

Provincial Executive has granted an exemption from this obligation at the request of the competent authority. Since 1 August 2006, the power of the Provincial Executive to grant an exemption to secondary schools from teaching in the Frisian language and on Frisian culture has been included in the WVO at the request of the Provincial Executive of Fryslân. The intention of this legislative amendment is to strengthen the position of Frisian in secondary education. Attainment targets are established for Frisian language and culture in an order in council (see sections 6.25 and 6.26). These attainment targets have the same status in the Province of Fryslân as the general attainment targets on the grounds of Section 11a of the WVO.

- 6.24 The decree of 7 June 2006 (Bulletin of Acts and Decrees 2006, 316) sets out the six attainment targets for the first stage of secondary education. Three of these attainment targets are mandatory for all students in the Province of Fryslân, while the other three, although also mandatory, entail differing outcomes depending on whether students speak Frisian as a mother tongue or as a foreign language.
- 6.25 The attainment targets for the first stage of secondary education in the Province of Fryslân are as follows:
- Students who are part of a bilingual culture*
- Students learn to recognise the significance of bilingual Frisian culture in daily life and learn to compare this with situations in the rest of the Netherlands and beyond.
 - On the basis of examples, students learn to understand the specific features of Frisian culture and to place these in their historical context.
 - On the basis of examples, students learn to recognise the importance of Frisian cultural expression (literature, theatre, music, film, television and radio) and to convey the significance that they attach to this.
- Students for whom Frisian is a foreign language and students whose mother tongue is Frisian*
- Students learn to amass a Frisian vocabulary through contexts relevant to them by employing different strategies.
 - Students learn how to search for and organise information from written and digital Frisian-language sources on the basis of questions about subjects within their own sphere of interest.
 - Students learn how to conduct an informal conversation in Frisian with their peers about subjects in their day-to-day lives.
- Students whose mother tongue is Frisian*
- Students learn to express themselves clearly in terms of speech and writing and to adhere to the linguistic conventions that govern Frisian (spelling, proper grammatical sentences, and use of words).
 - Students discover the importance of communicating according to the prevailing rules of grammar for Frisian in formal situations (work progress, planning, and discussion).
 - Students learn to select and read Frisian novels, poetry and informative texts aimed at expanding their interests and experience.⁵

⁵ Bulletin of Acts and Decrees 2006, 316, pp. 27-28.

- 6.26 Secondary education's second stage/*studiehuis* begins after the third year. The second stage refers to the last classes of the HAVO (classes 4 and 5) and of the VWO (classes 4, 5 and 6). The term 'second stage' refers to the syllabus. The term 'studiehuis' refers to the way in which the syllabus is taught, the number of traditional classes and the amount of time that students study independently. The objectives of the *studiehuis* are that students 'learn how to learn', are better prepared for higher education and acquire greater general knowledge.
- 6.27 The profiles for the second stage VWO and HAVO were amended in the Act of 27 April 2006 (Bulletin of Acts and Decrees 2006, 251).⁶ Moreover, Frisian is part of the common component of each profile in an *athenaeum* (pre-university school), according to a student's choice, insofar as the competent authority offers that subject (Section 13, subsection 1c). Furthermore, Frisian can be a part of the optional component of each profile and part of the profile component for culture and society in a *gymnasium* (pre-university school with Latin and Greek) and an *athenaeum*, insofar as the competent authority offers that subject (Section 13, subsection 7a). In senior general secondary education (HAVO), Frisian does not appear in any of the common component of each profile, but it does appear in the profile for culture and society and in the optional component, according to a student's choice, insofar as the competent authority offers that subject (Section 13, subsection 5b).
- 6.28 After the first two years, students at VMBO schools can choose between four programmes: a theoretical programme, a combined theoretical and vocational programme, a middle-management vocational programme and a basic vocational programme (Sections 10 to 10d of the Secondary Education Act). The programmes consist of a common component, which is compulsory for all students, a sectoral component, which depends on whether the student has opted for engineering and technology, care and welfare, agriculture or economics, and an optional component, in which students can choose between a number of subjects, depending on the programme they have chosen. The various programmes all link up with secondary vocational education (MBO). Students can also opt to study Frisian as an exam subject in pre-vocational secondary education (see sections 6.195 to 6.196).
- 6.29 Employment-oriented training exists for a minority of students for whom the attainment of a VMBO diploma is not possible. In contrast to the educational programmes, employment-oriented training prepares students directly for the regional labour market.⁷
- 6.30 Higher education in the Netherlands encompasses higher professional education (HBO), university education (WO) and higher education-level distance learning through the Open University (OU)⁸, which principally offers

⁶ This involves four different profiles: science and technology, science and health, economics and society and culture and society.

⁷ see: <http://www.ocw.nl>: VMBO in the Netherlands.

⁸ In 2005, the HBO accounted for 41 institutions funded by the government in the Netherlands

university courses. Higher education is regulated by the Higher Education and Research Act (Bulletin of Acts and Decrees 1992, 593).

- 6.31 From 2002/2003, and following Europe's Ministers of Education agreeing to the Bologna Declaration in 1999 with the objective of achieving a European education area over the long term, Dutch higher education partially introduced an undergraduate-graduate model with the target of international harmony in mind to which was linked respectively a bachelor's and master's degree as included in the Act. In addition, the Netherlands elected to uphold the existing binary structure; in other words, it was decided to maintain the distinction between WO and HBO (the WO has a relatively greater focus on academic education and knowledge, while the HBO focuses more on occupational training). Universities can provide education up to doctorate level passing through the stages of bachelor's and master's degrees. HBO institutions frequently lead only to the bachelor's degree level and involve only a limited number of funded HBO master's degree programmes. An accreditation system was introduced simultaneously with the introduction of this so-called 'BAMA' structure to safeguard the quality of the degree programmes. A precondition for the government's funding of a degree programme is that it has accreditation. The research programmes and teacher-training courses, including the (teacher) training programmes for Frisian, have since formed part of the new structure.
- 6.32 Since 1996, the Adult and Vocational Education Act (WEB) (Bulletin of Acts and Decrees 1995, 501) provides for the organisation of vocational education (Section 7.2.2 WEB) and adult education (Section 7.3.1 WEB). The Act has combined all existing institutions for secondary vocational education and adult education into a network of approximately fifty regional training centres (ROCs) through a process of mergers. There are two ROCs in the Province of Fryslân: Friese Poort and Friesland College. Moreover, the Province of Fryslân also has an agricultural training centre (AOC) for education relating to agriculture and the natural environment. AOCs also fall under the Adult and Vocational Education Act.
- 6.33 In the Netherlands, the training of teaching staff for the various levels of education forms part of higher education with the exception of the training of teaching staff (infant school teachers) for pre-school education. This training comes under secondary vocational education (MBO) (see sections 6.333 and 6.334).
- 6.34 In 2001, the Committee of Experts made a number of suggestions to the Dutch government (see sections 6.34 to 6.38). The Committee urged that a substantial part of pre-school education be made possible in Frisian.⁹ The Committee then

(Fryslân: 3) with a total of almost 356,000 registered students. There are 14 different institutions for university education (none in Fryslân) with some 222,300 students (Key figures for 2001-2005, Ministry of Education, Culture and Science).

⁹

Council of Europe, Report of the Committee of Experts (2001), 59.

invited the government to make a substantial part of primary education available in Frisian.¹⁰

- 6.35 The Committee of Experts further encouraged the government to take the necessary steps to improve the present position of Frisian in secondary education. The Committee advocated the establishment of clear attainment targets for Frisian. In addition, it encouraged the government to ensure that the quality and continuity of the educational process was improved so that these objectives could be met. This would make Frisian a more attractive choice for students in the second stage of secondary education.¹¹
- 6.36 The Committee of Experts encouraged the government to pursue a more active approach with respect to the provision of facilities for the study of the Frisian language as a subject in higher education.¹²
- 6.37 The Committee encouraged the government to arrange for the provision of adult and continuing education courses in Frisian.¹³
- 6.38 Finally, the Committee of Experts encouraged the government to ensure the provision of effective training in respect of Frisian both in basic training and in continuing/post-graduate courses for the teaching staff required in order to implement those paragraphs running from paragraphs a to g inclusive in Article 8 of the European Charter as agreed to by the Netherlands.¹⁴
- 6.39 In its second report, the Committee of Experts observed that the Province of Fryslân, in accordance with the Covenant on the Frisian Language and Culture (2001), was in annual receipt of a specific grant from the Ministry of Education, Culture and Science in order to protect and improve the position of Frisian in education.¹⁵ With effect from 1 January 2006, central government transferred the specific grants for the Frisian language and culture to the Provinces Fund (see also sections 10.84 to 10.86).
- 6.40 In its second report, the Committee of Experts observed further that the use of the Frisian language both within Frisian families and in pre-school education was being hindered by an inadequate understanding of the development of bilingual children and of the advantages of bilingualism for individual children. With the number of marriages of dual-language partners on the increase, there is a need for advice on how to deal with bilingualism within the family.¹⁶
- 6.41 Finally, the Committee of Experts stated that the development by the National Institute for Educational Measurement (CITO) of a method to resolve language

¹⁰ *Ibid.* 62.

¹¹ *Ibid.* 65.

¹² *Ibid.* 68.

¹³ *Ibid.* 69.

¹⁴ *Ibid.* 71.

¹⁵ *2nd Report of the Committee of Experts* (2004), 72.

¹⁶ *Ibid.* 73.

problems among immigrant children could have a negative effect on the use of Frisian both in pre-school centres as well as in schools themselves.¹⁷

- 6.42 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that established central government policies regarding the position of Frisian in education would serve as a foundation for the education section. This applies in particular to the following statements:
- central government will decide general policies on education, culture and the media and will be directly or indirectly responsible for ensuring compliance with the European Charter as regards the Frisian language;
 - the Province of Fryslân will decide policies on the Frisian language and will be responsible for ensuring that they are implemented;
 - central government will make resources available to enable the Province of Fryslân to implement its policies on the Frisian language;
 - the Frisian language policies of the Province and the general education, culture and media policies of central government must be complementary, wherever possible.¹⁸
- 6.43 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that central government would award a specific grant to the Province of Fryslân for use in relation to Frisian-language education under such conditions as may be imposed at the time the grant is awarded. The province is to use this grant to safeguard and improve the position of Frisian within education. (Covenant 2.3.1). For the purpose of implementing this agreement, the Province of Fryslân has drawn up a memorandum entitled ‘Plan fan oanpak Frysk yn it ûnderwiis’ [Action Plan for Frisian in Education]. This contains within it a specific explanation of how this specific grant is to be spent (see section 6.39).
- 6.44 In Article 2.1.1 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the provincial government of Fryslân agreed that, every year prior to 1 October, the Minister of Education, Culture and Science would establish in consultation with the Province the extent of the specific grant in relation to Frisian-language education for the year concerned (see section 6.39).
- 6.45 Furthermore, Article 2.1.2 of the Implementation Covenant on the Frisian Language and Culture (2005) established that the Minister of Education, Culture and Science and the Province of Fryslân would consult with each other once a year on the implementation of the education component of the Covenant on the Frisian Language and Culture (2001). The Minister of Education, Culture and Science and the Province of Fryslân are to inform each other about policy-related developments that might affect the position of the Frisian language and culture in education.

¹⁷

Ibid. 74.

¹⁸

Covenant on the Frisian Language and Culture (2001), Chapter 2, Introduction.

- 6.46 Supervision of education in Frisian is to be integrated within the standard procedures of the Education Inspectorate. Regarding this, a start will be made with primary education and, on the basis of experience thus gained, this will subsequently lead to work being done on supervising secondary education. Every school in Fryslân will be asked to supply some data on the subject of Frisian, the language of instruction used and school policy in respect of Frisian at the same time as the standard annual questionnaire. With reference to all schools in Fryslân, it will be ascertained whether they have a sufficient grasp of their local situation in terms of language within the context of quality management.
- 6.47 The Education Inspectorate will investigate a quarter of schools in Fryslân annually in its periodic quality survey with regard to the situation as it relates to Frisian. On occasion, a specific report regarding a quality survey of Frisian will be compiled on the basis of a Frisian module to be specifically developed for this.¹⁹
- 6.48 In October 2002, the provincial government of Fryslân set out its ‘Plan fan oanpak Frysk yn it ûnderwiis’ in which it presented the intentions of the Province of Fryslân in respect of education.²⁰ The goal of the ‘Plan fan oanpak’ is to put provincial efforts into effect insofar as use of the Frisian language in education is concerned. In 2005, the provincial government set out its ‘Utfieringsnotysje 2005-2007’ in relation to the ‘Plan fan oanpak Frysk yn it ûnderwiis’. This implementation memorandum constitutes a practical development of the principles established in 2002. The memorandum indicates the activities and resources available for the years 2005-2007.
- 6.49 In November 2006, the provincial government of Fryslân set out the ‘Boppeslach’ education memorandum for the years from 2007 to 2011. Boppeslach has its own budget (€ 10.5 million) from provincial resources. The chief objective of provincial policy is described as improving the educational quality of Frisian education. Moreover, the provincial government wishes to bring about an integral language policy in Frisian education in the sense of a conscious and systematic approach towards the education on offer to the linguistically heterogeneous student population. In addition to this, the focus of the provincial government is on improving the position of Frisian from the standpoint of its responsibility for Frisian in education. The unnecessarily weak position of Frisian in the language policy for the schools should be made more robust.²¹

¹⁹ Letter from the Minister of Education, Culture and Science to the President of the Senate of the States General, 22 November 2006: included in Parliamentary Papers I (Senate) 30 800 VIII, no. B, 3.

²⁰ Chapter 6 of the second report regarding the measures taken by the Netherlands in respect of the Frisian language and culture (The Hague/Leeuwarden, 2003) discusses at length the preliminary ‘Plan fan oanpak’, which, in November 2001, preceded the definitive action plan of October 2002. For the sake of brevity, this report suffices with reference to section 6.21 in the Netherlands’ second report to the Council of Europe.

²¹ The Provincial Executive of Fryslân, *Boppeslach. Underwiisnota Provinsje Fryslân*, [Ljouwert],

- 6.50 In relation to the targeted integral language policy in Frisian schools, the ‘Boppeslach’ provincial education memorandum is pursuing the following objectives:
- In 2010, at both primary teacher-training colleges of education (PABOs), Frisian will occupy a substantial position in the curriculum for the entire training course within the context of integral language policy. The training course for the Frisian teaching qualification has a quality level certified by external bodies in terms of content and teaching methods.
 - In 2015, Frisian language and culture will occupy a substantial position in over half of the educational institutions in the sectors of pre-school, early primary school and primary school education within the context of integral language policy as far as the curriculum and teaching times are concerned.
 - In 2015, secondary education will link up with primary education in an effective manner in relation to Frisian language and culture. In all events, this means that there will be a continuous learning path for the study field of Frisian language and culture.²²
- 6.51 In the academic year 2004/2005, the Education Inspectorate investigated the situation in relation to the subject of Frisian in primary and secondary education.²³ All schools for primary education, special education and secondary education were involved in the inquiry, insofar as they had not been granted an exemption from teaching Frisian. The inquiry was a follow-up to earlier ones performed by the Education Inspectorate, such as in 1999 and 2001. Where relevant, the results of the inquiry were tied in with results from the Inspectorate’s previous inquiries into Frisian.
- 6.52 The report entitled *Fries op school* [Frisian in Schools] presented the findings from the inquiry in outline and was released in both languages (Dutch and Frisian). The full results of the inquiry were published in the *Technisch rapport* [Technical Report], which was also released in 2006.²⁴ Motivation for the inquiry came from the Charter commitments entered into by the Netherlands. The technical report contains a summary in English and Frisian.
- 6.53 The new inspectorate inquiry (2004/2005) concluded that the Frisian language was extremely well represented in schools giving primary and secondary education in terms of oral communication. Of those schools that were committed to provide Frisian, 94% of primary schools fulfilled their statutory obligations with the same applying to 77% of institutions in secondary education. The competent authorities and schools pursued scarcely any policy

November 2006, 12.

²² *Ibid.* 17.

²³ Education Inspectorate, *Fries op school: De kwaliteit van het vak Fries in het primair en voortgezet onderwijs in Fryslân*, [Utrecht], 2006.

²⁴ Education Inspectorate, *De kwaliteit van het vak Fries in het basisonderwijs en het voortgezet onderwijs in de provincie Fryslân: Technisch rapport*, [Utrecht], 2006

in terms of Frisian. There were virtually no schools in which Frisian formed part of a comprehensive language policy.²⁵

- 6.54 The new inspectorate inquiry revealed that provision of Frisian was still only to a limited degree meeting the new attainment targets for primary and secondary education. Frisian vocabulary and reading and writing in Frisian came off worst in primary education. Secondary education placed little emphasis on processing information, speaking Frisian for non-Frisian speakers and the learning of grammatical rules for Frisian-speaking students.²⁶
- 6.55 The time allotted for the subject of Frisian had remained the same in comparison with previous inquiries, as had the use of Frisian as a language of instruction and lesson quality. The greatest stumbling block continued to be the lack of differentiation between Frisian-speaking and non-Frisian speaking students. Over the course of the past few years, school management teams seemed to be less enthusiastic about offering Frisian, according to data from the new inspectorate inquiry.²⁷ In 2006, the Consultative Committee on the Frisian Language sent an opinion to the Minister of Education, Culture and Science on the above-mentioned report from the Education Inspectorate on the position of Frisian in primary and secondary education (see also section 4.8).
- 6.56 The remainder of this report on Article 8 of the European Charter will discuss:
- the pre-school sector (6.57-6.76)
 - primary education (6.77-6.149)
 - secondary education (6.150-6.235)
 - secondary vocational education and adult education (6.278-6.304)
 - teacher training (6.322-6.357)
 - university or higher professional education (6.236-6.277)
 - the teaching of Frisian history and culture (6.305-6.321)
 - the education inspectorate (6.358-6.369)

Article 8(1)(a)(ii): pre-school education

- 6.57 On accepting the European Charter, the Netherlands undertook ‘to make available a substantial part of pre-school education’ in Frisian. ‘Substantial’ implies that more than a symbolic number of teaching periods are conducted in Frisian: in other words, that Frisian is used as one of the languages of instruction.²⁸
- 6.58 In its report, the Committee of Experts noted that pre-school education was not within the competence of the Ministry of Education, Culture and Science and that it was thus not formally part of the Dutch education system. At that time, pre-school education was within the competence of the Ministry of Health, Welfare and Sport and was organised and supervised by the municipal authorities.

²⁵ *Ibid.* 99.

²⁶ *Ibid.* 100.

²⁷ *Ibid.* 101.

²⁸ Parliamentary Papers II (House of Representatives) 1994-1995, 24 092, no. 5, p. 7.

- 6.59 In 2001, the Committee also noted that no statutory measures had been taken to ensure the use of Frisian at pre-school level. As the Committee understood it, only seven of the 225 playgroups were at that time working in Frisian. There was insufficient teaching material in Frisian and no adequate training of playgroup workers in Frisian. Therefore, the Committee considered that the Netherlands was not fulfilling this undertaking. In that year, the Committee urged the Dutch government to make it possible for a substantial part of pre-school education to be in Frisian.²⁹
- 6.60 In its second report, the Committee of Experts judged as positive the intentions of central government and the Province of Fryslân that each would be making € 110,000 available for the development of Frisian-language teaching material for childcare centres and playgroups. Moreover, the municipalities were to be asked to include Frisian in municipal ordinances on playgroups.³⁰
- 6.61 The Committee of Experts noted in addition that it was essential for the Frisian language to form part of the training of staff in playgroups and childcare centres in Fryslân. Moreover, it would be necessary to include language requirements in this regard in Dutch regulations, because the organisations responsible for childcare centres and playgroups were not required to develop a language policy.³¹
- 6.62 The Committee of Experts wondered whether the new Childcare Act, one section of which provided for the use of the Frisian language, had been agreed to (see section 6.14).³² Parliament agreed to the Childcare Act, which came into force as of 1 January 2005. Finally, the Committee stated that there had been no noticeable change to the situation in respect of Frisian in childcare centres and playgroups in comparison with the first occasion on which it was monitored. Consequently, the Committee was of view that the Dutch authorities were not fulfilling the commitments that they had entered into under the terms of Article 8(1)(a)(ii).
- 6.63 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that central government would give attention to Frisian in childcare as part of the preparatory process for the statutory regulations to be made in that regard. Central government is to maintain contact with the Province of Fryslân on their possible content (Covenant 2.1.1). In addition, central government will contact the Province of Fryslân to discuss the position of Frisian in pre-school education whenever legislation is to be enacted on quality objectives for this part of the education system (Covenant 2.2.1). In both cases, the provisions of the Charter that have been endorsed by the Netherlands will form the basis of any relevant legislation.

²⁹ Council of Europe, *Report of the Committee of Experts* (2001), 57-59.

³⁰ *2nd Report of the Committee of Experts* (2004), 76.

³¹ *Ibid.* 78, 79.

³² *Ibid.* 80.

- 6.64 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed on the following. Central government would investigate with the social partners whether it was practicable for the initial training of playgroup and childcare workers in Fryslân to include active and passive Frisian language skills and the specific educational skills needed to teach bilingual and multilingual children at pre-school level (Covenant 2.1.2). The parties agreed that this objective would be realised by 2004.
- 6.65 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that each party would provide a one-off grant of NLG 240,000 to encourage the development of Frisian-language educational materials for use in playgroups and childcare centres (Covenant 2.1.3).³³ The parties agreed that this objective would be realised by 2004.
- 6.66 For the longer term, i.e. for the period until 2010, central government and the Province of Fryslân agreed in the Covenant on the Frisian Language and Culture (2001) that both parties would work to improve the position of Frisian in playgroups by encouraging municipalities to include Frisian in local ordinances on playgroups (Covenant 2.1.4).
- 6.67 Based on Article 2.2.1 of the Implementation Covenant on the Frisian Language and Culture (2005), the Province of Fryslân will take the initiative for further developing an integral language policy in 2005. Should grounds present themselves on the basis of this development or any other evaluation data, the Ministry of Social Affairs and Employment will then consider whether any legislative amendments are thus required.³⁴ In a project-based approach over the period 2002-2006, the Province of Fryslân worked together with institutions from the pre-school sector to effectuate an increase in the number of Frisian and/or bilingual playgroups and/or childcare centres by approximately ten each year. In 2002, the Province made a sum of € 108,907 available for the purposes of a certification system such as was set up in 2000 by Feriening Frysktalige Berne-Opfang (The Frisian Nurseries Association) in order to improve quality.
- 6.68 In 2004, the Province of Fryslân entered into permanent consultation with the two Frisian regional training centres, Friese Poort and Friesland College, with the aim of developing competence requirements in Frisian for teaching staff in Frisian pre-school education. The competence requirements have yet to be established (see Article 2.2.3 of the Implementation Covenant).
- 6.69 According to Article 2.2.4 of the Implementation Covenant on the Frisian Language and Culture (2005), the Province of Fryslân is to realise before 1

³³

The equivalent sum in euros is € 108,907.

³⁴

Since the formation of the present Council of Ministers (2007), this task has been transferred to the Ministry of Education, Culture and Science.

January 2008 fully comprehensive provision of all of the current intentions for assignment and play activities for the purpose of supporting Frisian-speaking and bilingual playgroups and childcare centres. The Province will ensure that all institutions operating within a bilingual context are thus in a position to operate on a bilingual basis using the ‘Pyramid’ programme. The Province has submitted a project proposal to the Ministry of Social Affairs and Employment which, in turn, has made a sum of € 108,907 available for the development of Frisian-language educational material for playgroups and childcare centres.

- 6.70 According to the aforementioned action plan of September 2002, the Province of Fryslân is planning to increase the number of Frisian-language or bilingual pre-school education facilities by about ten playgroups and/or childcare centres per annum.³⁵ In addition, and in cooperation with Sintrum Frysktalige Berne-opfang (Centre for Frisian-medium nurseries), the Province provided Stichting Partoer – a provincial support organisation for care and welfare in Leeuwarden – with € 180,000 to develop Frisian-language teaching material for playgroups and childcare centres between 2002 and 2004.³⁶ In the interim, the number of Frisian-language pre-school institutions (playgroups and childcare centres) has grown from 10 locations in 2002 to 54 locations as of 1 January 2007. Ten of these pre-school institutions (two childcare centres and eight playgroups) have been certified. The remaining centres are still preparing for certification.³⁷
- 6.71 In 2006, the activities of the Centre for Frisian-medium nurseries underwent an evaluation. This is the organisation in which the Frisian Nurseries Association (*Feriening Frysktalige Berne-opfang*, previously *Stifting Pjutteboartersplak*) and Stichting Partoer, the centre for social development in the Province of Fryslân, work together on the matter under review.³⁸ The evaluation report concluded that concentrating on bilingualism, in addition to concentrating on Frisian, facilitated the childcare centres with a greater scope. The impression was formed that this broader approach met with the need for information on bilingualism from the centres and parents alike.³⁹
- 6.72 In its ‘Boppeslach’ education memorandum, the Province stated as its objective that, in Fryslân, half of the parents of young children in 2010 and all parents of young children in 2015 would be fully informed about the options for and value of bilingual or multilingual education, thus facilitating them with a sound basis for making choices in that regard. Also by 2015, three-quarters of young children and (grand) parents and almost all teaching staff in pre-school institutions will have come into contact with the Frisian language in a systematic manner and in a variety of formats.
- 6.73 In its ‘Boppeslach’ education memorandum, the Province stated as a further objective that the number of childcare centres with Frisian-speaking and/or

³⁵ Province of Fryslân, *Plan fan oanpak Frysk yn it ûnderwiis*, November], 2002, 45.

³⁶ *Ibid.* 47.

³⁷ E-mail from Stichting Partoer to the Fryske Akademy dated 30 January 2007.

³⁸ Engbert Boneschanser, *Evaluaasje Sintrum Frysktalige berne-opfang*, Ljouwert, 2006, 8-9.

³⁹ *Ibid.* 22.

bilingual groups would have grown to 100 by 2010. Moreover, the Province's goal is to have a professional system of guidance, self-evaluation, inspection/review and certification available to all childcare centres with Frisian and/or bilingual groups by 2010, thus guaranteeing the quality of language promotion at these centres.⁴⁰

- 6.74 Almost ten thousand pre-school children are now receiving Frisian language lessons in one form or another. A start was made in 2002 on the preparation of Frisian-language teaching material for pre-school children. At present, the 'Sânglêsrige' ['Sandglass' series] is in use at 170 of the estimated 250 playgroups. Between 9,500 and 10,000 children are being reached as a result of this.
- 6.75 In addition, the 'Tomke' project, which has been in existence since 1996 and includes a variety of methods and activities, seeks the attention of young children regarding the Frisian language.⁴¹ Each year a Tomke booklet appears for every child in Fryslân, as well as a Tomke DVD, the television broadcasting of Tomke's Adventures by Omrop Fryslân and reading aloud about Tomke to some 500 groups of children at playgroups. Moreover, Tomke is familiar in the form of Tomke graphics, children's accessories, glove puppets and children's clogs.⁴² The Tomke project is also responsible for the refresher training of playgroup teaching staff through the organisation of an annual symposium.⁴³
- 6.76 **In summary**, it can be noted that Section 55 of the Childcare Act provides for the use of Frisian in childcare and that municipalities can lay down rules in respect of language use by playgroups. In comparison with the second report concerning the European Charter, clear progress can be seen in terms of reviewing the number of Frisian-language or bilingual childcare centres, as well as in terms of the development and availability of supporting material regarding the use of the Frisian language and the provincial policy intentions in relation to Frisian in childcare centres.

Article 8(1)(b)(ii): primary education

- 6.77 On accepting the European Charter, the Netherlands undertook 'to make available a substantial part of primary education' in Frisian. 'Substantial'

⁴⁰ Province of Fryslân, *Boppeslach*, [Leeuwarden], 2006, 18

⁴¹ The Tomke booklet 'Tomke, Romke en Kornelia boartsje mei kleur' was translated and made available in four North Frisian dialects (Sölring, Fering, Mooringen en Wiringhirder Frisian) from 18 November 2005.

⁴² *De Pompeblêden* 77 (2007) no. 3, 13.

⁴³ The following organisations are taking part in the Tomke project: Afûk, Stichting It Fryske Berneboek, CEDIN-Taalsintrum Frysk, Wurkgroep Frysk en logopedy, Omrop Fryslân, Stifting Pjutteboartersplak, Selskip foar Fryske Tael en Skriftekennisse, Bibliotheekservice Fryslân and Stichting Partoer. Moreover, the three home care organisations are also participating, i.e. Thuiszorg Het Friese Land in Leeuwarden, Thuiszorg De Friese Wouden in Drachten and Thuiszorg Zuidwest-Friesland in Sneek. Part of the home care bodies' responsibility is for the consultation bureaus with which the mother's of recently born children are brought into contact automatically once the registration of a child's birth has been made with the municipality.

implies that more than a symbolic number of teaching periods are conducted in Frisian: i.e. that Frisian is used as one of the languages of instruction.⁴⁴

- 6.78 In its report of 2001, the Committee of Experts noted that it was difficult to determine whether this undertaking had been fulfilled, as the most recent report of the Education Inspectorate with regard to Frisian as a language of instruction at primary-school level dated from 1988/89.⁴⁵ This is due to the fact that, at that time, the Committee did not have access to the Education Inspectorate's 2001 report.
- 6.79 In 2001, the Committee of Experts further considered that although a statutory framework existed and the government had established attainment targets in respect of Frisian in primary education, there was still much uncertainty about whether these targets could be achieved in practice. According to the information reaching the Committee, few primary schools taught in Frisian and, if they did, it was only one lesson a week, which could not be interpreted as a 'substantial part of primary education'.⁴⁶
- 6.80 In 2001, the Committee of Experts stated in addition that the commitment into which the Netherlands had entered was not being fulfilled. The Committee invited the government to ensure that a substantial part of primary education be made available in the Frisian language.⁴⁷ Otherwise, the intention of the Covenant on the Frisian Language and Culture (2001) is to strengthen the position of Frisian in primary education, in accordance with the undertaking entered into by the Netherlands under the European Charter (see sections 6.83 to 6.86).
- 6.81 In its second report, the Committee of Experts stated that the – then proposed – amendment of the attainment targets for Frisian would mean taking a step backwards and could weaken the position of Frisian in individual schools.⁴⁸ In the interim, the 1998 Primary Education Attainment Targets Decree was repealed in the decree of 8 October 2005 (Bulletin of Acts and Decrees 2005, 551), and the renewed attainment targets for primary education were laid down. Where the attainment targets for the Frisian language (mandatory only for schools in the Province of Fryslân) had previously been the same as those for the Dutch language, this is now no longer the case (see sections 6.19 and 6.20). New – non-restrictive – attainment targets have now been drafted, because the previous targets proved to be too great a task for the schools.⁴⁹ At present, the targets are anticipated to be more feasible.⁵⁰

⁴⁴ Parliamentary Papers II (House of Representatives) 1994-1995, 24 092, no. 5, p. 7.

⁴⁵ *Council of Europe, Report of the Committee of Experts* (2001), 60.

⁴⁶ *Ibid.* 61.

⁴⁷ *Ibid.* 62; *2nd report of the Committee of Experts* (2004), 82.

⁴⁸ *2nd Report of the Committee of Experts* (2004), 87.

⁴⁹ The *Feriening Frysk Underwiis*, the pressure group *Te Mâl* and the platform for Frisian-language organisations, *Ried fan de Fryske Beweging*, have advocated retention of the previous attainment targets.

⁵⁰ Education Inspectorate, *De kwaliteit van het vak Fries in het basisonderwijs en het voortgezet onderwijs in de provincie Fryslân: Technisch rapport*, [Utrecht], 2006, 26.

- 6.82 The Committee of Experts stated that it had not encountered any positive developments in respect of teaching the Frisian language in primary education. Amendment of the attainment targets for Frisian pointed only to the contrary. Consequently, the Committee maintained its previous conclusion that the Dutch government was not fulfilling its commitments on this point.⁵¹
- 6.83 Pursuant to the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân are to encourage primary schools that include Frisian in their syllabus and use it as a language of instruction to implement quality assurance policies in this respect. The instruments available to schools for this purpose will be assessed to see whether they are suitable for use in relation to Frisian; where necessary they will be modified, and information about them will be given to the schools (Covenant 2.4.1). It was agreed to realise this goal by 2004. This agreement was upheld. The Ministry of Education, Culture and Science ensured the inclusion of quality assurance aspects relevant to Frisian in the educational inspection. The result of this is the Frisian assessment framework for primary and secondary education to be developed by the Education Inspectorate. Furthermore, as far as central government is concerned, this resulted in the inclusion of Frisian education in the annual outline statement for subsidising national initiatives supporting education. This led to the Institute for Curriculum Development (Stichting Leerplan Ontwikkeling or SLO) being commissioned to draft a curriculum for teaching in Frisian. By way of exception, this occurred as a supplementary measure in addition to the regular financial resources granted to Fryslân to improve the quality and position of Frisian in education (see also sections 6.94 and 6.104).
- 6.84 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that together they would systematically collect data on the place of Frisian in the quality assurance policies of schools and on the objectives that schools set for themselves with regard to the Frisian-language skills of their staff. There will be consultations with the Regional Training Centres in Fryslân in order to encourage them to integrate active Frisian-language skills, and the educational skills required to teach bilingual and multilingual children, within their training courses for teaching assistants, or to make them a compulsory part of the examination syllabus (Covenant 2.4.2).⁵² It was agreed to realise this goal by 2004.
- 6.85 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân further agreed on the following. They would jointly encourage primary schools to include in their plans for in-service training activities the training of their teaching staff in classroom and educational skills relating to the Frisian language and culture if their quality assurance policy revealed the need for such action (Covenant 2.4.3). It was agreed to realise this goal by 2004.

⁵¹ *2nd Report of the Committee of Experts* (2004), 88.

⁵² On the place of Regional Expertise Centres in the education system, see sections 6.32 and 6.33.

- 6.86 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân further agreed that the Province of Fryslân would give attention to the Frisian language and culture when developing projects in the field of cultural education (Covenant 2.4.4). It was agreed to realise this goal in the period 2004-2010.
- 6.87 Article 2.3.1 of the Implementation Covenant on the Frisian Language and Culture (2005) states clearly that the Province of Fryslân had developed activities to ensure that one member of teaching staff per cluster from all the primary schools in Fryslân is taking the post-HBO language coordinator course in which Frisian is a component. In 2004, the Province of Fryslân held consultations in that regard with both HBO institutions in Leeuwarden – the Christian College of Higher Professional Education of the Netherlands (CHN) and the Northern College of Higher Professional Education in Leeuwarden (NHL) – concerning the format and content of this training.
- 6.88 In Article 2.3.3 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the Province of Fryslân agreed on the following. After three months following announcement by the Minister of Education, Culture and Science of the new attainment targets for primary education, the Province of Fryslân would set out the way in which it would implement its power to grant exemption from the attainment targets for Frisian.
- 6.89 Based on Article 2.3.4 of the Implementation Covenant on the Frisian Language and Culture (2005), the Province of Fryslân had commissioned a manual to be composed by 1 July 2004 concerning the teaching methods for bilingual education that can be used for the guidance of schools and the design of teaching materials.⁵³ Moreover, the Taalsintrum Frysk of GCO *fryslân* (presently *Cedin*) was commissioned to develop an instrument that might afford schools the opportunity to determine the state of affairs on their own in relation to teaching methods for bilingual education.⁵⁴ For the purposes of drafting a language policy plan, schools can employ this instrument to implement a baseline as well as ascertain the situation annually.⁵⁵
- 6.90 Article 2.3.6 of the Implementation Covenant on the Frisian Language and Culture (2005) indicates that, in general terms, central government monitors unauthorised teaching in education. The situation in relation to teaching in the Frisian language will be ascertained once every four years in consultation with the Province of Fryslân and the education sector. The report by the Education Inspectorate made it clear that in 2001 some 62% of teachers had a

⁵³ Willem Tjerkstra (editor-in-chief) *Taaldidaktyk foar de basisskoallen yn Fryslân : praktyk en teory fan meartalich ûnderwiis*, Taalsintrum Frysk, Ljouwert, 2005.

⁵⁴ As of 1 January 2005, GCO *fryslân* merged with the Education Monitoring Service Groningen and, since then, has operated under the name *Cedin educatieve dienstverlening*. The ‘Taalsintrum Frysk’, previously a division of GCO *fryslân*, now forms part of Cedin.

⁵⁵ The ‘language policy plan format’ has been included as Annexe 8 in the provincial memorandum entitled ‘Herziening doelstellingen Fries in het PO’, [Leeuwarden], 2006, 17-18.

qualification in Frisian and that this percentage had risen to 67% in 2004/2005.⁵⁶

- 6.91 In January 2004, according to Article 2.3.2 of the Implementation Covenant on the Frisian Language and Culture (2005), the Province of Fryslân issued a design for a language policy plan to all Frisian primary schools, this having been developed by the Taalsintrum Frysk of GCO *fryslân* (presently *Cedin*) and part-financed by the Ministry of Education, Culture and Science. The objective of the Province of Fryslân was for all primary schools to have established a language policy plan by the end of the academic year 2004/2005 (see section 6.105).
- 6.92 In order to guarantee that the regular professional educational support system provided good supervision and support with regard to the teaching of Frisian, central government and the Province of Fryslân agreed that there would be an educational support institution in the Province of Fryslân funded jointly by the Minister of Education, Culture and Science and the Province of Fryslân. Within the existing educational infrastructure for the teaching of the Frisian language and culture, this institution was to focus on providing support for bilingualism and multilingualism in education generally and the Frisian language in particular.
- 6.93 At the time of agreement to the Covenant on the Frisian Language and Culture (2001), this institution was the foundation GCO *fryslân* (presently *Cedin*) in Leeuwarden (Covenant 2.9.1).⁵⁷ This support for the teaching of Frisian focuses not only on primary education, but also on pre-school and secondary education. The agreements made under Article 2.8.5 of the Implementation Covenant on the Frisian Language and Culture (2005) in respect of the educational support for bilingualism and multilingualism in general, and for Frisian in particular, continue to be in effect.
- 6.94 Article 2.8.1 of the Implementation Covenant on the Frisian Language and Culture (2005) indicated that the Province of Fryslân would make available a sum of € 357,000 for a project to develop a new method for Frisian in primary education in close consultation with the Frisian education sector. The Minister of Education, Culture and Science commissioned the Institute for Curriculum Development to compile a curriculum for Frisian in primary education (Article 2.8.2 Implementation Covenant) (see sections 6.83 and 6.104).
- 6.95 Article 2.8.3 of the Implementation Covenant indicated further that the Province of Fryslân had commissioned the foundation GCO *fryslân* (presently *Cedin*) to develop comprehensive teaching methods for bilingual education

⁵⁶ Education Inspectorate, *De kwaliteit van het vak Fries in het basisonderwijs en het voortgezet onderwijs in de provincie Fryslân: Technisch rapport*, [Utrecht], 2006, 65.

⁵⁷ As noted previously, GCO *fryslân* merged with the Education Supervision Service Groningen as of 1 January 2005 and, since then, has operated under the name *Cedin educatieve dienstverlening*. Cedin has branches in Fryslân (Dokkum, Drachten, Leeuwarden, Sneek and Wolvega) and in the province of Groningen (Groningen and Oude Pekela).

(see section 6.107). In consultation with the CHN and NHL, the Province of Fryslân is to ascertain

- the degree to which the teaching methods must form an integral part of the qualification for Frisian, and
- the means by which this can be achieved, partly in relation to the setting of competence requirements by the Minister of Education, Culture and Science within the context of the Educational Professions Act.

- 6.96 Based on Article 2.8.4 of the Implementation Covenant on the Frisian Language and Culture (2005), the Province of Fryslân is in consultation with institutions relating to the development and publishing of Frisian-language teaching material. The aim of this is for institutions to deliver such provisions in terms of environmental studies, biology, history, geography, life skills and cultural education, preferably in the form of ICT material and journals for groups aged 2 to 17.
- 6.97 If the Minister of Education, Culture and Science and the Provincial Executive of Fryslân are of the opinion that, pursuant to the provisions in Article 2.9.1 of the Covenant on the Frisian Language and Culture (2001), the intended objectives in respect of the supervision and support of teaching in Frisian are not being satisfactorily achieved, central government and the Province will hold joint consultations on bringing about the objectives by another means (Covenant 2.9.2).
- 6.98 In order to offer pupils the opportunity of operating in a bilingual society, it has been determined by law (Section 9, subsection 4 WPO) that all primary schools in the Province of Fryslân are obliged to provide Frisian as a mandatory subject area for all pupils, unless the Provincial Executive of Fryslân has granted exemption from this.
- 6.99 During the 1988-1989 school year, the Provincial Executive of Fryslân granted exemptions from the statutory requirement to teach Frisian to approximately 10 per cent of the 572 primary schools in the Province of Fryslân. Since then, the policy of the Provincial Executive of Fryslân has been aimed at gradually reducing the number of exemptions.
- 6.100 In 2001-2002, the number of exemptions had declined to over 2% of primary schools in Fryslân. As of 2006, exemptions pursuant to Section 9, subsection 4 of the WPO were granted to only eleven of the twelve schools on the Frisian Islands. The primary schools in Ooststellingwerf and Weststellingwerf did not receive exemptions. Instead, they have chosen to devote attention to both the Stellingwerf dialect and Frisian within the context of studying local history and culture.⁵⁸

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In the school year 2001-2002, Fryslân had a total of 495 primary schools and 11 special primary schools. This figure remained almost unchanged in the school year 2005-2006: 489 primary schools and 11 special primary schools.

- 6.101 Compared with the school year 1988-1989, the number of exemptions for 2006-2007 has dropped from 10% to just over 2%. Of those schools not granted any exemption for the subject of Frisian, 6% still devote no time to Frisian. These particular schools are located in the municipalities of Heerenveen, Leeuwarden and Smallingerland.⁵⁹ The remaining 94% of primary schools make at least some effort in respect of Frisian.⁶⁰
- 6.102 Section 9 of the Primary Education Act 1998 lists the subjects that all primary schools are required to teach. Provision was not made for the way in which these subject areas should be taught or for the amount of time that should be devoted to each of them. However, attainment targets have been set by Orders in Council for all of the subject areas for which teaching is mandatory, thus also including the subject area of Frisian (see sections 6.19 and 6.20).
- 6.103 Each school can choose how to integrate Frisian into its curriculum and must justify its decision in the school plan. The Primary Education Act 1998 stipulates that these school plans must also contain an explanation of each school's quality assurance policies. The school plan must be set out once every four years (see Sections 12 and 16 WPO).
- 6.104 In 2005, on behalf of the Ministry of Education, Culture and Science, the Institute for Curriculum Development produced a curriculum for Frisian in primary education entitled 'Fries aan bod'. The curriculum was developed on the basis of the new attainment targets and intends to provide schools with guidance when designing the instructional practice of Frisian and also intends to provide a stimulus for the development of language policy to result in a higher quality of (language) teaching in general⁶¹ (see sections 6.83 and 6.94).
- 6.105 It emerged from an up-to-the-minute survey by the Education Inspectorate that 7% of schools have set out their vision for Frisian in a language policy plan. Almost a quarter of schools expressed no vision for the subject of Frisian in any school document. The other schools do this either in the school plan or prospectus (see section 6.91).⁶²
- 6.106 In a letter dated 2 March 2006, the member of the Provincial Executive of charged with provincial education policy issued a communication to teaching staff, site managers, school management teams and school boards of educational institutions. Enclosed was the memorandum entitled 'Revision of the objectives for Frisian in Primary Education' adopted for announcement by the Provincial Council in December 2004. The memorandum concerned provided assistance for bringing about a language policy plan. In addition, the provincial memorandum elaborated on the differentiation that made the new attainment targets for Frisian possible (see sections 6.24 and 6.25).⁶³

⁵⁹ Education Inspectorate, *De kwaliteit van het vak Fries in het basisonderwijs en het voortgezet onderwijs in de provincie Fryslân: Technisch rapport*, [Utrecht], 2006, 49.

⁶⁰ *Ibid.* 72.

⁶¹ SLO, *Fries aan bod Leerplan Fries voor het Primair Onderwijs*, Enschede, 2005.

⁶² *Ibid.* 50.

⁶³ Province of Fryslân/Wurkgroep Frysk yn it PU, *Herziening doelstellingen Fries in het PO*,

- 6.107 In the same letter of 2 March 2006, the member of the Frisian provincial executive for education made it clear to those involved in primary education that a new textbook series for the subject of Frisian in primary education had come into being. It is called ‘Studio F.’⁶⁴ This teaching method, developed by Cedin’s Taalsintrum Frysk, meets with the revised attainment targets and is available from school year 2006/2007 for groups 4, 5 and 7, and from school year 2007/2008 for groups 6 and 8 in primary education.⁶⁵ The Provincial Government of Fryslân has made a start-up subsidy available to keep the cost of the whole package as low as possible and thus support its implementation.⁶⁶
- 6.108 Section 9, subsection 8 of the Primary Education Act 1998 provides that primary schools in the Province of Fryslân may use Frisian as their language of instruction. It emerges from the Education Inspectorate’s report concerning Frisian in schools that Frisian is used as a language of instruction for groups 1 and 2 in 34% of teaching periods, that percentage falling to 18% for groups 3 and 4 and amounting to only 11% for groups 5, 6, 7 and 8.⁶⁷
- 6.109 In response to the second Covenant on the Frisian Language and Culture (1993), the Act of 4 July 1996 (Bulletin of Acts and Decrees 403), Section 100, subsection 2 of the WBO and Section 97, subsection 2 of the ISOVSO provide that central government will reimburse the Province of Fryslân annually for the cost of maintaining materials insofar as this relates to teaching in the Frisian language.⁶⁸ The Province of Fryslân is responsible for the distribution of these funds to the schools on the basis of the number of pupils receiving Frisian-language education. The Ministry of Education, Culture and Science made a sum of € 224,000 available.⁶⁹ Four years later, this sum amounted to € 258,000.⁷⁰
- 6.110 In addition to the reimbursement for maintaining materials for teaching in the Frisian language as referred to in section 6.109, the Province of Fryslân receives an annual specific grant from the Ministry of Education, Culture and Science on the basis of the Covenant on the Frisian Language and Culture (2001) (Covenant 2.3.1). The aim of the grant is to guarantee and encourage the position of Frisian in education. Since the budget year of 2006, the specific grant has been transferred to the Provinces Fund (see sections 10.84 to 10.85). Otherwise, the Provincial Government of Fryslân stated its preference for the retention of existing practice.

[Ljouwert], 2006, 15-16.

⁶⁴ The Frisian language method ‘Studio F’ appeared in September 2006 in respect of year groups 4, 5 and 7.

⁶⁵ see: <http://www.studiof.nl>

⁶⁶ Province of Fryslân, *Boppeslach*, [Leeuwarden], 2006, 23.

⁶⁷ Education Inspectorate, *De kwaliteit van het vak Fries in het basisonderwijs en het voortgezet onderwijs in de provincie Fryslân: Technisch rapport*, [Utrecht], 2006, 58.

⁶⁸ Presently, Section 134, subsection 2 of the WPO and Section 128, subsection 2 of the WEC.

⁶⁹ Province of Fryslân, *Plan fan oanpak Frysk yn it ûnderwiis*, November 2001, Chapter 7.

⁷⁰ E-mail from the Province of Fryslân to the Fryske Akademy dated 6 February 2007.

- 6.111 The specific grant for Frisian was intended not only for primary education, but could also be deployed more broadly: for the pre-school period, primary and secondary education, educational support plus teacher training and in-service training for teachers. In 2001, the grant amounted to only € 650,450. In 2005, it amounted to € 752,000, and one year later, it came to € 762,000.⁷¹
- 6.112 In addition to the specific grant from the Ministry of Education, Culture and Science, the Province of Fryslân made a sum of € 204,200 available, which by 2005 had grown to the sum of € 232,000 and by 2006 to € 287,000. Total support for Frisian-language education thus amounted to € 984,000 in 2005. In 2006, this amounted to € 1,049,000.⁷²
- 6.113 In 2005, Cedin's Taalsintrum Frysk received a total of € 489,000 from that amount.⁷³ The two colleges of higher professional education in Fryslân, the Christian College of Higher Professional Education of the Netherlands (CHN) and the Northern College of Higher Professional Education in Leeuwarden (NHL), each received and receive € 35,000 for the initial and in-service training of teachers of Frisian. In 2006, as in 2005, a sum of € 91,500 was made available for the grade-two teacher-training course for Frisian as well as for the in-service training of teachers of Frisian. A sum of € 171,000 was made available in 2005 in respect of the pre-school period. In 2006, this sum amounted to € 160,000.⁷⁴
- 6.114 A proportion of the schools that until 1998 came under the ISOVSO, then came under the provisions of the Primary Education Act (WPO). This related to schools that were designated at that time as schools for Children with Learning Difficulties (MLK) and schools for children with Learning and Behavioural Difficulties (LOM) (see section 6.17). Since 1998, these schools must thus comply with the statutory provisions that apply in the primary schools in the Province of Fryslân with regard to the teaching of Frisian.
- 6.115 Research by the Education Inspectorate showed that Frisian played a role in teaching at seven out of the eight special primary schools included in the survey. Teachers and pupils used Frisian informally, before and after school periods and during break-times. Three of these seven schools had made internal arrangements concerning the use of Frisian. None of the schools intended to make Frisian more germane within teaching.⁷⁵
- 6.116 Since 1998, other special schools that previously came under the Special Education Interim Act have come under the Expertise Centres Act (Bulletin of Acts and Decrees 1998, 496). Children with Severe Learning Difficulties (ZMLK) and children with physical, visual and other disabilities are given a type of special education and come under the WEC. A distinction is made

⁷¹ Province of Fryslân, *Plan fan oanpak Frysk yn it ûnderwiis*, [Ljouwert], 2005, 25.

⁷² *Ibid.* 25.

⁷³ Regarding *Cedin*, formerly GCO *fryslân*, please refer to footnote to section 6.93.

⁷⁴ Province of Fryslân, *Plan fan oanpak Frysk yn it ûnderwiis*, [Ljouwert], 2005, 25.

⁷⁵ Education Inspectorate, *De kwaliteit van het vak Fries in het basisonderwijs en het voortgezet onderwijs in de provincie Fryslân: Technisch rapport*, [Utrecht], 2006, 66.

within the WEC between four clusters of schools that provide special and secondary special education, these being:

- schools for children with visual disabilities (blind and partially sighted children and children with multiple disabilities);
- schools for children with hearing and communication disabilities (deaf and partially deaf children, children with multiple disabilities and children with severe speech impediments);
- schools for children with physical and mental disabilities;
- schools for children with behavioural and psychiatric problems.

6.117 Schools coming under the WEC may use Frisian as a language of instruction and can offer Frisian as a subject area (Section 13, subsection 6 and Section 18 WEC).⁷⁶ In practice, however, this happens rarely if at all. Section 5.5 of the ‘Plan fan oanpak Frysk yn it ûnderwiis’ focuses on schools that come under the Expertise Centres Act. The objective set by the ‘Plan fan oanpak Frysk yn it ûnderwiis’ is that these schools should formulate a language policy. Such a policy should focus on the way in which the school accommodates the language spoken in pupils’ homes within teaching, objectives for the subject of Frisian and the way in which the school maintains its professionalism pursuant to Frisian or bilingual education⁷⁷ (see Covenant 2001, 2.6).

6.118 Article 2.4.1 of the Implementation Covenant on the Frisian Language and Culture (2005) notes that the Minister of Education, Culture and Science has requested recommendations from the Institute for Curriculum Development concerning the objectives of those schools that come under the terms of the WEC. The Province of Fryslân is to be given the opportunity to respond to the SLO recommendations. Article 2.4.2 of the Implementation Covenant determines that the Province, together with the schools that come under the terms of the WEC in Fryslân, should form a working group to itemise and encourage the options for a language policy at the schools concerned. This must lead to a language policy at the schools concerned within three years.

6.119 Additionally, Article 2.4.3 of the Implementation Covenant on the Frisian Language and Culture (2005) clarifies the following. In 2005, the Province of Fryslân, together with the schools, is to ascertain the options that

- the schools have for teaching the subject of Frisian,
- the role that Frisian plays within a remedial education and therapeutic context,
- the tools that can be put in place as a means to assist with setting up and implementing a language policy, and
- the in-service training of teachers that is necessary in WEC teaching.

The Minister of Education, Culture and Science would lend his support to this as necessary.

⁷⁶ In Fryslân, this concerns a total of 14 schools, of which one is a school for children with hearing and communication disabilities, eleven are schools for children with physical and mental disabilities and two are schools for children with behavioural and psychiatric problems.

⁷⁷ Province of Fryslân, *Plan fan oanpak Frysk yn it ûnderwiis*, November 2001, 21.

- 6.120 The ‘Boppeslach’ provincial education memorandum did not place any focus on Frisian in the schools that came under the terms of the WEC. The working group that was to be set up, and to which reference was made in section 6.118, had still not been set up as of 1 January 2007. Nor had the Province of Fryslân as of 1 January 2007 made concrete its intention to ascertain, together with the schools concerned, the options that the schools had for teaching the subject of Frisian as referred to above in section 6.118.
- 6.121 In order to tackle educational disadvantage in primary schools, the Ministry of Education, Culture and Science issued a policy document on educational opportunities in June 2000, entitled ‘Aan de slag met onderwijskansen’.⁷⁸ Under the educational opportunity policy, municipalities, school boards and schools work closely together. In consultation with the Education Inspectorate, these organisations made specific agreements at the local level to improve the educational achievement of pupils.
- 6.122 Initially, educational opportunity policy was aimed at schools in large and medium-sized municipalities, afterwards an expansion of this being put in motion for small towns and rural municipalities. The expansion of educational opportunity policy to include small town and rural municipalities began with a pilot project by municipalities working together in the Province of Zeeland. Other provinces, including the Province of Fryslân, are now also involved in the implementation of this policy.
- 6.123 At the request of the Ministry of Education, Culture and Science, the Province of Fryslân has developed an action plan for the educational opportunity project for primary schools in Frisian municipalities, with the exception of Leeuwarden.⁷⁹
- 6.124 The province’s plan distinguishes between four potential regional issues, including the command of the Dutch and Frisian languages. The key question on the issue of language is: ‘Under what circumstances would it be possible to organise bilingual primary education in such a manner that pupils at educational opportunity schools also achieve good results in Dutch and Frisian.’⁸⁰ The plan, implemented in the years 2002-2006, had involved a sum of € 1.36 million, which was made available in its entirety by the Ministry of Education, Culture and Science.
- 6.125 In Fryslân, 14 municipalities took part in the educational opportunity plan: in particular, 30 primary schools (20 project schools and 10 subsequent schools).⁸¹ These schools fulfilled the condition that at least half of their pupils had parents with no more than a lower vocational level of education (LBO) and that the schools were underachieving in terms of quality of education or the

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Parliamentary Papers II (House of Representatives) 1999-2000, 27 020, no. 14.

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Province of Fryslân, Educational Opportunities Project, action plan, December 2001.

⁸⁰

Ibid. 6.

⁸¹

Corrie Hartholt-van der Veen, Educational Opportunities Plan Fryslân 2002-2006. Fryske Akademy, 2006, 6.

underachievement of pupils. At first, the project aimed at establishing a baseline for the situation in the schools based on reports by the Education Inspectorate. Afterwards, the specific areas to which attention had to be given were established. The areas that affected all of the schools in this region were, as anticipated, as follows:

- the minimum amount of training required to deliver quality education (problem of small schools);
- command of the Dutch and Frisian languages;
- transfer to secondary education; and
- the rise in the number of referrals to special schools for primary education.

- 6.126 The educational opportunities plan appeared chiefly to have delivered improvements at school, team and teaching staff levels.⁸² This involved an improved school organisation, a continuous path being followed in the approach to education and the practice of better educational-teaching methods. It emerged that pupil achievement continued to lag behind in most cases, although results were achieved in reading comprehension in the lower and middle years and also in terms of language in the upper years.⁸³
- 6.127 The follow-up to the educational opportunities plan is in the form of the ‘Boppeslach’ provincial education memorandum. The objective is to improve the quality of education in Frisian primary schools. Moreover, within the context of improving quality of education, a greater focus is now placed on the participating schools’ development of language policy, taking into account the pupils’ mother tongue. Schools can choose to devote themselves in particular to educational quality or integral language policy in their improvement plans. The aim is for these schools to be in the top three of Dutch education so that young Frisians are properly prepared for the knowledge economy that is fast developing.⁸⁴
- 6.128 This objective is made explicit through the improvement of a performance-related culture for a specific group of schools and having all Frisian primary schools conduct their own policy to combat educational underachievement. To that end, the Provincial Government is making a budget of € 500,000 available in 2007 for the years 2007-2011 and thereafter an annual sum of € 810,000.⁸⁵
- 6.129 The aim of the ‘Boppeslach’ education memorandum is for an integral language policy in Frisian education. This means a conscious and systematic approach to the subjects on offer for the heterogeneous population of pupils in terms of the language spoken in their homes. With this memorandum in view, the unnecessarily weak position of Frisian should be afforded a more robust place in the language policy of schools.⁸⁶

⁸² *Ibid.* 11.

⁸³ *Ibid.* 12.

⁸⁴ Province of Fryslân, *Boppeslach*, [Leeuwarden], 2006, 7.

⁸⁵ *Ibid.* 42-43.

⁸⁶ *Ibid.* 12.

- 6.130 To gain greater clarity on the Frisian educational situation, the Provincial Government of Fryslân commissioned the Fryske Akademy and the University of Groningen to conduct an investigative analysis into the educational level of pupils in Frisian primary education and secondary education and thus obtain insights into the existence of educational underachievement in Fryslân. In 2003, this provincial assignment resulted in publication of a report entitled ‘Voorsprong of achterstand?’⁸⁷ In the study, the researcher establishes that Frisian pupils, regardless of socio-economic background, are lagging behind others in language and arithmetic.⁸⁸
- 6.131 2004 saw a follow-up to the ‘Voorsprong of achterstand?’ report in the form of a comprehensive study entitled ‘Onderwijseffectiviteit in Fryslân’.⁸⁹ This study into teaching effectiveness made it clear that the average language achievement of pupils in Frisian primary education showed a significant negative deviation from the national average. The language achievement of pupils at Frisian primary schools also continued to lag behind in comparison with the language skills of pupils from primary schools in the Province of Limburg.⁹⁰
- 6.132 The study into teaching effectiveness clarified further that the negative deviation shown in Frisian arithmetic and language achievement could not be attributed to the fact that, on average, Frisian children grow up in larger families and have different priorities concerning how they spend their time when out of school. Neither could the difference be explained by the fact that a large number of Frisian pupils do not have Dutch as their mother tongue.⁹¹
- 6.133 In December 2005, following the completion of the aforementioned large-scale and comparative study into the Frisian educational situation, the Provincial Government of Fryslân commissioned the Fryske Akademy to implement the first stage of a longitudinal study into the progress of pupils in Frisian primary education set against school achievement nationally. In 2006, the Fryske Akademy published a report on its research entitled ‘Leervorderingen in het Friese basisonderwijs’.⁹²
- 6.134 This study into educational progress confirmed previously expressed concerns that pupils in Frisian primary education were falling behind in language during their time at school compared with the national average. Frisian pupils from group 4 proved to be better in language than pupils do in the national sample. However, with the exception of Frisian pupils with a high level of

⁸⁷ E. C. M. van Ruijven, *Voorsprong of achterstand?*, Fryske Akademy, Ljouwert, 2003.

⁸⁸ *Ibid.* 100.

⁸⁹ E. C. M. van Ruijven, *Onderwijseffectiviteit in Fryslân*, Fryske Akademy, Ljouwert/Leeuwarden, 2004 (Diss. University of Groningen).

⁹⁰ *Ibid.* 74.

⁹¹ *Ibid.* 151-152.

⁹² E. C. M. van Ruijven, *Leervorderingen in het Friese basisonderwijs*, Fryske Akademy, Ljouwert/Leeuwarden, 2006.

aptitude/potential, group 8 reverted to falling behind despite this earlier headway in language.⁹³

- 6.135 Within the context of the Charter, the Dutch government accepted the commitment to make periodic announcements about the measures taken and the progress achieved in bringing about or developing the teaching of Frisian, as well as the commitment to compile periodic reports (Article 8(1)(i)). In 2001, in relation to teaching in Frisian at primary schools in Fryslân, the Education Inspectorate published a report in respect of primary education and a study into secondary education in Fryslân in 1999.⁹⁴
- 6.136 The Education Inspectorate has recently conducted another study into primary and secondary education.⁹⁵ In 2006, the Education Inspectorate's report concluded that 6% of standard primary schools did not teach any Frisian, despite their statutory obligation to do so. Moreover, the majority of schools had scarcely developed a policy in terms of Frisian as a subject and language of instruction. Whereas only 3% of schools had developed a language policy as of 2001, that figure now stands at 7% of schools. Moreover, 5% of schools have appointed a language coordinator in the interim.
- 6.137 Furthermore, the 2006 Inspectorate report observed that remarkably little attention was devoted to differentiation (the act of distinguishing between pupils according to their language level) and transfer (the application of skills learnt in other subjects to the teaching of Frisian) in lessons. The Inspectorate determined there had been no change in comparison with 2001 as far as the timetable for Frisian was concerned, the use of Frisian as a language of instruction and the recorded quality of lessons. Since 2001, however, the number of school management teams attaching no importance to Frisian has grown from 23% to 27%, while, according to the school management teams, the number of pupils with poor motivation towards the subject of Frisian has increased.
- 6.138 In order to realise the attainment targets for Dutch, Frisian and English in primary education, the Taalsintrum Frysk language centre or GCO *fryslân*, now Cedin, and the Fryske Akademy launched a trilingual schools project in 1997-1998. Seven primary schools in Fryslân are participating in this project.⁹⁶
- 6.139 Dutch, Frisian and English are used as mediums of instruction within these seven trilingual schools, although English is provided only in the uppermost

⁹³ *Ibid.* 66-68.

⁹⁴ Education Inspectorate, *Het onderwijs in het Fries op de basisscholen in Friesland. De stand van zaken*, [Utrecht] 2001.

Education Inspectorate, *Werk aan de basis: Fries in de basisvorming*, The Hague, 1999.

⁹⁵ Education Inspectorate, *Fries op school*, [Utrecht], 2006.

Education Inspectorate, *De kwaliteit van het vak Fries in het basisonderwijs en het voortgezet onderwijs in de provincie Fryslân: Technisch rapport*, [Utrecht], 2006.

⁹⁶ De Tsjelke (Holwerd), Ids Wiersma Skoalle (Brantgum), Otto Clant-school (Boksum), Van Haersma Buma-school (Hommerts), De Brêge (It Heidenskip), Master Frankeskoalle (Earnewâld) and De Tarissing (Nes, municipality of Dongeradeel).

groups. In groups 1 to 6 (from age 4 to 9), Frisian and Dutch are used to an equal degree as languages of instruction. English is added to this in groups 7 and 8 (age 10 to 12). The breakdown is then: 40% Frisian, 40% Dutch and 20% English.⁹⁷

- 6.140 In the school year 2003/2004, the participating primary schools were introduced to teaching in three languages; the first group of pupils involved reached group 7 in that year. Since 2005/2006, all of the groups from the participating schools have been working according to the principles underlying the project.
- 6.141 The trilingual project entitled 'Trilingual schools in Fryslân' has been studied from the outset. The most recent report, concerning progress in groups 7 and 8, is expected in the autumn of 2007. The study into progress in groups 3 to 8 shows that the results from the participating schools in terms of technical reading ability and spelling in Frisian are significantly higher than the achievements of control schools. There was no difference between the achievements in Frisian language by pupils at trilingual schools and by those at control schools concerning vocabulary levels in groups 3 and 4, as well as reading comprehension in group 6. In group 5, achievements in the Frisian language were higher than in the control schools; from group 6 onwards, this applied to two of the three tests.
- 6.142 As far as skill in the Dutch language was concerned, there were no differences between pupils at trilingual schools and those at control schools. Contrary to what the researchers anticipated, neither was there any difference between trilingual and control schools in respect of achievements in the English language. Finally, it emerged that in group 8, at the end of the project, the achievements of Dutch-speaking pupils in the Frisian language did not differ from those of Frisian-speaking pupils. However, the Frisian-speaking pupils fared better, where reading comprehension in Frisian was concerned. Conversely, Frisian-speaking pupils in group 8 performed at the same level as Dutch-speaking pupils concerning Dutch.⁹⁸
- 6.143 The seven schools that participated in the 'Trilingual schools in Fryslân' project were certified as trilingual schools in 2006. The schools concerned will continue with this choice of approach. The Netwurk Trijetalige Skoallen (Netwurk 3TS) has been set up in that regard, with which other schools have also joined in the interim. The Province of Fryslân facilitates the network with regard to supervision, in-service training, research and positioning
- 6.144 In the 'Boppeslach' provincial education memorandum, the Provincial Government of Fryslân opted for a trilingual model for teaching: Frisian,

⁹⁷ M. Bakker, H. de Haan and W. Tjerckstra, 'De drietalige school in Fryslân', in: *Byntwurk*, 11 (2000) no. 2, 17.

J. Ytsma, Trilingual Primary Education in Friesland, in J. Cenoz & U. Jessner (eds.) *English in Europe: The Acquisition of a Third Language*, Multilingual Matters, Clevedon, 2000, 227-228.

⁹⁸ Bernadet de Jager and Hester Deelstra, Trijetalich basisûnderwiis goed foar meartaligens learlingen, in: *De Pompeblêden* 77 (2006) no. 5, 65-66.

Dutch and English, in which room would be made for local variations to the trilingual model. This refers in particular to the Stellingwerf and Bildt dialects.⁹⁹ The Provincial Government set as its goal that the number of primary schools providing teaching in a consistent manner in three languages would rise to 25 by 2012.¹⁰⁰

- 6.145 **In summary**, it can be stated that 94% of the primary schools obliged to provide Frisian fulfil the statutory obligation for Frisian. The other 6% of these schools, which do not provide any focus on Frisian, come mostly from the municipalities of Heerenveen, Leeuwarden and Smallingerland. It emerges further from the latest research report by the Education Inspectorate (2006) that the vast majority of schools have not developed any language policy to date (see section 6.137). The provision of Frisian as a subject still only meets with the new attainment targets for primary education to a limited extent (see section 6.54).
- 6.146 The study that the Fryske Akademy has conducted in recent years on behalf of the Provincial Government of Fryslân also shows that the situation in Frisian primary education must be improved. Despite limited official options, the Provincial Government is developing educational policy, is giving the go-ahead for the implementation of studies and for the development of new teaching material (such as Sânglê, Studio F, Tomke) and is maintaining its supervision in order to improve the position of Frisian in education, as well as Frisian primary education as a whole. In that context, the trilingual schools project effected in 2006 will be continued in an expanded form.
- 6.147 In the ‘Boppeslach’ educational policy plan, the Province of Fryslân decided on an improvement of educational quality in Frisian primary schools such that they might be included among the top three in Dutch education by 2015. This objective is made more explicit by means of improving a performance-oriented culture in a specific group of schools and by all Frisian primary schools implementing their own policy to combat educational underachievement. For that reason, the Provincial Government has made a budget of € 500,000 available in 2007 for the years 2007-2011 and thereafter an annual sum of € 810,000.
- 6.148 The ‘Boppeslach’ education memorandum is aiming further at an integral language policy in Frisian education. This means a conscious and systematic approach to the subjects on offer for the linguistically heterogeneous population of pupils. The unnecessarily weak position of Frisian should be given a more robust position in the language policy of schools.
- 6.149 The undertakings of the Ministry of Education, Culture and Science, as described in the Covenant on the Frisian Language and Culture (2001), are aimed at implementing the recommendations drawn up by the Council of Europe. This is central government’s contribution towards embedding the

⁹⁹ Province of Fryslân, *Boppeslach*, [Leeuwarden], 2006, 11.

¹⁰⁰ Province of Fryslân, *Boppeslach*, [Leeuwarden], 2006, 20.

subject of Frisian in primary schools by making financial resources available for the material maintenance of the subject of Frisian. Central government is also making a sum available to Fryslân by way of the Provinces Fund in order to improve the position of Frisian in education (see sections 6.109 to 6.111). Furthermore, central government will ensure that the Education Inspectorate publishes a three-yearly report on the status of bilingual and multilingual education in the Province of Fryslân.

Article 8(1)(c)(iii): secondary education

- 6.150 On accepting the European Charter, the Netherlands undertook, ‘within secondary education, to provide for teaching of the [Frisian language] as an integral part of the curriculum’. The complex structure of secondary education in the Netherlands – including, among other things, the first stage of secondary education (in Dutch: *basisvorming*) and the various school types – is discussed at the beginning of this chapter. For the sake of brevity, the reader is referred to sections 6.21 to 6.29.
- 6.151 During the process that led to the acceptance of the European Charter, the Dutch government opted for the above-cited subparagraph iii, and not for subparagraph ii, in relation to secondary education. The government made the following observation in relation to subparagraphs ii and iii: Article 8(1)(c)(ii) of the Charter implies that Frisian is the language of instruction for a substantial part of secondary education, while Article 8(1)(c)(iii) of the Charter concerns the teaching of the relevant regional or minority language as a separate subject.¹⁰¹ The government also pointed out that schools are in fact free to choose whether to use Frisian as the language of instruction. Such a choice will depend on local and regional circumstances.
- 6.152 In its report, the Committee of Experts noted in 2001 that, in the Netherlands, secondary education initially follows a programme of basic secondary education before continuing with the second stage of secondary education. Basic secondary education, which may be regarded as an orientation period, can last between two and four years, depending on a pupil’s abilities. According to existing education legislation, the teaching of Frisian is obligatory in basic secondary education, whereas it is only an optional subject during the second stage of secondary education.¹⁰² This basic secondary education has been referred to as *onderbouw* (the ‘first stage’ of secondary education) since the amendment to the Act of 1 August 2006 (see section 6.22 and cf. section 6.150).
- 6.153 In 2001, the Committee of Experts further noted that schools offering Frisian only taught it for one year at the level of basic secondary education. This made it impossible to attain the learning targets for Frisian, which were then the same as the attainment targets for Dutch. Since the subject of Frisian was

¹⁰¹ Parliamentary Papers II (House of Representatives) 1994-1995, 24 092, no. 5, p. 7; page 6 indicates that Frisian is a compulsory subject in primary education and basic secondary education).

¹⁰² Council of Europe, *Report of the Committee of Experts* (2001), 63.

offered only in the first year of basic secondary education and in the second-stage examination classes, a continuous path of learning was absent between these two year-classes. As a result, pupils often refrained from choosing Frisian as an optional subject for their school-leaving examinations in the last year of the second stage. During the 1996-1997 school year, only fourteen pupils chose Frisian as an optional subject for their school-leaving examinations. This low number was also ascribed to the low quality of teaching, a lack of interest on the part of teachers, parents and the pupils themselves and insufficient teaching materials.¹⁰³

- 6.154 In 2001, the Committee of Experts again concluded that the undertakings entered into under the Charter were not being fulfilled.¹⁰⁴ The Committee encouraged the government to take the necessary steps to improve the present position of Frisian and the quality of Frisian lessons in secondary education.
- 6.155 In this regard, it is worth noting that a number of secondary schools in the Province of Fryslân have recently launched a project that is meant to tackle the problems identified in the preceding paragraph. As a result, the number of pupils choosing Frisian as an optional subject for their school-leaving examinations has increased (see sections 6.217 to 6.219).
- 6.156 In its second report, the Committee of Experts stated that Frisian was an obligatory subject in basic secondary education but that no attainment targets had been formulated for it. The Committee encouraged the Dutch government to establish such targets with a view to strengthening the position of Frisian in secondary education.¹⁰⁵ In the interim, attainment targets for Frisian in the first stage of secondary education have been established, having come into force as of 1 August 2006 (see section 6.163).
- 6.157 In its second report, the Committee of Experts stated further that 37.5% of secondary education schools had been exempted from teaching Frisian. It was observed that both the Education Inspectorate and the Frisian Language Board, *Berie foar it Frysk*, had recommended that the power to grant exemptions should be transferred from the Education Inspectorate to the Provincial Executive of Fryslân. This transition has since been implemented (see section 6.184).¹⁰⁶
- 6.158 In its second report, the Committee of Experts stated that factors such as the limited time made available for teaching the Frisian language, as well as the shortage of sufficiently qualified teachers, constituted an obstacle to pupils obtaining a fluent command and knowledge of the Frisian language. The number of pupils choosing Frisian as an optional subject for their school-leaving examinations also remained low. No action was being taken in that regard on the part of central government. Under the Dutch educational system,

¹⁰³ *Ibid.* 64.

¹⁰⁴ *Ibid.* 65.

¹⁰⁵ *2nd Report of the Committee of Experts* (2004), 90.

¹⁰⁶ *Ibid.* 91.

the schools are responsible for the time they devote to the various subjects, whether or not they are obligatory.

- 6.159 By means of the regulation entitled “Lessons in Frisian in secondary education”, the Province of Fryslân is trying to encourage schools to continue offering the subject of Frisian after the first year and to interest more pupils in it. Under the *Plan fan oanpak Frysk yn it ûnderwiis*, the province is subsidising the grade two teaching qualification for Frisian at the Northern College of Higher Professional Education in Leeuwarden (NHL). In that regard, these efforts aim to reduce the shortage of sufficiently qualified teachers.
- 6.160 The Committee referred additionally to plans by the Ministry of Education, Culture and Science to incorporate Frisian under the optional component of the curriculum for the first stage of secondary education. Were this intention to be brought about, it would conflict with the undertakings entered into by the Dutch government under the terms of the Charter. In line with the Committee’s view, the Dutch government did not implement this intention; an optional component of the curriculum is not in question.
- 6.161 Furthermore, according to the Committee of Experts, the subject of Frisian lacked a statutory minimum standard and a statutory minimum number of teaching periods for the subject of Frisian in secondary education, while, in the second stage of secondary education, Frisian was only involved as an optional subject. Central government no longer has any responsibility in that respect. The way in which schools give form and content to the curriculum – in terms of subjects, projects, areas of study or a combination thereof with the relevant number of lessons per subject– is up to the individual school. Schools have been given this freedom, because each school is best able to decide how to provide the best possible service for its own student population from the point of view of its own professionalism and its vision for educational/teaching skills in education. Schools take responsibility for the time devoted to a particular subject (cf. sections 6.158 and 6.159).
- 6.162 Moreover, the Committee felt that what was needed was a sufficiently developed long-term approach to Frisian starting from primary education up to the end of secondary education. The Committee of Experts concluded once again that the Netherlands was not fulfilling the undertakings to which it had agreed.¹⁰⁷
- 6.163 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed on the following in relation to the attainment targets for Frisian in basic secondary education. Central government, subject to any legislative amendments in response to the results from the evaluation of basic secondary education by the Education Inspectorate in 1999, would include attainment targets for Frisian in the Decree on Attainment Targets and Recommended Number of Lessons per Subject in Basic Secondary Education for 2003-2010 (Covenant 2.5.1). This agreement

¹⁰⁷

Ibid. 92-96.

has been realised; as stated before, attainment targets for Frisian in the first stage of secondary education have been established, having come into force as of 1 August 2006 (see section 6.156).

- 6.164 In addition, central government and the Province of Fryslân agreed that they would jointly aim to ensure that all schools that were not exempted would achieve the attainment targets for Frisian in basic secondary education and would have sufficient (multimedia) material and qualified teachers to facilitate them in this (Covenant 2.5.6). The parties agreed that this objective would be fulfilled between 2004 and 2010. The province has since had a great amount of multimedia material developed (see sections 6.177, 6.178, and 6.196).
- 6.165 Within the context of the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân also concluded a number of specific agreements concerning the position of Frisian in the second stage of secondary education. Firstly, towards 2003, when the fixed subject combinations for the second stage of secondary education are being reviewed, central government is to consider whether there is any reason to bring the pre-university education (vwo) examination syllabus into line with the senior general secondary education (HAVO) examination syllabus (Frisian 1 and Frisian 2) (Covenant 2.5.2). Central government has fulfilled this agreement; new examination syllabuses came into force as of 1 August 2006.
- 6.166 In addition, central government and the Province of Fryslân are to strive jointly to increase pupils' interest in Frisian so that more of them opt to take it as an examination subject. The parties agreed that this objective would be realised by 2004 (Covenant 2.5.4). Central government fulfilled this agreement by adding approximately € 70,000 to the specific grant as an additional incentive to broaden the base of Frisian (see letter dated 20 November 2000; reference CFI/FTO-2000/200009 U).
- 6.167 Finally, central government and the Province of Fryslân are to give joint encouragement to the development of an annual international exchange with other minority languages in Europe as an optional part of the syllabus for pupils opting for Frisian as a full examination subject. Relevant materials are also to be developed (Covenant 2.5.8). The parties agreed that this objective would be realised by 2010. Central government is fulfilling this agreement by putting financial resources at the disposal of the Province of Fryslân, which resources may be used for that purpose.
- 6.168 The Covenant on the Frisian Language and Culture (2001) also focused on the quality of Frisian lessons in secondary education. First, central government and the Province of Fryslân agreed that both parties would jointly encourage secondary schools including Frisian in their syllabuses and using it as a language of instruction to implement quality assurance policies in this respect. The instruments available to schools for this purpose will be assessed to see whether they are suitable for use in relation to Frisian; where necessary, they will be modified, and information about them will be given to the schools

(Covenant 2.5.5). In addition, the parties agreed that they would jointly encourage secondary schools to include training in classroom and educational skills relating to the Frisian language and culture in their plans for in-service training activities, if their quality assurance policies reveal the need for such action (Covenant 2.5.7). The parties agreed that both objectives would be realised by 2004. The Ministry of Education, Culture and Science has ensured that the relevant quality assurance factors for Frisian are included in the educational inspection. The result of this is the review framework for Frisian in primary and secondary education to be developed by the Education Inspectorate. See also the letter to the Senate dated 22 November 2006; reference PO/K&O/2006-44201, Parliamentary Papers I (Senate) 2006-2007, 30800 VIII, no. B.

- 6.169 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân also agreed that the province would ensure that attention was paid to Frisian language and culture when developing projects in the field of cultural education (Covenant 2.5.9). The parties agreed that this objective would be realised by 2010.
- 6.170 Within the context of the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân further agreed that both parties would consider by 2004 the action that might be required to improve the position of Frisian in secondary education (Covenant 2.5.3). Agreements have been reached in response to this and have been implemented in respect of the attainment targets for Frisian, transfer of the power to grant exemptions from the subject of Frisian to the Provincial Executive of Fryslân and the option to sit the examination for Frisian in the middle-management and basic vocational programmes in pre-vocational secondary education (VMBO). This has been fulfilled and has resulted in legislation that entered into force on 1 August 2006 (attainment targets, examination syllabuses, etc.).
- 6.171 Article 2.5.1 of the Implementation Covenant on the Frisian Language and Culture (2005) states that the Province of Fryslân, in consultation with the schools participating in the project for Frisian in secondary education, is to draw up a policy relating to Frisian in basic secondary education before 1 January 2006. Furthermore, attention is to be placed on the attainment targets and the means by which these are to be achieved; handling differences of ability among pupils; the need for guidance for teachers; the in-service training of teachers and Frisian as mediums of instruction. As of 1 January 2007, the Province of Fryslân had still not drawn up a language policy in relation to Frisian in basic secondary education as expressed in the Implementation Covenant. As will be shown further in this report, one combined school for secondary education in Fryslân set out its language policy in a document (see section 6.197).
- 6.172 Article 2.5.2 of the Implementation Covenant on the Frisian Language and Culture (2005) indicates the following. The provincial working group for Frisian in secondary education is developing proposals in relation to

completing the programme for the new subject of Frisian language and culture and related modules intended for the common component of pre-university education and in the profiles for Culture and Society and Economics and Society, as well as the examination element of the optional component.

- 6.173 From a longitudinal perspective of Frisian in secondary education, the following agreement has been reached in Article 2.5.3 of the Implementation Covenant. In joint consultations between the Ministry of Education, Culture and Science, the Province of Fryslân and the Frisian schools, it is to be ascertained what the options are within the context of greater differentiation in the second stage of secondary education in order to provide at least one teaching period of Frisian a week in the third year. This agreement is no longer the subject of discussion concerning central government, because central government no longer has any responsibility in that respect; the schools are responsible for fashioning their own curricula. The province continues to make every effort to encourage schools to devote more attention to the subject of Frisian in the third year, e.g. by means of the regulation on Teaching Periods for Frisian in Secondary Education.
- 6.174 Article 2.5.4 of the Implementation Covenant on the Frisian Language and Culture (2005) indicates that the Province of Fryslân is to submit a proposal in respect of the Provincial Executive of Fryslân taking over the power to grant exemptions from the obligation to provide the subject of Frisian in basic secondary education. This has happened, and the amendment to the Act has been brought about (see sections 6.157 and 6.184).
- 6.175 Based on Article 2.5.5 of the Implementation Covenant on the Frisian Language and Culture (2005), schools participating in the project for Frisian in the second stage of secondary education and the Province of Fryslân were aiming to have achieved a model curriculum for Frisian and bilingual education in secondary education within three years. This should be done in collaboration with the Institute for Curriculum Development. In 2007, in consultation with the Minister of Education, Culture and Science, it is to be subsequently ascertained whether this model curriculum is appropriate to the principle of good coordination between general educational policy and the provincial policy concerning the Frisian language and culture in education.
- 6.176 Article 2.5.6 of the Implementation Covenant on the Frisian Language and Culture (2005) further clarified the following. Central government and the Province of Fryslân would make joint efforts to notify parties involved about their options relating to the subject of Frisian within the new structure of the second stage of senior general secondary education (HAVO) and pre-university education (VWO), such as had been envisioned by 1 August 2007. As far as central government is concerned, this agreement was implemented through the information that was provided to schools about the new structure of the second stage HAVO and VWO.

- 6.177 Article 2.5.7 of the Implementation Covenant on the Frisian Language and Culture (2005) indicated that the Province of Fryslân, in consultation with the schools and on the basis of the Digifrysk project, would make an online learning zone available to HAVO and VWO pupils with Frisian as an examination subject. As of 2 October 2003, material for the subject of Frisian has been available for both the first and second stages of secondary education at www.digischool.nl/fry (see also sections 6.164 and 6.196).
- 6.178 Article 2.5.8 of the Implementation Covenant on the Frisian Language and Culture (2005) noted further the following. On the recommendation of the schools, the Ministry of Education, Culture and Science and the Province of Fryslân would ascertain the ways in which the online classroom for Frisian could be adapted in order to achieve the attainment targets in basic secondary education and improve the position of Frisian in pre-vocational secondary education (VMBO). The Ministry was to make resources available for this. The aim was to bring about a statutory option for pupils in Fryslân with effect from the school year 2006-2007 to allow them to choose Frisian as an examination subject within the middle-management and basic vocational programmes in VMBO. The Ministry of Education, Culture and Science has made financial resources available (in addition to the specific grant) for the online classroom for Frisian, and this online classroom has indeed been realised. A further achievement is that Frisian can now be chosen as an examination subject within the middle-management and basic vocational programmes in VMBO.
- 6.179 The objective of Article 2.5.9 of the Implementation Covenant on the Frisian Language and Culture (2005) was for Frisian educational institutions with a VMBO department to ascertain the way in which Frisian was to be used within education. On that basis, the schools were to arrive at a language policy which would include as a minimum how targets and working practices are to be realised; how to handle differences in ability among pupils; the need for guidance and in-service training for teachers, and Frisian as a medium of instruction.
- 6.180 Finally, Article 2.5.10 of the Implementation Covenant on the Frisian Language and Culture (2005) indicated that examination syllabuses were to be developed by 1 January 2006 for all VMBO educational programmes in which attention was to be given to bilingualism and Frisian culture in addition to command of the language. Moreover, central government was, in general terms, to oversee unqualified teaching in education (Article 2.5.11 Implementation Covenant). Once in every four years, the situation is to be ascertained in relation to the teaching of Frisian. Central government is fulfilling this agreement by means of the inspections and reports made by the Education Inspectorate (see the aforementioned reports on Frisian by the Inspectorate).
- 6.181 Regarding the position of Frisian as a subject in secondary education, this report will concentrate first on Frisian in basic secondary education, i.e. the

first three years of VWO and HAVO and all year-classes of VMBO (ages 12-15). Incidentally, a new regulation for the first stage of secondary education has replaced basic secondary education since 1 August 2006 (Bulletin of Acts and Decrees 2006, 281) (see sections 6.22 and 6.152 of this report). Attainment targets for Frisian in the first stage of secondary education have also been laid down in that regard (see section 6.25). Sections 6.205 to 6.207 take stock of the position of Frisian in basic secondary education. The report then considers the position of Frisian as a subject in the upper years of pre-vocational secondary education (VMBO) and in the second stage of secondary education, i.e. senior general secondary education (HAVO) and pre-university education (VWO) (sections 6.208 to 6.234). In conclusion, section 6.235 provides a synoptic evaluation of the position of Frisian in secondary education as a whole.

- 6.182 With the introduction of basic secondary education in 1993, Frisian was included as the sixteenth obligatory subject in the list of subjects for the lower years in secondary education schools in the Province of Fryslân (Section 11a, subsection 2, under b, WVO). This was the first time that Frisian became a compulsory subject in secondary schools in Fryslân, albeit only in the lower years, i.e. in basic secondary education. Section 11 of the Secondary Education Act (WVO) regulates the syllabus and the attainment targets of basic secondary education. Based on Article 11e, at the schools in the Province of Fryslân, teaching is also to be given in the Frisian language and on Frisian culture, with due regard for the attainment targets set in that respect, unless the Provincial Executive should grant exemption from this obligation at the request of the competent authority.
- 6.183 With the statutory regulation of the position of Frisian in basic secondary education, the Netherlands has complied with its undertaking to provide for the teaching of the Frisian language as an integral part of the curriculum in accordance with the relevant provision of the European Charter. Otherwise, no supplementary resources for the subject of Frisian have been put at the disposal of schools. In the Ministry's opinion, the costs can be met from the standard funding for the schools involved. In fact, the specific grant for improving the quality of Frisian-language education also applies to Frisian in basic secondary education (see sections 6.110 and 6.111).
- 6.184 In the Act of 29 May 2006 (Bulletin of Acts and Decrees 2006, 281), the power to grant exemptions from the obligation to provide teaching in the Frisian language at secondary schools in the Province of Fryslân was lodged with the Provincial Executive. This power was previously with the Education Inspectorate. The amendment was in accordance with the recommendations of the Education Inspectorate and the Frisian Language Board, *Berie foar it Frysk*. This change meant following the procedure that previously already applied to primary schools in Fryslân and compliance with the wishes of the Provincial Executive of Fryslân. By this means, the role of the government (regulation) and the role of the Education Inspectorate (supervision) remain clearly separated.¹⁰⁸ Moreover, as a result of this, the Provincial Executive of

¹⁰⁸

Education Inspectorate, *Het onderwijs in het Fries op de basisscholen in Friesland. De stand van*

Fryslân has been given a more advantageous role for strengthening the position of Frisian in education. To that end, an ordinance concerning the provincial exemptions policy that is to be pursued is in preparation. In that regard, the remarks made by the Committee of Experts in 2004 have also been accommodated (cf. section 6.157).

- 6.185 According to the Education Inspectorate, Fryslân has 58 branch sites for secondary education pertaining to thirty different educational institutions, four of which have their main sites outside of Fryslân. Seven educational institutions and eight branch sites have obtained exemptions from the subject of Frisian from the Education Inspectorate. Three educational institutions with a main site outside of Fryslân, as well as three branch sites, assume – wrongly – that they have an exemption from the subject of Frisian. However, these exemptions do not appear to have been requested every year. That means that, at best, the subject of Frisian is provided at 20 educational institutions and 47 branch sites.
- 6.186 Frisian is taught as a separate subject at 14 educational institutions and 36 branch sites: i.e. 47% and 62% of the total, respectively. In 1999, these figures were some 63% and 74%. In short, there is evidence of a downward trend. Frisian is provided in a different manner at two educational institutions and four branch sites (as an optional subject or as a project). Frisian is not provided at all at one branch site. The situation with regard to Frisian is unknown at four educational institutions and six branch sites located predominantly in Leeuwarden.¹⁰⁹
- 6.187 After their first year, pupils taking basic vocational and middle-management vocational programmes in the academic year 2004/2005 receive Frisian at five branch sites. The same number applies to pupils taking theoretical and combined theoretical and vocational programmes. Pupils taking the combined programme can sit an examination in the subject of Frisian at two branch sites and, in addition, receive lessons on the subject of Frisian in years three and four. Pupils taking the theoretical programme can sit an examination at four branch sites. To date, it is not possible for pupils taking basic vocational and middle-management vocational programmes to sit an examination in Frisian.
- 6.188 HAVO pupils receive Frisian in their second year at four branch sites. In the upper years, Frisian continues to be offered at three branch sites. VWO pupils receive Frisian classes in their second year at three branch sites, in their third and fourth years at one branch site and in their fifth and sixth years at three branch sites. This means that unbroken tuition of Frisian is offered only at a proportion of the VWO branch sites where pupils are able to sit examinations in the subject of Frisian.¹¹⁰

zaken, Utrecht] 2001, 65.

¹⁰⁹ Education Inspectorate, *De kwaliteit van het vak Fries in het basisonderwijs en het voortgezet onderwijs in de provincie Fryslân: Technisch rapport*, [Utrecht], 2006, 76.

¹¹⁰ *Ibid.* 78.

6.189 The number of branch sites where pupils can sit examinations in the subject of Frisian has risen since 1999 from two to four, regarding pupils at the MAVO/VMBO level, and from one to three regarding pupils at the HAVO and VWO level. As shown by the table below, the number of examination candidates in Frisian, amounting only to some 27 in 1999 was higher in the period covering 2002-2005:

| 1999 | 2002 | 2003 | 2004 | 2005 |
|------|------|------|------|------|
| 27 | 92 | 50 | 71 | 73 |

Over the years, HAVO has produced the largest and most consistent contingent of examination candidates, followed by MAVO/VMBO.¹¹¹ Please refer to the table in section 6.213 for a breakdown of the examination candidates according to type of school.

6.190 In 1993, the government first established attainment targets for basic secondary education by means of an order in council. Statutory attainment targets for the subject of Frisian in basic secondary education were established for the first time in the Decree on Attainment Targets for the First Stage of Secondary Education (Bulletin of Act and Decrees 2006, 316). Learning targets for Frisian in basic secondary education applied to this in line with the attainment targets for Dutch published in the Ministry of Education, Culture and Science newsletter no. 31 (10 December 1997)¹¹² (see sections 6.23 to 6.25, and 6.153).

6.191 The required (teaching) material was developed for the purpose of the subject of Frisian in basic secondary education. The textbook series entitled *Flotwei Frysk* has been around since 1995, when the Taalsintrum Frysk of GCO fryslân (now Cedin) developed it with the assistance of subsidies from the Ministry of Education, Culture and Science and the European Commission.¹¹³

6.192 *Flotwei Frysk* has been designed to meet the attainment targets and provides material for one teaching period a week over three years. However, teachers have failed to tackle the method with their pupils in an integral manner. This is due to the fact that Frisian is usually provided only in the first year.

6.193 In June 2004, the secondary education schools – united in Fricolore, Pompeblêd and Piter Jelles – submitted a subsidy request to the province for the project entitled “Learplan en Learmiddels Frysk yn it fuortset ûnderwiis 2004-2007”. This request was honoured. The aforementioned schools were

¹¹¹ *Ibid.*

¹¹² Ministry of Education, Culture and Science – newsletter no. 31, 10 December 1997.

¹¹³ J. Bangma, et al., *Flotwei Frysk Afûk*/Wolters-Noordhoff, Groningen/Leeuwarden, 1995.

J. Bangma, et al., *Katern Frysk ferstean en lêzen. Hulpboekje voor van huis uit Nederlandstalige leerlingen* (including teacher manual, video and cassette tape).

In 1998, *Flotwei Frysk* was succeeded by a special edition for the then IVBO: Individual Intermediate Vocational Education. Individual Intermediate Vocational Education (IVBO – previously referred to as IBO) formed part of intermediate vocational education (VBO) and was intended for pupils from age 12 to 16 who required particular help and individual attention. IVBO was education in the first stage of secondary education and lasted four years. IVBO was changed with effect from 1 August 1998 into learning support departments (see section 6.29).

also represented in the provincial Coordination and Advisory Group (KAG) for Frisian in secondary education. Within the context of that project, an entirely new, distinct method for Frisian in secondary education has since been developed under the name *Freemwurk*.¹¹⁴ The method was fully ready by 2007 and can be seen as the successor to *Flotwei Frysk*.

- 6.194 Furthermore, education makes use of the journal ‘LinKk’, the successor to the youth magazine ‘Sjedêrrr!!!’ (Taalsintrum Frysk Cedin). Employed in addition to this are Frisian-language literary publications, Frisian-language television programmes for schools broadcast by Omrop Fryslân and online materials.¹¹⁵
- 6.195 The provincial project entitled ‘Frysk yn it vmbo’ was initiated on 28 February 2002 with the following objectives:
- to prepare the way for the process of accommodating Frisian as an additional subject in VMBO;
 - to compile a model programme for the examination portfolio;
 - to develop and share (online) teaching resources;
 - to share experiences and support teachers;
 - to develop listening comprehension tests for the purpose of a test databank for the examination;
 - to develop a model language policy plan for the use of Frisian as a medium of instruction, as well as developing information-based material, and
 - to develop a range of in-service training courses.¹¹⁶
- 6.196 All kinds of activities were developed over the duration of the project: 2002-2005. According to the participants, and in relation to preparing the way for the process of accommodating Frisian as an additional examination subject in VMBO, it failed to achieve the aim of collaboration between the various schools. However, a model programme for the examination portfolio was offered to the participating schools and a start was made on the development and sharing of (online) teaching resources. The sharing of experiences partly involved the organisation of study and information days. Various tests and related components were offered to the teachers and made available through the format of the ‘digi-school’ (see: www.digischool.nl/fry), and a model language policy plan has since been made available for the use of schools¹¹⁷ (see sections 6.164, 6.177 and 6.178).
- 6.197 The report by the Education Inspectorate revealed that one combined school for secondary education had developed a language policy for Frisian. None of the secondary education institutions had contact with primary schools concerning the provision of Frisian, nor did they know what primary schools

¹¹⁴ J. Brünner et al., *Freemwurk*. Afûk, Leeuwarden, 2006.

¹¹⁵ Education Inspectorate, *De kwaliteit van het vak Fries in het basisonderwijs en het voortgezet onderwijs in de provincie Fryslân*, [Utrecht], 2006, 87.

¹¹⁶ *Einferslach VMBO-projekt Frysk yn it VMBO* (unpublished internal memorandum).

¹¹⁷ *Ibid.*

did in that regard. Information from primary schools in respect of Frisian, as included in their education reports, was not being used by secondary education.

- 6.198 Furthermore, the Education Inspectorate established that 40% of staff teaching Frisian were not qualified for the subject. Almost all of the teachers taught Frisian on the side for a few hours each week. The majority of institutions had various teachers for Frisian, all of whom had part-time functions. The Inspectorate concluded that the policy of concentrating Frisian classes with one person appeared to be absent.¹¹⁸ Thus, in the future, the policy of the province and the NHL will focus on as many teachers of Frisian as possible, their present lack of qualification notwithstanding, being put in a position to obtain this by means of sophisticated in-service training programmes for the grade two teaching qualification for Frisian.
- 6.199 The report by the Education Inspectorate clarified further that first-year pupils received one hour of Frisian a week and, at best, did half an hour's homework a week on the subject of Frisian. In upper years, the number of teaching periods was higher and homework times rose to a half or whole hour. According to teachers of Frisian, the new attainment targets are in fact being given a go to some degree in the majority of educational institutions, but not to a great extent in general. There is only a limited focus on processing information and conducting a conversation (regarding non-Frisian-speaking pupils) and learning grammatical rules (for Frisian-speaking pupils).¹¹⁹
- 6.200 The quality of the classes in VMBO does not differ from the quality in HAVO and VWO. As far as teaching years are concerned, the only difference lies in the effectiveness of teaching. In that regard, teachers take greater pains in the first year than in later years. In addition, qualified teachers are better able to deal with differences in ability among pupils.¹²⁰
- 6.201 The Education Inspectorate's report clarified further that teachers spoke Frisian with each other at two-thirds of the educational institutions. Communications between teaching staff and parents often took place in Frisian as well. Half of the pupils spoke Frisian at school. However, Frisian played barely any part in the new types of communication, such as in mobile phone texting, e-mailing and chatroom dialogue.¹²¹
- 6.202 In a summarised review, the Education Inspectorate compared points of convergence and difference between the study conducted by the Inspectorate in 2004/2005 and that conducted in 1999. The Education Inspectorate described as positive:
- the increase in the number of HAVO examination candidates in Frisian;
 - that fact that one school had now developed a language policy, where none had done so previously;

¹¹⁸ *Ibid.* 95.

¹¹⁹ *Ibid.* 96.

¹²⁰ *Ibid.* 96.

¹²¹ *Ibid.* 95.

- the fact that 63% of the teachers surveyed were qualified to teach the subject of Frisian, as against a previous 53%;
- that, at present, 70% of teachers felt that Frisian was in a weak position, as against a previous 90%;
- that, at present, 76% of teachers believed that the school management took the subject of Frisian seriously, as against a previous 62%;
- that, at present, 43% of teachers said that the subject of Frisian mattered in terms of pupils' promotion to the next class, as against a previous 32%, and
- that, at present, 26% of pupils' parents believed that Frisian should not be an obligatory subject in education, as against a previous 30%.

6.203 In addition to matters such as the position of Frisian in school communications, or the place of Frisian as a language of instruction in other subjects and the lack of differentiation and activation of learning processes, which were unchanged, the Education Inspectorate described as negative:

- that, at present, 19 % of pupils had not received any Frisian in basic secondary education, as against a previous 16%;
- that, at present, according to 100% of school management teams, the position of Frisian was weak compared with other subjects, as against a previous 77%;
- that, at present, according to 23% of teachers of Frisian, Frisian was provided only because of the school's statutory obligation, as against a previous 10%;
- that, at present, teachers spoke Frisian with each other at 60% of school branches, as against a previous 68%, and
- that, at present, 52% of pupils feel Frisian is unimportant, as against a previous 32%.¹²²

6.204 It can be stated, moreover, that further work must be done on the agreement of central government and the Province of Fryslân to their joint encouragement of an option for an annual international exchange with other minority languages in Europe forming a part of the curriculum for pupils who opt for Frisian as a full examination subject. Material for this has yet to be developed.

6.205 **In summary**, with regard to the subject of Frisian in secondary education, it can be stated that the observations in the Committee of Experts' second report remain valid. The limited time, for instance, made available for the tuition of Frisian, as well as the shortage of sufficiently qualified teachers constitute a barrier to the acquisition of a fluent command of and knowledge of Frisian.

6.206 The number of pupils taking Frisian as a subject for school-leaving examinations remains low, despite the required provincial efforts made to improve this. However, Frisian has been afforded a permanent place in the first stage of secondary education, in line with the relevant agreements in the Covenant on the Frisian Language and Culture (2001). Moreover, attainment targets have been set for it.

¹²²

Ibid. 93-94.

- 6.207 The power to grant exemptions from the obligation to provide the subject of Frisian has been transferred from the Education Inspectorate to the Provincial Executive of Fryslân. Implementation of the obligation to provide the subject of Frisian in secondary education remains a stumbling block. School practice appears to have difficulty in giving a fully-fledged place to the subject of Frisian.
- 6.208 The second stage of senior general secondary education (HAVO) and pre-university education (VWO) and the upper years of pre-vocational secondary education (VMBO) were introduced in their current form on 1 August 1998. A number of sticking points in the HAVO/VWO curriculum became known quite soon after this introduction: overload, fragmentation and a lack of cohesion and coordination between the practical assignments.¹²³ Subsequently, in 2000, the Ministry of Education, Culture and Science adopted temporary measures to relieve the curriculum. This was done in order to give schools the opportunity to sort out introduction problems.¹²⁴ However, this did not result in a definitive solution to these problems, which resulted ultimately in the Act of 27 April 2006 to amend the Secondary Education Act for the purpose of adjusting the profiles in the second stage of VWO and HAVO.¹²⁵
- 6.209 The Act adjusted the profiles in the second stage (the final years) of VWO and HAVO: the four set combinations of examination subjects. The number of obligatory subjects was reduced, and a number of subjects were combined. Moreover, the options open to schools, teachers and pupils was enlarged. The amendment to the Act is to be introduced on 1 August 2007 for pupils who are then starting their fourth year of VWO. As a result, universities will, for the first time, receive first-year undergraduates to have undergone this ‘adjusted’ second stage as of September 2010.
- 6.210 In the second stage of the *athenaeum*, pupils can opt for Frisian, where it is part of the common component of each profile, instead of a modern foreign language, not including English, and insofar as the competent authority is offering the subject of Frisian. At a *gymnasium* or *athenaeum*, Frisian language and culture can be offered in the components for the Economics and Society profile, as well as the Culture and Society profile, instead of French, German, Spanish, Russian, Italian, Arabic or Turkish language and culture.
- 6.211 Pupils can opt for Frisian or a modern foreign language at HAVO level within the profile for socio-cultural studies insofar as the competent authority offers these subjects. In addition, pupils in VWO, HAVO and VMBO are free to choose Frisian as an examination subject.¹²⁶ The School-Leaving Examinations

¹²³ Education Inspectorate, *De tweede Fase een fase verder*, October 2001, 12.

¹²⁴ Parliamentary Papers II (House of Representatives) 1999-2000, 26 800, no. 70.

¹²⁵ Bulletin of Acts and Decrees 2006, 251.

¹²⁶ VWO-HAVO-MAVO-VBO Leaving Examinations Decree of 15 November 1997 (Bulletin of Acts and Decrees, 588).

Decree regulates these and other matters for Secondary Education (see sections 6.214 to 6.216).

6.212 The Inspectorate study from 2006 revealed that at a small number of branch sites from the 20 institutions and 47 branch sites for secondary education in Fryslân, Frisian was being offered as a subject for school-leaving examinations in the final year of study. In 2004/05, four branch sites were offering Frisian as a school-leaving examinations subject at MAVO/VMBO level, three at HAVO level and three at VWO level. In 1999, these figures were two, one and one, respectively: in short, a modest increase.

6.213 The table that follows below¹²⁷ provides a summary of the number of pupils who, according to type of school, took a school-leaving examination in the subject of Frisian in the period 2002-2005:

| | 2002 | 2003 | 2004 | 2005 |
|-----------|------|------|------|------|
| MAVO/VMBO | 14 | 10 | 19 | 19 |
| HAVO | 65 | 26 | 45 | 50 |
| VWO | 13 | 14 | 7 | 4 |
| Total | 92 | 50 | 71 | 73 |

6.214 The Installations Decree of the Secondary Education Act, in Article 26b, installation of VWO profiles, paragraph 1 (c), gives Frisian language and culture as a subject that can be chosen instead of French, German, Spanish, Russian, Italian, Arabic or Turkish language and literature as an element of the common component of each profile in the *athenaeum*. In the profile components for Economics and Society and for Culture and Society in *gymnasium* and *athenaeum* schools, Frisian language and culture can also be chosen instead of French, German, Spanish, Russian, Italian, Arabic or Turkish language and literature.

6.215 Article 26c, paragraphs 4 and 5 of the Installations Decree gives Frisian language and culture as an optional subject alongside French, German, Spanish, Russian, Italian, Arabic or Turkish language and literature in the profile components for Economics and Society and for Culture and Society in HAVO.

6.216 The Leaving Examinations Decree of 24 March 2000 is linked to the various programmes available in MAVO and VBO (VMBO). Article 22, paragraph 1 (c) of the Decree lists the Frisian language as part of the optional component of the theoretical programme. Article 25, paragraph 1 (c) of the Decree lists the Frisian language as part of the optional component of the combined programme. Naturally, to be able to sit the examination for Frisian, it is necessary for the school concerned to offer the subject of Frisian.

¹²⁷ Education Inspectorate, *De kwaliteit van het vak Fries in het basisonderwijs en het voortgezet onderwijs in de provincie Fryslân: Technisch rapport*, [Utrecht], 2006, 78.

- 6.217 In the draft ‘Plan fan oanpak Frysk yn it ûnderwiis’, the provincial government of Fryslân recommended that all secondary schools, including VMBO schools, should develop a language policy within three years. In addition, a model curriculum for Frisian and bilingual education for secondary education schools had to be developed within a year. An online learning zone for school-leaving examination candidates in HAVO and VWO also had to have been achieved within a year. In 2000, the Province of Fryslân allocated a sum € 36,300 for the development of an online learning zone¹²⁸ (see sections 6.164 and 6.177).
- 6.218 The aim of the ‘Plan fan oanpak Frysk yn it ûnderwiis’ was to implement the province’s undertakings under the Covenant on the Frisian Language and Culture (2001). The province’s action plan also focused on Frisian as a language of instruction. For the use of Frisian as the language of instruction in subjects other than Frisian, the law requires the approval of a linguistic code of conduct by the competent authority in the school (see sections 6.224 and 6.225).
- 6.219 In order to offer a Frisian exam syllabus for HAVO and VWO in more schools than is currently the case, the Province of Fryslân has provided an incentive grant of € 80,865. This grant is for experiments at four combined schools for secondary education in Fryslân since 1997/1998.¹²⁹ The aim of the project was to encourage pupils to choose Frisian as an examination subject and to generate a more positive attitude towards Frisian among pupils and teachers. Cedin’s Taalsintrum Frysk has supervised the project schools. In addition, schools were notified about the importance of a continuous path of learning.
- 6.220 2005 saw the release of a (research) report and evaluation of the situation in the form of a doctoral thesis upheld by the University of Amsterdam.¹³⁰ Both authors made it clear that provincial efforts had borne little fruit. The number of examination candidates for Frisian was increasing, but remained below the target standard. At only one participating school did the number of examination candidates show a substantial increase; the number of examination candidates remained well below par at the three other schools. Growth continued to be further restricted to HAVO examination candidates; however, this had more to do with the introduction of two examination levels for the subject of Frisian than with any efforts made on the part of the province.
- 6.221 Moreover, according to Van der Bij and Valk, the provincial plan had not brought about a change of attitude among teachers and pupils from the educational establishments concerned in relation to the Frisian language.¹³¹

¹²⁸

Ibid. 37.

¹²⁹

Dockingacollege (Dokkum), CSG Bogerman (Sneek), OSG Piter Jelles (Leeuwarden) and OSG Singelland (Drachten).

¹³⁰

J. van der Bij/R.W. Valk, *Fries in het voortgezet onderwijs, een Echternachse processie*, (Diss. University of Amsterdam) Fryske Akademy, Ljouwert/Leeuwarden, 2005.

¹³¹

Ibid. 146-151.

- 6.222 To enable a causal explanation for the disappointing results of the provincial project, as made possible by the Provincial Government of Fryslân, the two researchers referred in part to the limited financial opportunities for Frisian in secondary education. Additional financial facilities could encourage possibilities afforded by and for the subject of Frisian at secondary education schools.¹³² For that reason, the Provincial Government of Fryslân made money available since 2003 for a follow-up project (€ 421,155) (*Learplan en Learmiddels Frysk yn it fuortset ûnderwiis 2004-2007*). In 2005, a “Ramtlearplan Frysk” was also developed within the context of that project, which was intended to give a lead for the renewal of Frisian as a subject and provide direction to teachers and management teams on how to deal with Frisian both as a subject *and* as a language of instruction. The “ramtlearplan” was and is the programme-related basis for both new teaching material and material yet to be developed. An update to the “ramtlearplan” appeared in 2007.¹³³
- 6.223 A further factor of importance regarding the position of Frisian in secondary education can be identified in the attitude and involvement of teachers and school management teams.¹³⁴ Of significance in that regard is the observation by the Education Inspectorate that the management teams of educational institutions feel more often – in comparison with the previous study – that the position of Frisian is weak. Management teams also indicate more often that Frisian is offered only because of the obligation to do so.
- 6.224 Section 4.46 of the first Dutch periodic report to the Council of Europe, which took 1 March 1998 as its reference date, indicated that there existed no legal impediment to the use of Frisian as a language of instruction in secondary schools in the Province of Fryslân, either in basic secondary education or thereafter. Since then, a provision prescribing the use of Dutch as the language of instruction in secondary education and during examinations has been included in the Secondary Education Act. This provision came into force on 1 August 1998.
- 6.225 However, according to Section 6a of the Secondary Education Act, a different language can be employed:

where the teaching of that language is concerned, or
if the particular character, organisation or quality of the education, or
the origin of the participants so requires, in accordance with a code of
conduct approved by the competent authority.

Under this statutory regulation, the Frisian language can be used as the language of instruction for the teaching of Frisian without the need for further

¹³² *Ibid.* 174.

¹³³ J. Popkema & Jongsma, H. (editor). *Ramtlearplan Frysk yn it fuortset ûnderwiis 2005*. Afûk, Ljouwert / J. Popkema & Jongsma, H. (editor). *Ramtlearplan Frysk yn it fuortset ûnderwiis 2007*. Afûk, Ljouwert

¹³⁴ *Ibid.* 176.

regulation. In all other cases, a code of conduct is required. At present, one secondary education school has a language policy that includes devoting attention to targets, working methods and policy on the language of instruction in relation to the Frisian language.¹³⁵

- 6.226 In its recent report regarding Frisian, the Education Inspectorate made it clear that Frisian was playing a role in oral communication at many secondary education establishments, but not in written communication.¹³⁶ Teachers spoke Frisian to one another at the majority of educational establishments. At nearly half of the sites, teachers were also speaking in Frisian to their pupils in informal situations, while parents were also addressing teachers in Frisian. Teachers spoke Frisian to parents at a third of the sites. An arrangement had been made at 8% of the sites that Dutch would be used in contacts with parents. Dutch was the medium of communication in teaching staff meetings at the majority of sites. Frisian played virtually no part in written communications. In only one instance was information in the school prospectus about the subject of Frisian also written in Frisian.
- 6.227 The same report made it clear that of the pupils receiving the subject of Frisian, 54% spoke Frisian at home against 38% who used Dutch at home. The use of Frisian fell off sharply in communication at school (with friends), or in mobile texting and e-mails.¹³⁷ This involved 526 pupils at 20 secondary education establishments.

| Use of language (in percentages) | Frisian | Dutch | Frisian and Dutch | Other |
|-------------------------------------|---------|-------|----------------------|-------|
| At home | 54 | 38 | 4 | 4 |
| At school (with each other) | 34 | 54 | 8 | 4 |
| Sending mobile texts | 4 | 81 | | 15 |
| In chat rooms | 4 | 77 | | 19 |
| When e-mailing | 3 | 83 | | 13 |

- 6.228 The report by the Education Inspectorate clarified further that six of the fourteen management teams for institutions that offered Frisian were of the opinion that the position of Frisian had improved in recent years. Either this was the case, because there now existed a continuous learning path for Frisian after the first year of study, or because they now had qualified teachers for the subject of Frisian. Conversely, eleven of the fourteen management teams considered Frisian's position as a subject within their institution to be weaker than that of other language subjects. Three management teams designated the subject of Frisian as 'marginal'.
- 6.229 Of the 36 school management teams dealing with the subject of Frisian, a quarter felt that Frisian had improved in recent years as a result of better teachers and, in particular, due to the provincial grant that had made it possible

¹³⁵ Education Inspectorate, *De kwaliteit van het vak Fries in het basisonderwijs en het voortgezet onderwijs in de provincie Fryslân: Technisch rapport*, [Utrecht], 2006, 77.

¹³⁶ *Ibid.* 79-80.

¹³⁷ *Ibid.* 80.

to extend its provision after the first year of study. One school manager considered the position of Frisian to have worsened, because pupils were increasingly lacking in motivation. Other management teams did not identify any change. The majority (67%) of school management teams felt that Frisian had a weaker position than other language subjects or even a marginal position (17%). A small group (16%) felt that Frisian's position at their sites was as strong as that of modern foreign languages.

- 6.230 A quarter of teachers of Frisian felt that the subject of Frisian had improved. They pointed in particular to the options open to pupils for continuing with Frisian after the first year of study. Two teachers believed the situation to have worsened, either because fewer pupils in the second stage were choosing Frisian, or because Frisian was temporarily not being provided. Three-quarters of teachers had the impression that colleagues and the school's management took the subject seriously.
- 6.231 Compared with 1999, the preservation of language and culture – an aspect also emerging from the new attainment targets for Frisian in secondary education – has gained in impetus among management teams. Set against 1999, an increase can be seen in the percentage of teachers providing Frisian because of this obligation. However, the preservation of language and culture has gained in strength in this group too.¹³⁸
- 6.232 The Education Inspectorate's report indicated that schools were inadequately informed about parents' wishes concerning Frisian. The importance that parents attach to Frisian was being underestimated.¹³⁹
- 6.233 According to management teams and teachers at schools offering the subject of Frisian, 30% of pupils seemed to have poor motivation with regard to Frisian; the motivation of 66 to 70% of pupils was neutral, while 3% were strongly motivated.
- 6.234 According to the pupils, over half felt poorly motivated, while some 40% of them had neutral feelings about the subject of Frisian. Since 1999, the percentage of pupils who feel the subject of Frisian to be unimportant has increased from 32% to 52%. Dutch and, in particular, English are seen as being much more important than Frisian. German and French are not seen as important either, although still more so than the subject of Frisian.¹⁴⁰
- 6.235 **In summary**, it is clear that a significant number of statutory provisions aiming to provide for the teaching of Frisian to all pupils as an integral part of the curriculum have been adopted in the field in both the first and second stages of secondary education. However, the Education Inspectorate's 2006 report indicates that the implementation of these provisions is insufficient. The subject of Frisian enjoys an optional status in the upper years of secondary

¹³⁸ *Ibid.* 81-82.

¹³⁹ *Ibid.* 82.

¹⁴⁰ *Ibid.* 83-84.

education. The number of pupils choosing Frisian as a school-leaving examination subject remains low. The number of school-leaving examination candidates choosing the subject of Frisian at pre-university education level (VWO) is falling behind in particular, notwithstanding the – minor – increase in the number of educational establishments offering the subject of Frisian. The weak position of Frisian within the institutions offering it as a subject, as well as pupils’ poor motivation towards choosing the subject of Frisian, leads to the conclusion that much more effort is still required in the near future to retain, improve and expand the subject of Frisian in secondary education. However, the aforementioned “ramtlearplan” and the new method are instruments that could have a positive effect on the subject’s position and its rejuvenation.

Article 8(1)(e)(ii): university or higher education

- 6.236 On accepting the European Charter, the Netherlands undertook ‘to provide facilities for the study of [the Frisian language] as a university and higher education subject’.
- 6.237 In 2001, the Committee of Experts observed that the undertaking as entered into by the Netherlands was being partially fulfilled. Therefore, it encouraged the government to pursue a more active approach with respect to the provision of facilities for the study of the Frisian language in higher professional education (HBO).¹⁴¹
- 6.238 In its 2001 report, the Committee of Experts also noted that three colleges of higher professional education were situated in the Province of Fryslân. Frisian was included in teacher-training courses aimed at primary and secondary school teachers at two colleges. The Committee further noted that, apparently, Frisian was not taught at the third college, the Van Hall Institute, which specialises in nutrition, environment and agriculture.¹⁴² Furthermore, Frisian language and literature could be studied at the Universities of Groningen and Amsterdam.¹⁴³
- 6.239 According to the information it had received, the Committee of Experts concluded in 2001 that there was no adequate funding to ensure a satisfactory level of teaching of Frisian at colleges of higher professional education in Fryslân. This also partly accounted for the fact that, outside the above-mentioned teacher-training courses, there were no general Frisian courses at these colleges.¹⁴⁴
- 6.240 In its second report, the Committee of Experts established that the Universities of Leiden, Groningen and Amsterdam provided for the study of Frisian. The

¹⁴¹ *Council of Europe, Report of the Committee of Experts* (2001), 68.

¹⁴² Since 1 January 2004, the Van Hall Institute has been a part of Wageningen University as a sixth knowledge unit under the name of Van Hall Larenstein (see: footnote to section 6.263).

¹⁴³ *Council of Europe, Report of the Committee of Experts* (2001), 66. The Committee of Experts failed to note that Frisian was also taught, as a subsidiary subject, at the University of Leiden (see section 6.269).

¹⁴⁴ *Ibid.* 67.

Committee noted that the postgraduate degree ‘Frisian language and literature’ at the University of Amsterdam had been discontinued and now formed part of the ‘Linguistics’ and ‘Literary Studies’ master’s degree programmes.¹⁴⁵

- 6.241 The Committee of Experts noted that the government had agreed in the Covenant on the Frisian Language and Culture (2001) to guarantee a basic level of funding for the university-level study of the Frisian language and literature. In specific terms, this involved the continuance of a grade-one teacher-training course at the University of Groningen. If a second grade-one teacher-training course were to come into being, the suitability and quality of which could not be demonstrated, it would have to be paid for either wholly or in part by the Province of Fryslân. This means that the Dutch government guarantees only defrayment of costs for students taking the grade-one teacher-training course at the University of Groningen.¹⁴⁶
- 6.242 The three institutions of higher professional education in Fryslân have accepted a linguistic code of conduct as previously requested by the Higher Education Act (1992). Frisian is offered only as a component of the teacher-training courses for primary and secondary education. The Christian College of Higher Professional Education of the Netherlands (CHN) and the Northern College of Higher Professional Education in Leeuwarden (NHL) both receive an annual grant of € 35,000 to maintain the teaching of Frisian within the teacher-training courses.¹⁴⁷
- 6.243 The Committee of Experts was of the opinion that the undertaking agreed upon was being fulfilled, but it encouraged the Dutch government to provide for and strengthen the position of Frisian in both university and higher professional education courses.¹⁴⁸
- 6.244 Central government and the Province of Fryslân agreed in the Covenant on the Frisian Language and Culture (2001) that they would jointly encourage an intensification of contact between universities and colleges of higher education in Europe offering study programmes relating to regional and minority languages and cultures. A framework plan and materials would be developed for this purpose (Covenant 2.8.2). The parties agreed that this objective would be realised by 2004 (see section 6.262).
- 6.245 In relation to the Frisian language and culture study programme at universities in the Netherlands, central government and the Province of Fryslân agreed within the context of the Covenant on the Frisian Language and Culture (2001) the following. The Minister of Education, Culture and Science would guarantee maintenance of a basic provision for the study of Frisian language and literature at a university. In concrete terms, this meant the continued existence, at the University of Groningen, of a department offering a first-

¹⁴⁵ *2nd Report of the Committee of Experts* (2004), 98.

¹⁴⁶ *Ibid.* 99.

¹⁴⁷ *Ibid.* 100.

¹⁴⁸ *Ibid.* 101.

degree course (Covenant 2.8.3). Central government is fulfilling this agreement. The Frisian language and literature study programme can be taken at the University of Groningen. This university also offers a grade-one teacher-training course in Frisian.

- 6.246 The arrangements mentioned above for a degree course at the University of Groningen are without prejudice to the possibility of a second first-degree course being offered elsewhere. If and insofar as cases of second first-degree courses (B.A. and/or M.A.) should arise, they will be (co-) funded by the Province of Fryslân on the basis of an agreement with the university concerned, should they fail to meet the requirements of suitability and quality (Covenant 2.8.4).
- 6.247 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân further agreed that central government would encourage institutions of higher education in Fryslân to include information in their annual reports concerning their policies in relation to the use and promotion of the Frisian language and culture (Covenant 2.8.5). The parties agreed that this objective would be realised by 2004. Central government fulfilled this agreement by means of the request in that respect made to the colleges of higher education of the Netherlands in a letter dated 24 January 2003; reference HBO/AS/2002/61829 (see also section 6.261).
- 6.248 Finally, in the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed the following action. The Province of Fryslân would promote consultations with higher education institutions – either in Fryslân or elsewhere in the Netherlands –, which have an education policy with regard to the Frisian language to encourage them to include training in classroom and educational skills relating to the Frisian language and culture in their plans for in-service training activities (Covenant 2.8.6).
- 6.249 Article 2.7.1 of the Implementation Covenant on the Frisian Language and Culture (2005) established that the Province of Fryslân and the NHL would make joint efforts to effect an increase in interest of up to approximately ten students per annum for the qualification in Frisian in secondary education. The Province of Fryslân, CHN, and NHL would also aim to have the percentage of students taking the training course for primary school teaching and achieving a teaching qualification in Frisian increase to at least 75%.
- 6.250 Article 2.7.2 of the Implementation Covenant on the Frisian Language and Culture (2005) established that the Province of Fryslân and CHN and NHL would aim, in consultation with a supporting body (Institute for Curriculum Development (SLO) in Enschede), to reach a more specific description of the skills of primary school teachers for Frisian language and culture. This specification is to be in line with skills set on a national level and, as far as possible, is to coordinate with the specification of skills for the Dutch language. In consultation with primary education, the competences for Frisian

language and culture, such as have been/are to be agreed at the national level, are to be expanded upon to create improved exit qualifications and an improved curriculum for the subject of Frisian in the teacher-training course for primary school teaching.

- 6.251 Article 2.7.3 of the Implementation Covenant on the Frisian Language and Culture (2005) additionally indicated the following. The Province of Fryslân would enter into consultations with the primary schools, CHN and NHL with regard to objectives for teachers' professional development relating to specific knowledge and skills in respect of the Frisian language and culture for teaching staff giving teacher-training courses who have been involved with the in-service training of primary and secondary school teachers of Frisian. This consultation is also to relate to the teachers' professional development concerning general knowledge about the Frisian language and culture in a bilingual context for teaching staff giving teacher-training courses who have been involved with the in-service training of primary and secondary school teachers. It was to be ascertained in 2005 whether institutions also existed beyond the Province of Fryslân that, within the context of the in-service training of primary and secondary school teachers, devote attention to the Frisian language and culture. If such institutions were found to exist, consultations were to be held with them in 2006 about the goals for the professional development of the teachers concerned.
- 6.252 Article 2.7.4 of the Implementation Covenant on the Frisian Language and Culture (2005) made it clear that the Province of Fryslân, CHN, and NHL would make joint efforts to furnish primary and secondary schools with clear information on the content and importance of qualifications in Frisian for primary and secondary school teachers. The province and education sector were to make joint efforts over the following five years to reduce considerably the number of unqualified teachers of Frisian in primary and secondary education.
- 6.253 In consultation with CHN and NHL, the Province of Fryslân was to ascertain the extent to which efforts could be supported that were aimed at improving the training course for competence in Frisian for primary education and the training courses for teachers in secondary education, including the teacher-training course for Frisian. This was to be carried out within the context of the 'Plan fan oanpak Frysk' action plan and the specific grant for Frisian (Article 2.7.5 Implementation Covenant).
- 6.254 According to Article 2.7.6 of the Implementation Covenant on the Frisian Language and Culture (2005), the number of unqualified teachers of Frisian in primary and secondary education was to fall significantly over the following five years due to the joint efforts of central government, the Province of Fryslân and the education sector in Fryslân. In consultation with the Sector Administration for Employment in Education (SBO), the Province of Fryslân was to make arrangements with the schools and NHL about the number of teachers who could attain the desired qualification in Frisian by means of a

tailor-made training course. The Province of Fryslân was to ascertain whether there was financial scope within the specific grant for Frisian to provide a premium to schools that offer their teachers this option, insofar as such might be necessary (Article 2.7.7 Implementation Covenant).

- 6.255 It was agreed in Article 2.7.8 of the Implementation Covenant on the Frisian Language and Culture (2005) the following. Within the context of the new attainment targets for Frisian in primary education and the new interpretation of the second stage of secondary education (HAVO and VWO), the Ministry of Education, Culture and Science were to order the drafting of new starting qualifications for teachers in secondary education. The starting qualifications in respect of the Frisian language and culture would also be included in this as well. With regard to this, the Province of Fryslân was to consult with the NHL about the need for adjustment of the exit qualifications for the teacher-training course for Frisian.
- 6.256 Attention given in the annual reports of institutions for higher education in Fryslân to the policy of an institution in relation to its use and promotion of the Frisian language and culture, as agreed to previously in the Covenant on the Frisian Language and Culture (2001), remains in full force pursuant to Article 2.7.9 of the Implementation Covenant on the Frisian Language and Culture (2005). The Province of Fryslân is to promote and facilitate both this inclusion in annual reports as well as the creation of a network of European institutions for higher education, as referred to further in this report, in the form of a specific project.
- 6.257 Article 2.7.10 of the Implementation Covenant on the Frisian Language and Culture (2005) established that, within two years following signature to the Implementation Covenant, a network should have been created of European institutions for higher education that offer courses relating to regional and/or minority languages. By 2006, a framework plan had to have been drafted and programmes developed in order to intensify contact between the European institutions for higher education concerned (Article 2.7.11 Implementation Covenant).
- 6.258 The Ministry of Education, Culture and Science is to support the Province of Fryslân in constructing this network of European institutions for higher education by putting relevant knowledge at its disposal (Article 2.7.12 Implementation Covenant) (see sections 6.244 and 6.262). These efforts at creating a network of European institutions for higher education that offer courses relating to regional and/or minority languages have yet to be initiated.
- 6.259 The Implementation Covenant on the Frisian Language and Culture (2005) concluded the paragraph on Frisian in higher education as follows. Agreements made previously in the Covenant on the Frisian Language and Culture (2001) should remain in full force in respect of Frisian linguistics at the universities in the Netherlands and the initial training and in-service training for teachers

involved with the promotion of Frisian in primary and secondary education (Articles 2.7.13 and 2.7.14, Implementation Covenant).

- 6.260 In relation to progress on the agreements as laid down in the Covenant on the Frisian Language and Culture (2001) and the Implementation Covenant on the Frisian Language and Culture (2005), the following may be noted. The Province of Fryslân, CHN and NHL, in consultation with a supporting body (Institute for Curriculum Development (SLO) in Enschede), have produced a more detailed description of primary school teacher competence in respect of Frisian language and culture (Article 2.7.2, Implementation Covenant (2005)).
- 6.261 The agreement by central government to encourage higher education institutions in Fryslân to devote attention in their annual reports to their policy in respect of Frisian (Covenant 2.8.4) has been implemented as follows. In a letter to the executive boards of the Northern College of Higher Professional Education in Leeuwarden (NHL), the Christian College of Higher Professional Education of the Netherlands (CHN), and the Van Hall Institute, the State Secretary for Education, Culture and Science has made such a request (letter dated 24 January 2003, reference HBO/AS/2002/61829). The agreement by the Province of Fryslân to promote the holding of consultations with higher education institutions to encourage them to include activities in relation to the in-service training of teachers in their in-service training plans (Covenant 2.8.6) has yet to be implemented (see section 6.248).
- 6.262 The Province of Fryslân has yet to enter into consultations with the primary schools, CHN, and NHL in reference to the objectives for teachers' professional development regarding specific knowledge and skills in respect of the Frisian language and culture. This is relevant for teaching staff giving teacher-training courses who are involved with the in-service training of teachers of Frisian in primary and secondary education (Article 2.7.3, Implementation Covenant). Similarly, efforts to create a network of European institutions for higher education that offer courses concerning regional or minority languages have yet to be initiated (Articles 2.7.10 and 2.7.11, Implementation Covenant).
- 6.263 Fryslân has three colleges of higher professional education – the Christian College of Higher Professional Education of the Netherlands (CHN), the Northern College of Higher Professional Education in Leeuwarden (NHL) and the Van Hall Institute – specialising in nutrition, the environment and agriculture.¹⁴⁹ Together, these colleges offer a wide range of courses.

¹⁴⁹ The Christian College of Higher Professional Education of the Netherlands [Christelijke Hogeschool Nederland] was formerly known as the Christian College of Higher Professional Education of the Northern Netherlands [Christelijke Hogeschool Noord-Nederland]. As of 1 January 2004, the Van Hall Institute entered into an inter-institutional alliance with the University of Wageningen as a work unit of the Van Hall Larenstein College of Higher Professional Education. The Van Hall Larenstein Foundation, with branches in Deventer, Leeuwarden and Velp, operates as an independent part of Wageningen University within the framework as set out by the Governing Council of Wageningen University.

- 6.264 There are no university education institutions located in Fryslân. Nevertheless, the Open University does have a provincial office in Leeuwarden, and the University of Groningen does offer students of law the option to study in Leeuwarden in their first year. Although university institutions can opt to use the Frisian language as a language of instruction, this option is not taken up in the first year of study in Leeuwarden.
- 6.265 In agreeing to the European Charter, the Netherlands also undertook to apply the Frisian language in a number of instances as (for example) a legal and administrative language. As far as the judicial authorities are concerned, the Frisian language may be used in criminal proceedings, civil proceedings, in proceedings before the administrative court and in connection with the legal validity of legal documents.¹⁵⁰ The Frisian language can be used as an administrative language pursuant to the General Administrative Law Act (Awb). However, to date, this aspect of the Charter has received no attention in the curriculum for the first year of the law degree in Leeuwarden, or in the study programme for law in Groningen. In consultation with the institution concerned, the province is to ascertain whether attention can be given to this area in the curriculum and, if so, the way in which this is to be done.
- 6.266 Since 1951, it has been possible to study Frisian language and literature at the University of Groningen as a main subject, after the first lector in Frisian language and literature was appointed in 1930. In 1941, the lectureship was converted to an ordinary professorship. Since the academic year 2002/2003, the degree course has changed from a post-propaedeutic study programme to a B.A./M.A. degree programme.
- 6.267 The table that follows below provides a summary of the number of students of Frisian language and literature who have studied at the Groningen University between 2001 and 2005. A distinction is made between students taking this as a main subject and those taking it as a subsidiary subject. During this period, three students sat the postgraduate/master's degree examination for Frisian.¹⁵¹

| | 2001/02 | 2002/03 | 2003/04 | 2004/05 |
|---------------------------------|---------|---------|---------|---------|
| Frisian as a main subject | 9 | 7 | 11 | 7 |
| Frisian as a subsidiary subject | 38 | 24 | 34 | 27 |
| Total | 47 | 32 | 45 | 34 |

- 6.268 A postgraduate degree course for Frisian language and literature has been possible at the University of Amsterdam since the academic year 1994/95. In addition to the University of Amsterdam, the Province of Fryslân makes financial resources available through the Fryske Akademy.¹⁵²

¹⁵⁰ Council of Europe, *European Charter for Regional or Minority Languages*. Strasbourg, 1992, Article 9, 1 a (ii, iii), b (iii) and c (ii, iii).

¹⁵¹ E-mail to the Fryske Akademy, from and on behalf of the Frisian study programme, Faculty of Letters, University of Groningen, 22 January 2007.

¹⁵² Fryske Akademy, *Jierferslach Fryske Akademy 2002/2003*, Ljouwert, 2003.
 Fryske Akademy, *Jierferslach Fryske Akademy 2003/2004*, Ljouwert, 2004.
 Fryske Akademy, *Jierferslach Fryske Akademy 2004*, Ljouwert, 2005.

| | 2002/03 | 2003/04 | 2004/05 |
|---|---------|---------|---------|
| Frisian as a main subject/M.A. | 8 | 7 | 4 |
| Frisian as a subsidiary subject or as a non-examination student | 36 | 17 | 30 |
| Total | 44 | 24 | 34 |

- 6.269 The University of Leiden and the Fryske Akademy maintain a special chair in Frisian language and literature at the University of Leiden. Students can only study Frisian language and literature as a subsidiary subject at the university. Researchers associated with the Fryske Akademy have no longer provided tuition since January 2002. A total of two students took Frisian classes in the academic year 2002/2003. Student numbers in the subsequent three years were respectively three, two and five.¹⁵³
- 6.270 With effect from 1 June 2003, the University of Leiden and the Fryske Akademy have established a special chair at the University of Leiden on the History of the Frisian Countries in the Middle Ages. Since then, the section head of the Fryske Akademy for history, literature and the study of names has held this chair. In 2003/04 and 2004/05, the classes provided by him successively attracted each twelve students.¹⁵⁴
- 6.271 Finally, it is worth noting that Dutch is the statutory prescribed language of instruction in higher education. The law mentions a number of exceptions, such as the teaching of other languages (cf. Section 7.2 of the Higher Education and Research Act). Institutions of higher education are required to adopt a linguistic code of conduct that stipulates all the exceptions to the above-mentioned statutory regulation: e.g. with regard to the use of Frisian or English (see Section 7.2 (c) of the Higher Education and Research Act).
- 6.272 All the colleges of higher professional education in the Province of Fryslân have adopted their own linguistic codes of conduct, as described in the preceding paragraph. The linguistic code of conduct of the CHN came into force on 1 September 2000. The NHL's linguistic code of conduct of April 1997, which entered into force in September 1997, is unchanged and still applies. Generally speaking, Frisian is used only as one of the languages of instruction in primary teacher-training courses. Staff members and students are allowed to use Frisian in individual contacts, provided this does not hinder cooperation. Students may also submit their reports and essays in Frisian. In 2000, the Van Hall Institute extended its linguistic code of conduct of 1995 for five years. Since then, the code has been extended again in anticipation of a new code connected with the reorganisation as of 1 January 2004. At the universities, Frisian is used as the language of instruction in the courses for Frisian language and literature.

Fryske Akademy, *Jierferslach Fryske Akademy 2005*, Ljouwert, 2006.

¹⁵³

Ibid.

¹⁵⁴

Ibid.

- 6.273 The subject of Frisian is provided at higher professional education institutions in the Province of Fryslân within the context of primary school teacher training (one institution has even made it mandatory). In addition, there is a secondary education teacher-training course for Frisian. In this way, the Charter undertakings agreed to by the Netherlands under Article 8(1)(h) (training and further training of teachers) of the European Charter are being implemented.
- 6.274 Each of the colleges of higher professional education – CHN and NHL – receives annually the sum of € 35,000 from the Province of Fryslân to retain the subject of Frisian in teacher-training courses. The province defrays the cost of this out of the grant from the Provinces Fund.
- 6.275 In the opinion of the Dutch government, Article 8(1)(e)(ii) of the European Charter does not suggest that Frisian must be taught in higher professional education courses other than teacher-training courses. If they so desire, however, the colleges of higher professional education in the Province of Fryslân are free to include Frisian as a compulsory or optional subject in all or some of their courses.
- 6.276 In the opinion of the Dutch government, Article 8(1)(e)(ii) of the European Charter suggests that central government should undertake to maintain a basic facility for the study of Frisian language and literature at university level and the teaching of Frisian in higher professional education courses for primary and secondary school teachers. This undertaking is being fulfilled by the Netherlands.
- 6.277 **In summary**, it is clear that the Netherlands has thus fulfilled the undertaking it entered into under the European Charter to provide facilities for the study of the Frisian language as a subject in university and other higher education. However, it may be noted that improvements are required regarding the implementation of agreements to encourage and strengthen Frisian in higher professional education.

Article 8(1)(f)(i): adult and continuing education

- 6.278 On accepting the European Charter, the Netherlands undertook ‘to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in [the Frisian language]’.
- 6.279 In its first report, the Committee of Experts noted that although there was a statutory basis for the provision of adult and continuing education taught mainly or wholly in Frisian, there was no evidence for the existence of such teaching in practice apart from private initiatives, such as those by Afûk. According to government sources, adult and continuing education comes under the responsibility of the local authorities. The Committee considered that the undertaking entered into by the Netherlands was not being fulfilled.¹⁵⁵ Therefore, the government was requested to develop initiatives in this regard.

¹⁵⁵

Council of Europe, Report of the Committee of Experts (2001), 69.

- 6.280 In its second report, the Committee of Experts stated that the Covenant on the Frisian Language and Culture (2001) did not make any specific provisions in relation to adult and continuing education. The Committee observed, however, that central government and the Province of Fryslân had tried to improve the status of Frisian at the two regional training centres (ROCs) in Fryslân: ‘Friese Poort’ and ‘Friesland College’. At that time, neither of the ROCs had yet established any linguistic code of conduct concerning the use of Frisian in adult and higher professional education and, therefore, they were unable to offer any courses in their various educational programmes that were given wholly or partially in the Frisian language, except where tuition of Frisian was concerned. The Province of Fryslân recommended that both regional training centres establish a language policy within two years.¹⁵⁶
- 6.281 In its second report, the Committee of Experts stated further that, since 1995, Afûk had been playing a significant role in providing Frisian courses to Frisian-speaking and non-Frisian-speaking adults, as well as in developing educational and teaching material. The Afûk was in receipt of an annual contribution from central government, provincial and municipal funds. In the period 2000-2004, Afûk organised courses for more than 1000 adults each year, published approximately 30 books annually, developed a teaching programme for playgroups, published magazines for parents of children at playgroups, made translations for municipal websites (see section 8.56), etc.¹⁵⁷
- 6.282 In its first report, the Committee of Experts stated that the Dutch government had not fulfilled the provision concerning adult and continuing education. The Dutch government was requested to ensure that facilities for adult and continuing education were developed.¹⁵⁸
- 6.283 The Covenant on the Frisian Language and Culture (2001) did not contain any arrangements aimed specifically at adult and continuing education. However, the Covenant did contain several paragraphs relating to both of the regional training centres in the Province of Fryslân. As with secondary vocational education, adult education has been lodged with the regional training centres which, since 1996, have come under the terms of the Adult Education and Vocational Education Act (WEB). Any provisions appearing in the Covenant concerning the regional training centres apply equally to secondary vocational education.
- 6.284 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that they would jointly strive, by means of consultation with institutions and municipalities, to ensure that oral skills in the Frisian language were included as a compulsory part of the examination syllabus of the relevant regional training centres. For some

¹⁵⁶ *2nd Report of the Committee of Experts* (2004), 103.

¹⁵⁷ *Ibid.* 104-105. For more recent figures in respect of Afûk courses for the period 2002-2005, please refer to section 6.301.

¹⁵⁸ *Ibid.* 102.

specific occupational profiles, written skills in the Frisian language were also to be a compulsory part of the examination (Covenant 2.7.1).

- 6.285 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân further agreed on the following. They would jointly strive, by means of consultation with the institutions concerned, to ensure that the regional training centres followed the example of the colleges of higher professional education by drawing up linguistic codes of conduct to specify the status and use of the Frisian language (Covenant 2.7.2). It was agreed to realise this goal before 2004.
- 6.286 According to the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân were to strive jointly to improve the status of Frisian in the regional training centres. Use was to be made of historical survey data, and central government and the province were to collect further data, if necessary in collaboration with the Inspectorate and research institutions, in order to identify trends in quality and the effect of incentive schemes on the quality and status of Frisian in all sectors of education. The essential aim was to clarify matters such as
- the place of Frisian in the quality assurance policies of schools,
 - Frisian language skills among teaching staff,
 - the amount of time devoted to Frisian language as a subject,
 - the extent to which Frisian is chosen as an examination subject,
 - the use of Frisian as the language of instruction in other subject areas, and
 - the teaching materials developed and used for the teaching of Frisian.
- It was agreed to tackle this goal before 2004 (Covenant 2.7.3).
- 6.287 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân further agreed that they would jointly encourage the regional training centres to include in-service training activities for their teaching staff in their quality assurance plans, including training to improve their knowledge of Frisian (Covenant 2.7.4). It was agreed to embark upon this goal before 2004.
- 6.288 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân further agreed that the province would pay attention to Frisian language and culture when developing projects in the field of cultural education intended for courses at the two regional training centres in Fryslân (Covenant 2.7.5). It was agreed to tackle this goal before 2004.
- 6.289 In Article 2.6.1 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the Province of Fryslân agreed that the province would hold consultations with both regional training centres in order to arrive at an integral language policy within a period of three years. The Implementation Covenant clarified further that the Province of Fryslân, municipalities and the two regional training centres would form a working

group to specify language policy in more detail in line with developments already set in motion in the schools.

- 6.290 In 2004, according to Article 2.6.2 of the Implementation Covenant on the Frisian Language and Culture (2005), the Province of Fryslân and the two Frisian regional training centres initiated a review into the need for a command of Frisian among employees of companies and institutions in Fryslân. This review was to be used for the purpose of a new language policy. Moreover, the Province of Fryslân, together with a group of experts, was to hold regular consultations with the regional training centres in order to afford Frisian a good position within the courses in the sector for social and community work (SPW). The objective is for course material to be composed in the field of Frisian language and culture in collaboration with the teachers concerned for use in SPW courses (Article 2.6.3 Implementation Covenant).
- 6.291 The present report deals with the status of Frisian in regional training centres, focuses mainly on adult education courses within the meaning of the Adult and Vocational Education Act and Frisian-language courses for adults falling within the scope of adult and continuing education within the meaning of the European Charter. The status of Frisian in technical and vocational education is not discussed, as the Netherlands did not endorse the provisions concerning these forms of education. In support of its decision, the Dutch government stated that there was no statutory requirement to teach Frisian as an integral part of the curriculum in secondary vocational education, as provided for in Article 8(1)(c)(iii) of the European Charter. There are no statutory prescribed subjects or examination subjects in vocational education, and thus institutions for vocational education cannot be placed under any obligations in this area.¹⁵⁹ If they desire, regional training centres may incorporate, in consultation with municipalities and the private sector, requirements concerning Frisian into the curriculum.
- 6.292 Section 7.3.1 of the Adult and Vocational Education Act distinguishes between the following forms of adult education:
- a. adult general secondary education courses aimed at graduation with a qualification as referred to in Sections 7 to 9 inclusive of the Secondary Education Act, or components of that qualification;
 - b. courses providing a broad basic education;
 - c. courses for Dutch as a foreign language 1 and 2, levels B1 en B2 from Framework NT2, that provide training for the level of a qualification in Dutch as a foreign language as referred to in the State Examinations Decree for Dutch as a foreign language;
 - d. courses for Dutch as a foreign language, levels A1 and A2 from Framework NT2;
 - e. courses for Dutch as a foreign language aimed at literacy, and
 - f. other courses aimed at fostering self-reliance.

Moreover, Section 7.3.3 of the Adult and Vocational Education Act states:

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Parliamentary Papers II (House of Representatives) 1994-1995, 24 092, no. 5, 6-7.

1. exit qualifications for courses of Dutch as a foreign language 1 and 2 are to be established by ministerial order;
 2. ministerial orders can determine the courses of training essential to the courses referred to Section 7.3.1, subsection 1, under b and e, and exit qualifications can be established for these;
 3. The competent authority is to establish exit qualifications for the other forms of adult education, with the exception of the courses referred to in Section 7.3.1, subsection 1, under a.
- 6.293 The course for Dutch as a foreign language 1 and 2 referred to in the previous section, as referred to in the Adult and Vocational Education Act, is chiefly intended for higher trained non-native speakers (foreigners) who have come to the Netherlands with a specific objective (studying, work at an intermediate or higher level). These courses conclude with a state examination.¹⁶⁰
- 6.294 In the framework of adult general secondary education, students in the Province of Fryslân can take courses at MAVO, HAVO or VWO level. The Friese Poort regional training centre offers introductory courses only at its Emmeloord branch, which are intended to remedy a lack of basic knowledge in Dutch, mathematics, English/German, general development, social skills and computer skills. The Friesland College regional training centre teaches subjects at MAVO, HAVO and VWO level and offers Frisian as an optional subject. Despite this, no students took up this option in the period 2002-2006.¹⁶¹
- 6.295 Section 7.1.1 of the Adult and Vocational Education Act stipulates that teaching and examinations should be conducted in Dutch. The Act mentions a number of exceptions, such as the teaching of other languages. Institutions that come under the terms of the Adult and Vocational Education Act are obliged to draw up a language regulation that sets out all of the exceptions to this provision (e.g. in respect of the use of Frisian or English) (Section 7.1.1, b, Adult and Vocational Education Act). The Adult and Vocational Education Act thus provides a statutory basis for individual regional training centres to teach courses mainly or wholly in Frisian.
- 6.296 In 2003, the Friese Poort en Friesland College regional training centres established a linguistic code of conduct in relation to the use of Frisian in education and professional education.¹⁶² In direct consequence of this, the

¹⁶⁰ Ministerial order dated 9 December 1995, published in Uitleg OCenW-regelingen, 1995, no. 31a.

¹⁶¹ E-mail from the Friesland College to the Fryske Akademy, 22 February 2007.

¹⁶² Included in the code of conduct is that Frisian can be used alongside Dutch as a language of instruction within the institution. Every participant and employee of the Frisian regional training centres may speak Frisian outside of classes provided this is no hindrance to good teamwork. The use of Frisian may not be an obstacle to study. Parts of the course of study can be provided in Frisian if so justified by the target group and if mentioned in the teaching and examination regulations. The way in which Frisian is used forms part of quality management. Sufficient teaching material should be present when providing part of a course of study in the Frisian language. The study load may not be exceeded through use of the Frisian language. The code of conduct came into force on 1 January 2003.

examination regulations for Friesland College and Friese Poort were adjusted as of 1 August 2003, insofar as a report on a final paper or practical training can be written in the Frisian language at the examination candidate's request, subject to it being complemented by a summary in Dutch. Compliance with the request is conditional on the supervising tutor having sufficient knowledge of Frisian and no objections on the part of the BPV Company or external client.¹⁶³ In the case of oral examination, Frisian can be used instead of Dutch at the request of the candidate and/or examiner.¹⁶⁴

6.297 The Adult and Vocational Education Act contains no reference to Frisian and its integration within adult education; neither does the Act contain specific provisions in respect of Frisian courses within adult education in Fryslân. However, the Act does give regional training centres and local authorities the freedom to give priority to Frisian regarding the range of courses on offer. Therefore, the Act ensures that the range of courses offered is the result of a contractual relationship between the regional training centre and the municipality. Municipalities receive a budget for this from central government: central government grant for education (Section 2.3.1, subsection 1 and 2.3.4, subsection 1, Adult and Vocational Education Act). When using this grant, municipalities are free to set their own priorities with regard to the range of courses offered and to conclude agreements with the regional training centres in this regard. Under the Adult and Vocational Education Act (Section 7.3.3, subsection 3), regional training centres have the freedom to determine their own exit qualifications for the educational courses on offer that are specifically related to regional or local needs. Thus the policy freedom of municipalities to set their own priorities and of regional training centres to establish their own exit qualifications regarding the educational courses on offer can also apply to Frisian.

6.298 In 2004-2005, the provincial working group 'Frisian in senior secondary vocational education', in which the Friesland College regional training centre also took part, produced a memorandum on 'Frisian in professional education'. This memorandum was the impetus for Friesland College to establish policy in respect of Frisian in a memorandum of its own entitled 'Frisian at Friesland College'. Implementation of the proposals made in this memorandum was to be carried out as of 1 August 2007. This means that Friesland College is to:

- gradually set up an internal working group for Frisian;
- conduct a survey in relation to the Frisian-language level of learning paths, teaching staff and students;
- implement action regarding tolerance, acceptance and equal opportunities;
- set up a centre of expertise for Frisian in collaboration with relevant organisations, and
- set up pilot projects for Frisian.

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The abbreviation BPV stands for *beroeps praktijk vorming* [practical training].

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E-mail from Friesland College regional training centre to the Fryske Akademy dated 22 February 2007.

The goal of all this is for the Frisian project to become integrally embedded within Friesland College. A report on the situation will be made in 2009.¹⁶⁵

- 6.299 The Friesland College regional training centre does not have any projects in terms of cultural education. The Frisian language is not given any specific attention within the Social and Community Worker course at Friesland College. Taking into consideration the low number of students, the offered Frisian-language courses developed previously by the Language Centre at Friesland College have not been promoted.¹⁶⁶
- 6.300 The Friese Poort regional training centre does not provide any teaching in the Frisian language. It also did not develop any activities to improve the position of Frisian within the institution over the years 2002-2006, except for establishing a linguistic code of conduct. With the exception of the Social and Community Worker courses, Frisian does not have any place within the organisation. However, in the case of Social and Community Worker courses and further training courses for group leaders at playgroups and childcare centres, the numbers of students involved is unknown. The Friese Poort regional training centre does not collaborate with other organisations in relation to the development of Frisian modules.¹⁶⁷
- 6.301 The activities of Afûk should be mentioned in relation to adult and continuing education. This organisation, which is not part of a regional training centre, organises Frisian courses for Frisian-speaking and non-Frisian-speaking adults and develops teaching and course materials. Some of the courses offered by Afûk are aimed at specific occupational groups, including employees of the courts in Fryslân and provincial civil servants (see also sections 7.25 to 7.30 and 8.107 to 8.116). Over the period 2002-2005, the average number of students taking language courses from Afûk each year was over 900 (see table).¹⁶⁸

| | 2002 | 2003 | 2004 | 2005 |
|--------------------|------|------|------|------|
| number of students | 1021 | 927 | 794 | 952 |

- 6.302 Central government provides the Province of Fryslân with an annual grant to support Afûk's Frisian language courses. Between 2002 and 2006, the grant component in Afûk's income grew from € 685,495 to € 929,850. Its self-generated income fell over the same period from 50% to 44% of total turnover. Included under grant income over that accounting period was a provincial grant for the 'F-side' in the *Leeuwarder Courant* and *Friesch Dagblad* newspapers, as well as municipal grants for Frisian-language courses.¹⁶⁹ Afûk

¹⁶⁵

Ibid.

¹⁶⁶

Ibid.

¹⁶⁷

Letter from Friese Poort regional training centre to the Fryske Akademy, 27 February 2007.

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Source: Afûk jierferslach 2003-2006.

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De F-side was a Frisian-language page subsidised by the province of Fryslân that appeared in the two Frisian newspapers: *Friesch Dagblad* and *Leeuwarder Courant*. The page appeared several times a year independently of the newspaper editors concerned: 36 times in 2004, 24 times in 2005 and 24 times again in 2006. From 1994 onwards, the F-side was made financially viable by the

also receives general funding from the Frisian municipalities in which it offers courses. See the table below for the total amounts of municipal grants for Afûk courses.

| | 2002 | 2003 | 2004 | 2005 |
|-----------------------------|--------|--------|--------|--------|
| Municipal grants (in euros) | 26,210 | 33,100 | 24,780 | 32,490 |

6.303 **In summary**, it is clear that the Netherlands has made a number of provisions to facilitate the teaching of Frisian within the context of adult and continuing education in the Province of Fryslân (see sections 6.301 and 6.302). The Adult and Vocational Education Act, which regulates education in regional training centres, contains no specific provisions on Frisian in adult education. However, the Act does give the two regional training centres in Fryslân and the local authorities the option to include Frisian in the educational courses on offer, whereby the competent authority for the regional training centres concerned can set exit qualifications pursuant to Section 7.3.3, subsection 3 of the Act (see section 6.297). Frisian can be taken as an optional subject at VMBO, HAVO, and VWO level in secondary general adult education in Fryslân (see 6.294).

6.304 In 2003, the two Frisian regional training centres took up the statutory option to draw up a linguistic code of conduct as provided for in Section 7.1.1 of the Adult and Vocational Education Act. However, the provision of courses within the various forms of adult education given either chiefly or wholly in the Frisian language failed to materialise alongside this. Only in the case of the Friesland College regional training centre was there any further-reaching policy development in relation to Frisian.

Article 8(1)(g): teaching of Frisian history and culture

6.305 On accepting the European Charter, the Netherlands undertook ‘to make arrangements to ensure teaching of the history and culture which is reflected by [the Frisian language]’.

6.306 In its first report, the Committee of Experts noted that no statutory measures had been taken to guarantee this undertaking. In practice, with the exception of primary education, little seemed to have been undertaken in this area. In secondary education, in particular, virtually no attention had been given to Frisian history and culture, owing mainly to a lack of teaching material and inadequate funding. Therefore, the Committee considered that the Netherlands was not fulfilling this undertaking.¹⁷⁰

province of Fryslân. In 2002, the province made a sum of € 107,630 available for this. In 2003, 2004 and 2005, this sum was respectively € 124,130, € 115,514 and € 117,830. Editorial responsibility for the F-side belonged to the Stipepunt Frysk (i.e. the Frisian Language Support Centre), which is part of Afûk. The grant was terminated in 2007.

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Council of Europe, Report of the Committee of Experts (2001), 70.

- 6.307 The Committee of Experts' second report mentioned the development of Frisian-language material intended for classes on the environment, history and cultural education. However, the Committee lacked information on specific measures to implement this provision in the Charter and thus could not give an opinion about fulfilment of that provision.¹⁷¹
- 6.308 The Covenant on the Frisian Language and Culture (2001) contained no agreements regarding regulations aimed at implementing this undertaking. Nevertheless, central government and the Province of Fryslân did agree to jointly encourage the provision of classroom materials in the Frisian language by 2004 in order to support its use as the language of instruction for subjects such as environmental studies, biology, history, life skills and cultural education (Covenant 2.9.3). In this context, central government and the province were also to encourage the development of applications in the field of information and communications technology, such as Frisian-language multimedia materials (Covenant 2.9.4).
- 6.309 Nevertheless, it was agreed within the context of the Covenant on the Frisian Language and Culture (2001) that the Province of Fryslân would encourage attention being given to the Frisian language and culture when developing projects relating to cultural education (Covenant 2.4.4, 2.5.9 and 2.7.5).
- 6.310 The Implementation Covenant on the Frisian Language and Culture (2005) was equally inexplicit in discussing the teaching of [Frisian] history and culture.
- 6.311 In general, all national measures relating to education, including those relating to history and culture, relate to the teaching of Frisian history and culture to a similar degree. Frisian history and culture are, in part, the same as national history and culture and are, in part, a component of national history and culture. On 1 September 2005, the Dutch government founded the Committee for the Development of the Dutch Canon. In 2007, the committee released a definitive recommendation on a canon of Dutch history and culture consisting of 50 windows (see: www.entoen.nu; also published in English translation as 'A Key to Dutch History', Amsterdam 2007, ISBN 978-90-5356-498-1. This canon is chiefly intended for education: as a directional guide for use at primary schools and in the first stage of secondary education.
- 6.312 The Committee for the Development of the Dutch Canon recommended the development of regional canons. Consequently, the Provincial Executive of Fryslân proposed to the Provincial Council in June 2007 the setting up of an independent canon committee, that would be responsible for the development of a Frisian educational canon and that € 200,000 be made available from provincial resources for that purpose. The Provincial Council agreed to this. A clear relationship exists with the national canon from which the Frisian canon will take its inspiration in terms of format. The Frisian canon can co-determine schools' curricula, has a clear relationship with the attainment targets and can contribute towards the future development of those same attainment targets.

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^{2nd} Report of the Committee of Experts (2004), 108 and 109.

- 6.313 The memorandum from the Ministry of Education, Culture and Science entitled ‘Culture as a confrontation: principles for cultural policy 2001-2004’ devoted as little explicit attention to this subject as its successor did, the ‘Cultural Memorandum 2005-2008: *Meer dan de som*’. In this context, it only referred to subsidising of the Frysk Letterkundich Museum and Dokumintaasjesintrum (presently, Tresoar) for the purposes of Frisian literary heritage.
- 6.314 However, the memorandum did emphasise continuance of the arrangement to strengthen cultural education in primary education, which aimed to have all primary schools draw up their own approach to the subject of cultural education by 2007 and give substance to collaborative ventures with cultural institutions.¹⁷²
- 6.315 For the purpose of strengthening cultural studies in primary education, approximately € 18 million from central government was added to the funding of primary education. In addition, the flows of funds for ‘Cultural Outreach’ and ‘Culture and Schools’ for the period 2005-2008 were merged into one flow of funds, which forms the financial basis for the Cultural Outreach II Action Plan (€ 13.7 million). The action plan’s objective is ‘to strengthen citizens’ cultural awareness by expanding both public access to as well as active participation in art and culture’. To achieve all of this, central government is concerting its efforts with provinces and municipalities.
- 6.316 Regarding the Province of Fryslân, the performance review in respect of strengthening cultural education in primary education indicated that the aim of the project was to create networks of schools and cultural institutions and thus create joint demand in relation to the range of culture on offer. Further to this, it involved the deployment of a quartermaster culture to support schools and municipalities in implementing cultural education within school practice and school activity plans and, finally, to encourage an increased use of heritage in history and geography classes by at least 50% by the end of the academic year 2006-2007. A grant of € 6,230 was involved for the latter component in 2005 and a sum of € 5,000 in 2006. A grant from the Ministry of Education, Culture and Science was required for the three components implemented in Fryslân, amounting to € 56,686 in 2005 and € 85,000 in 2006.
- 6.317 In 2005, Afûk, in a coordinating role involving, among others, Cedin, Tresoar and Fries Museum, organised a project week called ‘Fokus Fryslân’ intended for Frisian primary school groups 7 and 8, the objective of which was to bring children into contact with the history and culture of their own environment. A bilingual study booklet (Frisian/Dutch) was developed for the project on the subject ‘Fokus Fryslân, wenjen hjoed en juster’ (Focus Fryslân: Life today and yesterday). There was a follow-up to the project in 2006 in a themed week about the inhabitants of Fryslân. A study booklet was also published on that

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Ministry of Education, Culture and Science, *Cultuurnota 2005-2008, Meer dan de som*, The Hague, 2004, 9.

occasion called ‘Fokus Fryslân Bewenners, Friezen fan formaat’ (Focus Fryslân’s Inhabitants: Renowned Frisians).¹⁷³

- 6.318 Every year, Afûk organises special courses on Frisian literature or Frisian history. In 2002, the number of students taking literature courses was 80 and history courses was 20. In 2003, 64 students took literature courses and 10 students took history courses. In 2004, the number of students in these courses was 26 and 20, respectively. In 2005, 20 students were taking a course on Frisian literature.
- 6.319 Coinciding with the ministerial cultural memorandum, the provincial cultural memorandum for 2006-2008, ‘Sels dwaan!’ also mentions the strengthening of cultural education in primary education.¹⁷⁴ At its meeting of 1 November 2004, the Provincial Council of Fryslân adopted a resolution on the 2005-2006 incentive scheme to strengthen cultural education in primary education. The ‘Uurcultuur’ youth theatre project implemented in Fryslân has reached approximately 75% of primary schools, and its chief aim is to introduce young people to different types of performance art. The Province of Fryslân is steering towards a greater role being played by heritage in cultural education. To that end, the province has facilitated a regional centre for heritage education for 2005-2008 at the Tresoar Regional Historic Centre. Neither the Frisian language nor language in general is being spearheaded in this.¹⁷⁵ The benefits to education are chiefly in the areas of archaeology, archives, heritage, the arts and museums.¹⁷⁶
- 6.320 From 2005 to 2009, the Province of Fryslân will have a grant scheme for the conservation of monuments and historic buildings and for cultural history. This scheme is partly intended for activities that will generate pupils’ enthusiasm for the past and what it has to offer. Therefore, book publications and information-based material devoting attention to matters ‘uniquely Frisian’ can be considered for eligibility to a provincial grant. It is clear from the grants awarded in 2005 and 2006 that the great majority of the available budget is given to the restoration of historic buildings and artefacts.
- 6.321 **In summary**, 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.

Article 8(1)(h): basic and further training of teachers

- 6.322 On accepting the European Charter, the Netherlands undertook ‘to provide the basic and further training of the teachers necessary for the implementation of

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<http://www.fokusfryslan.nl>

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Province of Fryslân, *Sels dwaan! Cultuurnota 2006-2008*, Leeuwarden, 2006, 12.

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E-mail from Tresoar to the Fryske Akademy, 9 March 2007.

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Province of Fryslân, *De takomst fan it Fryske ferline, Nota erfgoed deelnota cultuurhistorie en monumentenzorg 2005-2010*, November 2004.

subparagraphs a to g as accepted by [the Netherlands]'. This applies to the following forms of education:

- pre-school education (subparagraph a)
- primary education (subparagraph b)
- secondary education (subparagraph c)
- university and other higher education (subparagraph e)
- adult and continuing education (subparagraph f)
- teaching of Frisian history and culture (subparagraph g).

6.323 In its first report, the Committee of Experts noted that no statutory measures had so far been taken for the provision of Frisian in the initial and in-service training of teachers in pre-school and adult education. Furthermore, from the information the Committee had received, it appeared that in practice the implementation of this provision at other levels was not satisfactory either, owing mainly to the lack of adequate funding. Central government announced that a special committee was investigating this matter. The Committee considered that the undertaking was not being fulfilled by the Netherlands.¹⁷⁷ Therefore, it encouraged the Dutch government to develop a more active policy in this field to promote the implementation of this provision. This was implemented in the Covenant on the Frisian Language and Culture (2001) (see sections 6.325 to 6.329).

6.324 In its second report, the Committee of Experts reported its findings with regard to the training of playgroup and childcare centre workers (112), the training of primary school teachers (113), the training of secondary school teachers (114 and 115) and the funding of further education for teachers of Frisian (116). It concluded that there was evidence of progress in respect of teacher training. The Netherlands was only partially fulfilling its undertakings (118). The Committee of Experts strongly urged the Dutch government to take active measures to provide for the required initial and further training for teachers of Frisian.

6.325 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed on the following with regard to the initial training of playgroup and childcare centre workers in Fryslân. Central government would consult with social partners on whether it was practicable for the initial training of these workers to include active and passive Frisian language skills and on the specific skills needed to teach bilingual and multilingual children at pre-school level (Covenant 2.1.2). It was agreed to tackle this goal before 2004.

6.326 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân further agreed with regard to the initial training of teaching assistants in primary education the following. They would hold consultations with the regional training centres in Fryslân to encourage them to integrate active Frisian-language skills and the classroom

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Council of Europe, Report of the Committee of Experts (2001), 71.

and educational skills required to teach bilingual and multilingual children within their initial training courses for teaching assistants, or to make them a compulsory part of the examination syllabus (Covenant 2.4.2). It was agreed to achieve this goal before 2004.

6.327 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân further agreed with regard to the training of primary and secondary school teachers that central government would ensure that initial and in-service training was available for teachers involved in encouraging interest in Frisian in primary and secondary education (Covenant 2.8.8). In addition, both parties were to strive jointly to encourage interest in the initial and in-service training of Frisian teachers in Fryslân (Covenant 2.8.7). It was agreed to implement both of these goals before 2004.

6.328 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân further agreed that central government would ensure that initial training courses for primary school teachers provided students with the agreed basic skills they needed to start their careers, including the skills required for teaching Frisian. In addition, central government was to strive to ensure that the agreed basic skills for secondary teacher-training courses (including the course for teachers of Frisian) included targets for classroom and educational skills relating to the teaching of bilingual and multilingual children (Covenant 2.8.1). It was agreed to implement this goal before 2004.

6.329 Finally, the Covenant on the Frisian Language and Culture (2001) contained many provisions regarding the importance of schools including training in classroom and educational skills in relation to the Frisian language and culture in their in-service training or quality assurance plans. In this regard, central government and the Province of Fryslân had agreed that they would act jointly to encourage such measures by the following educational institutions in Fryslân:

- primary schools (Covenant 2.4.3),
- secondary schools (Covenant 2.5.7),
- schools falling under the Expertise Centres Act (Covenant 2.6.3),
- regional training centres (Covenant 2.7.4), and
- institutions of higher education, both within and outside the Province of Fryslân (Covenant 2.8.6).

It was agreed to tackle these goals before 2004 with the exception of in-service training for primary education. The agreement in relation to in-service training in primary education was to be dealt with in the period 2004-2010.

6.330 The Implementation Covenant on the Frisian Language and Culture (2005) contained no provisions relating to the initial and further training of teaching staff.

- 6.331 Funding of the facilities for Frisian in the various initial training courses for teachers comes in part through financial resources made available to the Province of Fryslân from central government (until 2006 by means of various specific grants, thereafter from the Provinces Fund). Please refer to sections 6.110 to 6.113 for the extent of these resources. In addition to the government's grant, the Province of Fryslân also provides funding to the above-mentioned Frisian-language facilities from its own resources. Finally, the schools concerned also operate their own in-service training budgets, which can be used for training teachers in Frisian and in the educational skills required for teaching bilingual children.
- 6.332 In order to paint a clear picture of the current status of Frisian in respect of the training of teachers in the various education sectors, including childcare centres and playgroups, this report will now focus on the various initial and – where applicable – in-service training courses:
- initial training of playgroup and childcare centre workers (see sections 6.333 and 6.334);
 - initial training of teaching assistants in primary education (see section 6.335);
 - the initial and in-service training of primary school teachers (see sections 6.335 to 6.345);
 - initial and in-service training and retraining of secondary school teachers (see sections 6.346 to 6.350);
 - initial training of Frisian teachers working in other forms of education (see sections 6.351 to 6.355);
 - attention devoted to Frisian language and culture in the above-mentioned training courses (see section 6.356).
- 6.333 The training of playgroup and childcare centre workers falls within the scope of secondary vocational education and, therefore, takes place at regional training centres, which come under the terms of the Adult and Vocational Education Act. At these regional training centres, this type of training comes within the scope of social and community work education. The government has not adopted any statutory regulations regarding the position of Frisian within this training course. Neither has consultation with social partners, as referred to in Article 2.1.2 of the Covenant on the Frisian Language and Culture (2001), been initiated as of the time of this report's compilation (see section 6.325).
- 6.334 There are social and community worker courses at both of the regional training centres in the Province of Fryslân: Friesland College and Friese Poort. Friesland College does not devote any explicit attention to Frisian in its social and community worker course.¹⁷⁸ To date, the Friese Poort regional training centre has not incorporated the subject of Frisian within its social and community worker course either; however, it does give attention at least to comprehension of Frisian.¹⁷⁹

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E-mail from *Friesland College* dated 22 February 2007 to the Fryske Akademy.

¹⁷⁹

Letter from *Friese Poort* regional training centre to the Fryske Akademy dated 27 February 2007.

- 6.335 The initial training of teaching assistants in primary education also takes place at both regional training centres. This training course does not devote attention to active Frisian-language skills and the classroom and educational skills required to teach bilingual and multilingual children. Under the initiative of the Province of Fryslân, a working group of teaching staff is involved with preparing an examination syllabus for Frisian.¹⁸⁰
- 6.336 In the Netherlands, the initial training of primary school teachers takes place at colleges of higher professional education. The Christian College of Higher Professional Education of the Netherlands (CHN) and the Northern College of Higher Professional Education in Leeuwarden (NHL) both offer teacher-training courses. As Frisian is a compulsory subject within primary schools in Fryslân, Frisian as a subject is also incorporated into the primary level teacher-training programme of the two Frisian colleges (CHN and NHL).
- 6.337 The NHL teacher-training course has made Frisian classes mandatory for students in the first two years of the four-year study for primary-school teacher. Thereafter, Frisian is an optional subject. At the CHN, Frisian was an optional subject throughout the teacher-training course. A new structure is now being operated in which a distinction is made in first-year Frisian between Frisian speakers and non-Frisian speakers. Students are obliged to choose one of these two options. The form that the subject of Frisian will take over the next three years is as yet unclear, but whatever the case it will be weightier than previously.¹⁸¹
- 6.338 Both colleges give students an endorsement for Frisian on their diplomas when they have successfully completed their examinations, including the Frisian examination. In accordance with Section 186, subsection 5 of the Primary Education Act, this endorsement authorises teachers to teach Frisian in primary schools.¹⁸²
- 6.339 Figures from recent years make it clear that the percentage of students obtaining the ‘foech Frysk’ endorsement for Frisian at the CHN is considerably higher than at the NHL.

| Students who obtained the endorsement for Frisian | | | | | | |
|---|-----|--------|----------------|--------|--------------|--------|
| | CHN | | NHL | | | |
| | | | daytime course | | short course | |
| | % | number | % | number | % | number |
| 2001/2002 | 77 | 76 | - | - | - | - |
| 2002/2003 | 74 | 97 | 9 | 7 | 20 | 3 |

¹⁸⁰ Education Inspectorate, *De kwaliteit van het vak Fries in het basisonderwijs en het voortgezet onderwijs in de provincie Fryslân*, (Technisch rapport), [Utrecht], 2006, 121.

¹⁸¹ E-mail from CHN to Fryske Akademy dated 8 March 2007.

¹⁸² Education Inspectorate, *De kwaliteit van het vak Fries in het basisonderwijs en het voortgezet onderwijs in de provincie Fryslân*, (Technisch rapport), [Utrecht], 2006, 121.

| | | | | | | |
|-----------|----|----|----|---|----|---|
| 2003/2004 | 63 | 85 | 10 | 6 | 11 | 2 |
| 2004/2005 | 63 | 80 | 12 | 7 | 7 | 2 |
| 2005/2006 | 65 | 89 | 12 | 7 | 17 | 1 |

This is explained by the fact that students at the CHN can obtain the endorsement by including Frisian as an optional subject in their examination packages. The CHN did not distinguish between Frisian-speaking and non-Frisian-speaking students.

- 6.340 At the NHL, however, students wishing to obtain the endorsement for Frisian must take an extra Frisian course on top of their regular study programme (in practice, this entails additional teaching practice, classes and assignments, such as presentations and reports). Furthermore, the NHL distinguishes between Frisian-speaking and non-Frisian-speaking students: the latter are obliged to take an extra module in order to reach the same level as the Frisian-speaking students by the end of their third year of study.
- 6.341 It may be noted in conclusion that while the requirements set by the NHL for obtaining the endorsement for Frisian remain higher than the requirements put in place by the CHN, both institutions are in joint consultation on coordinating their competence profiles for the teaching of Frisian.¹⁸³
- 6.342 It is clear that a proportion of future primary school teachers choose not to obtain any qualification in Frisian. Nevertheless, competence in Frisian among primary school teachers in 2004/2005 in terms of comprehension, speaking and reading appeared to have improved compared with 2001. A decline appeared evident only in terms of writing competence. In 2004/2005, the respective percentages for fluent, good or adequate comprehension, speaking, reading and writing were 100, 94, 96 and 69%. 31% of teachers could write in Frisian with difficulty or not at all.¹⁸⁴
- 6.343 Primary school teachers are given the opportunity to take an in-service training course in Frisian. In the case of the NHL, this course is provided by the Educatief Centrum Noord en Oost (ECNO).
- 6.344 The Institute for Curriculum Development (SLO) concluded that Fryslân had the highest number of language coordinators in primary education of all the provinces. As of 1 July 2007, this figure was around 100 language coordinators at 482 primary schools. A Frisian-language component has been included in this course. The role of a language coordinator within schools can be to improve language teaching. Since 2001, the language coordinator course has been provided by the Educatief Centrum Noord en Oost (ECNO), affiliated to the NHL, and the Instituut Service Management (ISM), affiliated to the CHN, subsidised since that time by the Province of Fryslân. The ‘Plan fan oanpak Frysk yn it ûnderwiis’ action plan includes the budget for the language

¹⁸³

Ibid. 121.

¹⁸⁴

Ibid. 44.

coordinator course. A comprehensive focus is given in the language coordinator course to multilingual practice and Frisian in the Province of Fryslân; this is not an optional component.

- 6.345 Cedin – Taalsintrum Frysk – also organises courses for primary school teachers wishing to expand or refresh their knowledge.¹⁸⁵ Primary schools have their own in-service training budgets, which can be used for training in Frisian. It is not known how many primary school teachers make use of this opportunity.
- 6.346 In the Netherlands, a distinction is made between grade one and grade two teachers. Grade one teachers are qualified to teach in all the years of secondary school, while grade two teachers are only qualified to teach in the first three years of senior general secondary education (HAVO) and pre-university education (VWO) and in all the years of pre-vocational secondary education (VMBO) and secondary vocational education (MBO). The initial training of grade two secondary school teachers takes place at colleges of higher professional education. The initial training of grade one secondary school teachers takes place at colleges of higher professional education and universities.
- 6.347 Of the two colleges of higher professional education in the Province of Fryslân, only the NHL offers an initial training course for a grade one or grade two certificate of competence in Frisian in secondary education. There have been no grade one teacher graduates in Frisian since 2002/2003; however, there have been ten teachers with a grade two certificate of competence. Initially, the NHL had only a part-time course for teachers of Frisian in secondary education. The full-time course began in 2003 with two students. This is a four-year course.
- 6.348 The table below provides a summary of the total number of students taking the teacher training course for Frisian in secondary education as of 31 August 2006 and categorised according to full-time and part-time (flexible) training courses. The table also shows the number of students to have graduated since 2002/2003.¹⁸⁶

| | Graduates since 2002/03 | Number of students as of 31 August 2006 |
|-----------------------|-------------------------|---|
| Grade One (full-time) | - | - |
| Grade One (flexible) | - | - |
| Grade Two (full-time) | 2 | 10 |
| Grade Two (flexible) | 8 | 3 |

- 6.349 Throughout the academic year, NHL Frisian-language teaching staff provides Frisian classes for students taking teacher-training courses, including those studying Communication & Social Work and Services. Classes are also

¹⁸⁵

Ibid. 121.

¹⁸⁶

Letter from the NHL to the Fryske Akademy, 26 March 2007.

provided for the general, pre-vocational component of the teacher-training courses. Fourth-year students need to choose specialist subjects. Frisian is one of their options. In the interim, eight students have chosen this option and have graduated successfully.¹⁸⁷

- 6.350 Finally, the NHL also provides an in-service training course for Frisian, directed specifically at teachers of Frisian working in the first stage of secondary education. In 2003 and 2005, 9 and 15 teachers respectively took this in-service training course.¹⁸⁸
- 6.351 The University of Groningen offers a grade-one teacher-training course for Frisian teachers. There were no graduates in the academic years from 2002/2003 to 2005/2006 inclusive.¹⁸⁹
- 6.352 The initial training of Frisian teachers who work in universities and other institutions of higher education takes place at universities where Frisian can be studied as a main subject: i.e. the University of Groningen and the University of Amsterdam.
- 6.353 With regard to the training of Frisian teachers in adult general secondary education, please refer to the paragraphs concerning the training of grade one and grade two secondary school teachers (see sections 6.346 to 6.351).
- 6.354 No facilities exist in respect of the bilingualism of the Province of Fryslân regarding the training and further training of teaching staff in other types of education within the meaning of the Adult and Vocational Education Act (see section 6.32).
- 6.355 Afûk independently determines the course requirements for the initial training of teachers of its own Frisian language courses. Within the context of the further training of teaching staff, Afûk organises meetings for the teachers of Afûk courses twice a year, referred to as ‘lesjouwersgearthkomsten’, and – since 1995 – also special further training courses for the teachers of Afûk courses.¹⁹⁰
- 6.356 The teaching of Frisian history and culture (subparagraph g) is included in all the aforementioned teacher-training courses.
- 6.357 **In summary**, it appears that the only formal lacuna with regard to knowledge of the Frisian language is in the training of teachers working in the types of adult education mentioned in the Adult and Vocational Education Act (see section 6.292). In practice, it seems that the number of students of Frisian is low. Moreover, the agreed arrangements are taking a long time to implement. This applies in particular to the agreements relating to the Covenant on the

¹⁸⁷ E-mail from the NHL to the Fryske Akademy, 13 March 2007.

¹⁸⁸ *Ibid.*

¹⁸⁹ E-mail from the Frisian Language and Culture study programme, Faculty of Letters, University of Groningen to the Fryske Akademy, 22 January 2007.

¹⁹⁰ Afûk, Jierferslach 2003 in: *De Pompeblêden* 75 (2004) no. 3, 7.
Afûk, Jierferslach 2005 in: *De Pompeblêden* 77 (2006) no. 3, 5.

Frisian Language and Culture (2001) for improving the position of Frisian in the training courses for teaching staff and school workers. Of note is the fact that Frisian is not given any explicit attention in the Social and Community Worker courses at either of the Frisian regional training centres (see section 6.334).

Article 8(2)(i): supervisory body for Article 8

- 6.358 On accepting the European Charter, the Netherlands undertook ‘to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of [the Frisian language] and for drawing up periodic reports of their findings, which will be made public’.
- 6.359 Paragraph 88 of the Explanatory Report explains that ‘(...) the characteristics of such a supervisory body are not specified in paragraph 1.i. It could accordingly be an education authority body or an independent institution. This function could also be conferred on the body provided for in Article 7, paragraph 4, of the Charter. Whatever the case, the Charter requires the findings of this monitoring to be made public.’
- 6.360 In its first report, the Committee of Experts noted that, in the Dutch context, the Education Inspectorate was acting as a supervisory body in education matters. Central government representatives informed the Committee that the Education Inspectorate and a research institute had carried out a survey evaluating the use of Frisian in primary education in the spring of 2001. The Committee was of the view that the Netherlands had fulfilled this provision. The Committee assumed that the Education Inspectorate was compiling periodic reports on all levels of education.¹⁹¹
- 6.361 In its second report, the Committee of Experts stated that it had been agreed in the Covenant on the Frisian Language and Culture (2001) that the Education Inspectorate would report on Frisian in education every three years (122). However, during its on-site inspection, the Committee was informed about various difficulties in relation to the way in which the Education Inspectorate was carrying out its duties. The expansion of the Inspectorate and the absence of the Province of Fryslân mean that supervision in relation to Frisian and bilingual education has taken a step backwards. Moreover, the requirements operated by the Inspectorate in respect of the teaching of Frisian lack sufficient precision (120). However, the Education Inspectorate has been working in the interim on an ‘Evaluation Framework for Frisian in Primary Education’.
- 6.362 The Committee of Experts stated further that it had been agreed in the Covenant on the Frisian Language and Culture (2001) that central government would involve the Education Council as necessary in developing policy with reference to Frisian language and culture in education (121). In its second

¹⁹¹

Council of Europe, Report of the Committee of Experts (2001), 72.

report, the Committee of Experts lastly stated that the Netherlands was fulfilling its undertaking (123).

- 6.363 The Covenant on the Frisian Language and Culture (2001) developed the present Charter commitment. In the 2001 Covenant, central government and the Province of Fryslân agreed that, in parallel with the periodic reports on implementation of the European Charter, the Education Inspectorate would issue three-yearly bulletins on bilingual and multilingual education in the Province of Fryslân. These bulletins were to be integrated within the multi-year plans for large-scale evaluations by the Education Inspectorate (Covenant 2.10.1). This agreement entailed the Education Inspectorate reporting on the position of Frisian in the various education sectors every three years. It was agreed to tackle this goal before 2004.
- 6.364 In addition, central government decided to ask the Education Council, in its capacity as the government's advisory body on education matters, to devote attention to the position of Frisian in education. This decision was developed further in the Covenant on the Frisian Language and Culture (2001), in which central government and the Province of Fryslân agreed that, where appropriate, central government would involve the Education Council in the development of policies on the Frisian language and culture in education (Covenant 2.10.2). It was agreed to achieve this goal before 2004.
- 6.365 Article 2.9.1 of the Implementation Covenant on the Frisian Language and Culture (2005) indicated that the Education Inspectorate was reporting on the situation concerning Frisian in primary and (basic) secondary education in 2004/2005. The report was aimed at implementation of the obligations in the European Charter relating to education. The Ministry of Education, Culture and Science and the Province of Fryslân were to hold further consultations with the Education Inspectorate about the latter's report. This also involves the inquiry questions that are to be answered in the report (Article 2.9.2 Implementation Covenant). Finally, the agreements made in the Covenant on the Frisian Language and Culture (2001) in relation to the Education Council's recommendations remain in full force (Article 2.9.3, Implementation Covenant).
- 6.366 Prior to the conclusion of the Covenant on the Frisian Language and Culture (2001), the Education Inspectorate was already making periodic reports on the position of Frisian in education. This activity was in accordance with the role of the Inspectorate as a supervisory body in the field of education in the Netherlands, which includes teaching in and of Frisian.¹⁹² In this context, the

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The duties of the Education Inspectorate are regulated in the Education (Supervision) Act (Bulletin of Acts and Decrees 2005, 387), which came into force on 1 September 2002. Section 3 provides that supervision involves the following duties:

a. assessing the quality of education on the basis of investigations into fulfilment of the provisions under or in accordance with an education Act and into other areas relating to quality;
b. encouraging quality of education through exercising the duty referred to under a. above, including by means of holding consultations with the board, the institution's staff and, if necessary, the municipal and provincial administrations;

Inspectorate has published a number of reports on its findings with regard to the position of Frisian in primary and special education.¹⁹³

- 6.367 From the Inspectorate report of 2006, which emerged as the first periodic report as a result of the Charter's ratification, it appeared that the position of Frisian at primary and secondary schools was continuing to lag behind the recently revised attainment targets for Frisian.¹⁹⁴
- 6.368 On 13 May 2001, in connection with policy developments concerning basic secondary education, the State Secretary for Education, Culture and Science asked the Education Council to devote attention to the position of Frisian language and culture in education in its advisory report, in accordance with the relevant agreement in the Covenant on the Frisian Language and Culture (2001). This point was included in the response from the Education Council dated 25 April 2002 to the recommendations of the Wijnen committee about the attainment targets in primary education.¹⁹⁵ No questions in relation to Frisian in education were afterwards referred to the Education Council on the part of the Ministry of Education, Culture and Science. The Education Council has not devoted any attention to Frisian in education in its recommendations since then.¹⁹⁶
- 6.369 **In summary**, it is clear that, by implementing the agreements concluded in the Covenant on the Frisian Language and Culture (2001) concerning the Education Inspectorate and the Education Council, the Netherlands is now fulfilling its undertaking under the Charter to draw up periodic reports on the position of Frisian in schools in the Province of Fryslân.

Article 8(2): educational arrangements outside the Province of Fryslân

- 6.370 On accepting the European Charter, the Netherlands undertook 'with regard to education, and in respect of territories other than those in which [the Frisian language] is traditionally used, ... if the number of users of [the Frisian language] so justifies, to allow, encourage or provide teaching in or of [the Frisian language] at all the appropriate stages of education'.
- 6.371 In its first report, the Committee of Experts noted that there was some teaching of Frisian outside the Province of Fryslân at primary school level and in university and adult education. The Committee was of the view that the Netherlands was fulfilling the provision concerned.¹⁹⁷
- 6.372 The Committee of Experts did not discuss this area in its second report.

c. reporting on developments in education, particularly on its quality;

d. performing other duties assigned to the Inspectorate under or in accordance with legislation. Education Inspectorate, *Fries op school*, [Utrecht], 2006.

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Both Inspectorate reports were considered at length when discussing the position of Frisian in primary and secondary education.

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Education Council, *De kern van het doel*, The Hague, 2002.

¹⁹⁶

E-mail from the Education Council to the Fryske Akademy, 17 January 2007.

¹⁹⁷

Council of Europe, *Report of the Committee of Experts* (2001), 73.

- 6.373 The Covenant on the Frisian Language and Culture (2001) contained no provisions concerning the teaching of Frisian outside the Province of Fryslân, insofar as this did not relate to university education.
- 6.374 The Implementation Covenant on the Frisian Language and Culture (2005) did not focus any attention on this point.
- 6.375 Outside the Province of Fryslân, Frisian has been spoken for centuries by part of the population along the border between the Provinces of Fryslân and Groningen in the region of Opende in the municipalities of Grootegast and Marum.¹⁹⁸ On the basis of Section 9.8 of the Primary Education Act 1998, schools in this area are permitted to use Frisian as one of their languages of instruction.
- 6.376 In territories outside the Province of Fryslân where Frisian is not traditionally used, as mentioned in the relevant provision of the European Charter, limited use is currently being made of the opportunity to teach Frisian.
- 6.377 In this context, mention should be made firstly of the Frisian courses at universities outside the Province of Fryslân. Please refer to the section of this report concerning Article 8(1)(e) and (h) (see sections 6.266 to 6.269, 6.351 and 6.352).
- 6.378 Mention can be made secondly of the CHN's teacher-training course for primary education at its Groningen branch, where Frisian was previously offered as an optional subject. In the academic years of 1999/2000, 2000/2001 and 2001/2002, this involved approximately 15 students choosing the subject of Frisian. However, demand for the optional subject of Frisian has receded since then.
- 6.379 Finally, where sufficient interest exists, Frisian courses for adults are organised outside the Province of Fryslân under the supervision of Afûk. In 2003, Afûk organised three Frisian courses at three different locations outside the Province of Fryslân.¹⁹⁹ In 2004, this involved one course beyond the province's borders, and in 2005 it involved five such courses.²⁰⁰ In addition, Afûk offers a distance-learning course in Frisian. Students receive course material at home from which they can learn Frisian through independent study. Students may request supervision if they so wish. For example, they can send their completed language exercises to Afûk and receive the corrected exercises in return.
- 6.380 **In summary**, it is clear that the Netherlands is fulfilling its undertaking with regard to the teaching of Frisian outside the Province of Fryslân. Such facilities

¹⁹⁸ D. Gorter, L. G. Jansma, G. H. Jelsma, *Taal yn it grinsgebiet*, Fryske Akademy, Ljouwert, 1990.

¹⁹⁹ The courses took place in Apeldoorn, Bussum and Hoorn. See: Jierferslach 2003 Afûk, in: *De Pompeblêden* 75 (2004), no. 3, 18-19.

²⁰⁰ E-mail from Afûk to the Fryske Akademy, 23 March 2007. In 2004, an educational track 'A' course was held in Assen, which was repeated in the following year. In 2005, two successive further courses were held in Apeldoorn and Harderwijk.

are found, in particular, in university education and within the context of continuing education.

- 6.381 **In conclusion**, it can be stated that education is a complex and wide-ranging subject to which the Netherlands has subscribed to nine provisions under Article 8 of the European Charter. As far as possible, this report aims to provide a short summary of Dutch policy initiatives in relation to the various undertakings entered into by the Netherlands under the European Charter. These summaries relate to:
- pre-school education (see section 6.76)
 - primary education (see sections 6.145 to 6.149)
 - secondary education (see sections 6.205 to 6.207, and 6.235)
 - university or other higher education (see section 6.277)
 - adult and continuing education (see sections 6.303 and 6.304)
 - teaching of Frisian history and culture (see section 6.321)
 - basic and further training of teachers (see section 6.357)
 - the supervisory body (see section 6.369)
 - educational arrangements outside the Province of Fryslân (see section 6.380).
- 6.382 In general, it is worth adding that, in cooperation with the provincial authority of Fryslân, central government focuses on the establishment and implementation of statutory measures and on the relevant preconditions, financial and otherwise. These matters are part of the consultations taking place within the framework of the Covenant on the Frisian Language and Culture (2001).
- 6.383 The above-mentioned consultations take account of the provisions of the Charter endorsed by the Netherlands as well as the observations of the Committee of Experts of the Council of Europe. A footnote is appropriate in response to the observations made by the Council of Europe. Central government and the Province of Fryslân recognise that, in a number of areas (e.g. primary and secondary education), educational practice at schools in the Province of Fryslân is not in line with the provisions in the Charter to which the Netherlands has subscribed. Further to this, the aim of central government is for material preservation of the subject area of Frisian, as well as a three-yearly report on the situation.
- 6.384 Over the next few years, the Province of Fryslân will be chiefly devoting itself to achieving an integral language policy in primary education. Clear progress is being seen in early primary school and pre-school education in comparison with the previous report; an increasing part of pre-school education is being offered in Frisian.

7 Article 9: Judicial authorities

7.1 In the period under review (2002-2007), legislation and regulations in respect of the use of the Frisian language by judicial authorities remained essentially unchanged. Its statutory framework consists of the Use of Frisian (Legal Matters) Act. Of additional significance with regard to the validity of legal documents entered in public registers are the Notaries Act and the Land Registry Act, as well as a solitary provision in the Civil Code. Lastly, the Sworn Translators Act of 1878 is also of importance. On 20 March 2007, the House of Representatives approved a new legislative proposal on sworn interpreters and translators, which was then taken up by the Senate. The amendment of this act will also have an effect on the training requirements for sworn interpreters and translators of Frisian (see footnote to section 7.36).

7.2 Since the second State report concerning the European Charter, amendments made by the Act Amending Ministry of Justice Legislation II (Bulletin of Acts and Decrees 2006, 24) have included those to Section 2, subsection 2 of the Implementation Act EC Enforcement Regulation and Section 2, subsection 2 of the Act of Parliament of 4 May 1972. This affected the Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters concluded on 27 April 1968 in Brussels between the member States of the EEC.

Both of these subsections now read that ‘permission for implementation is to be requested in an application compiled in the Dutch language, without prejudice to Section 7 of the Use of Frisian (Legal Matters) Act’. Consequently, this establishes the assurance that Section 7 of the Use of Frisian (Legal Matters) Act continues to apply unimpaired. Both amendments derived from the Implementation Covenant on the Frisian Language and Culture (2005) (see section 7.14).

7.3 Furthermore, since the second State report concerning the European Charter, a technical adjustment has been made twice to Section 11, subsection 1, of the Use of Frisian (Legal Matters) Act. One adjustment was made in the Judicial Data Act (Bulletin of Acts and Decrees 2002, 552) and the other one in the Judicial Data (Amendments) Act of 30 June 2004 (Bulletin of Acts and Decrees 2004, 315). Section 11 concerns the swearing in of Frisian-language translators. As far as the Frisian language is concerned, both amendments relate to a continuation of previous policy. Section 11 of this act is otherwise to be repealed – possibly even in 2007 (see footnote to section 7.36).

7.4 In 2001, the Committee of Experts was of the opinion that the Netherlands was officially in accordance with the undertakings into which it had entered.¹ However, it was the Committee’s opinion that the implementation of these undertakings was not yet consistent. The

¹ Council of Europe, *Report of the Committee of Experts* (2001), 74-79.

Committee of Ministers also adopted this opinion in 2001 in Recommendation 2.²

The Committee of Experts noted three matters as being of particular importance in that regard. These three matters are discussed in detail elsewhere in this report (see sections 7.19 to 7.30).

- 7.5 The Committee of Experts stated in its second report that progress had been made as required and, furthermore, pointed to:
- the incorporation in 2001 of a sign at the entrance to every courtroom stating that all persons have the right to use the Frisian language during a hearing;
 - the launch of the Dutch-Frisian Legal Dictionary in 2000; and
 - the Frisian-language courses that have been held for new judges and for staff at the Frisian courts.
- 7.6 At the same time, the Committee of Experts stated that the practical effects of these measures had remained minimal. Frisian was rarely used in either criminal or civil proceedings, and the number of persons enrolled in the Frisian courses for judges and staff remained low. The Committee of Experts called for new approaches to be considered in order to promote the use of the Frisian language, such as through the encouragement of Frisian-speaking judges to work at Frisian courts.³
- 7.7 In its second report, the Committee of Experts stated – once again – that the Netherlands was in accordance with the undertakings entered into, but that actual implementation remained an area for attention.⁴ The Covenant on the Frisian Language and Culture (2001) and the implementation covenants provide the framework for future expansion on this implementation.
- 7.8 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed on the following. Central government would strive to ensure that, in accordance with Articles 9(1)(b)(i) and 9(1)(c)(i) of the European Charter, courts hearing civil or administrative cases could, at the request of one of the parties, permit proceedings to take place in Frisian, providing that the other parties had no objection and that there was still the option to use Dutch (Covenant 3.6).⁵ At present, the Netherlands has not endorsed the relevant provisions in the European Charter.
- 7.9 In the Covenant on the Frisian Language and Culture (2001), central government and the Fryslân provincial executive further agreed that they

² Recommendation RecChL (2001) 1, adopted by the Committee of Ministers on 19 September 2001.

³ Council of Europe, 2nd Report of the Committee of Experts (2004), 129.

⁴ *Ibid.*, 130.

⁵ The Covenant on the Frisian Language and Culture (2001) discusses ‘civil procedures and administrative courts’. Since then, the term ‘administrative court’ has ceased to be employed, being replaced by administrative law court and, in that connection, procedures pertaining to administrative law. The new terminology will also be used in the follow-up to this report. Also see footnote to section 7.10.

would pursue a policy of public education designed to ensure public knowledge and routine use of the options available under the Use of Frisian (Legal Matters) Act (Covenant 3.4). In his address on the occasion of the launch of the above-mentioned Dutch-Frisian legal dictionary on 11 December 2000 in Leeuwarden, the State Secretary for the Interior and Kingdom Relations stated that the Frisian courts, in consultation with the Ministry of Justice, would create a register of the number and type of cases (criminal, civil or administrative) that are conducted in the Frisian language.⁶ This is discussed in more detail in 7.39.

- 7.10 It was agreed in the Covenant on the Frisian Language and Culture (2001) that central government promote the provision of Frisian courses to members of staff with clerical positions employed at courts in the province of Fryslân in order to increase their passive or active knowledge of the Frisian language (Covenant 3.7).⁷ Sections 7.29 and 7.30 below look at Frisian courses as a component of the training programme for employees at the District Court and Court of Appeal in Leeuwarden.
- 7.11 Finally, it was agreed within the context of the Covenant on the Frisian Language and Culture (2001) that central government supported conducting a re-evaluation of the Use of Frisian (Legal Matters) Act in the event of stumbling blocks arising in practice that might give occasion for this. Measures stemming from such a re-evaluation will be implemented (Covenant 3.3).
- 7.12 In Article 3.2 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the province of Fryslân reconfirmed the agreement (Covenant 3.3) made in the Covenant on the Frisian Language and Culture (2001). Pursuant to this agreement, the Minister of Justice would initiate an evaluation study of the Use of Frisian (Legal Matters) Act if signs from the province of Fryslân or individual users should give occasion for this. To date, no occasion has presented itself for undertaking such an evaluation study.
- 7.13 In Article 3.3 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the province of Fryslân agreed on the following. At the request of the Minister of Justice, the Council for the Judiciary would appoint an intermediary who, in consultation with the courts in the province of Fryslân, would further general information on the use of the Frisian language in legal matters.⁸ In

⁶ Delivered by the State Secretary for the Interior and Kingdom Relations on behalf of the Minister of Justice on the occasion of the launch of the Dutch-Frisian legal dictionary on 11 December 2000 in Leeuwarden.

⁷ In the Covenant on the Frisian Language and Culture (2001), terminology that is now obsolescent continues to be employed: ‘the district court, the district public prosecutor’s office and the subdistrict courts in the province of Fryslân’. As a result of a recent reorganisation of the courts, the subdistrict courts have been incorporated with the district court as the subdistrict division. This report employs the new terminology.

⁸ The Council for the Judiciary commenced its work as of 1 January 2002. The Council is a central government body pertaining to the judiciary with the objective of furthering the ability of the courts to fulfil their duties properly regarding the administration of justice. To accomplish this, the Council has duties in the areas of management, finance and quality, as

the interim, the president of the District Court in Leeuwarden has been appointed in that capacity. In addition, the Minister of Justice agreed to develop strategies to bring the use of the Frisian language to the attention of the prosecution and the judiciary. To that end, the Council for the Judiciary will be requested to focus specific attention on the use of the Frisian language by the courts in the province of Fryslân (Article 3.4 of the Implementation Covenant).

7.14 In Article 3.5 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 ascertain on a case-by-case basis whether amendments were necessary to a number of statutory regulations selected by the province of Fryslân - in consultation with the Ministry of Justice – in which the phrase ‘the Dutch language’ should be changed to ‘the Dutch and Frisian languages’. This arrangement has produced two specific amendments in the period under review (see section 7.2).

7.15 The following will be considered in follow-up discussions on European Charter provisions:

- information provided to the public on the opportunities for using Frisian in the courtroom (sections 7.21 and 7.22; see also section 7.13 above);
- realisation of the Dutch-Frisian Legal Dictionary (section 7.23);
- command of the Frisian language among members of the judiciary and miscellaneous personnel in the judicial bodies located in the Province of Fryslân (sections 7.24 to 7.30);
- the number of cases conducted either wholly or partly in the Frisian language (section 7.39).

Although these measures apply in fact to all divisions of justice (subdistrict court, criminal court, civil court and administrative law court), discussion will concentrate as far as is possible on one of these divisions. Moreover, the agreements in the Covenant on the Frisian Language and Culture (2001) have acted in theory as points of departure for this. The option to engage Frisian-language interpreters and translators in court will be discussed individually for each division of jurisdiction; the issue of who is to bear the cost of this will be additionally considered.

Article 9(1)(a)(ii): criminal proceedings (oral use of Frisian)

Article 9(1)(a)(iii): criminal proceedings (written and oral evidence)

7.16 On accepting the European Charter, the Netherlands undertook ‘to guarantee the accused the right to use [the Frisian language]’ at hearings in criminal cases conducted in the province of Fryslân.⁹ The statutory basis for this is Sections 2 and 3 of the Use of Frisian (Legal Matters) Act,

well as an advisory role in relation to new legislative and policy proposals affecting the administration of justice.

⁹ In the event of a criminal hearing outside the province of Fryslân, the judge conducting the hearing can decide to engage the services of an interpreter if a reasonable case is made for the inability of a Frisian-speaking suspect or witness to express him or herself adequately in Dutch.

which reads as follows: ‘In all cases in which a person present at a court hearing held in the province of Fryslân either 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.’ If, during examination at a court hearing in a criminal case, accused persons or witnesses wish to employ the Frisian language, the judge conducting the session will decide on engaging the assistance of an interpreter if he deems it desirable. The cost of engaging a Frisian-language interpreter in criminal cases will be charged to central government pursuant to the Criminal Cases Charges Act and the Criminal Cases Charges Decree 2003 (see also section 7.28).

- 7.17 On accepting the European Charter, the Netherlands also undertook ‘to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in [the Frisian language]’ at a hearing in a criminal case held in the province of Fryslân. The statutory basis for this is Sections 2 and 3 (oral use of Frisian) and Section 7, subsection 1 of the Use of Frisian (Legal Matters) Act, which states: ‘In criminal, civil and administrative cases pending before a court in the province of Fryslân, documents in the action, with the exception of notices of summons and charges in criminal cases, may be written in Frisian.’¹⁰ Section 7, subsection 2 of the Act states that, if desirable for an adequate assessment of the document, the court may, on its own initiative or at the request of another party involved in the case, require that a translation into Dutch be appended. In theory, translation costs are borne by the party submitting the document that is to be translated, unless it is more logical to charge the costs to the state, for example, if the judge cannot read Frisian.
- 7.18 In 2001, the Committee of Experts considered that the text of the Use of Frisian (Legal Matters) Act was in accordance with the undertakings entered into by the Dutch government under the European Charter concerning the use of Frisian in criminal proceedings. In this sense, the Netherlands had fulfilled its undertakings, although the Committee considered that there were still problems relating to implementation.¹¹ In support of this contention, the Committee advanced three reasons, which are discussed below. Moreover, the means by which the Netherlands has tackled such identified stumbling blocks are also reported.
- 7.19 According to the Committee of Experts, the first reason why little use is made of the right to speak Frisian during hearings – and thus including hearings in criminal cases – is mainly a lack of information. The Committee therefore concludes that there is a need to inform Frisian-speakers of their right to use Frisian in proceedings before the courts in the province of Fryslân.¹²

¹⁰ An undertaking has now been given that, in the foreseeable future, every notice of summons in a criminal case before Leeuwarden district court will bear the following text: ‘You have the right to speak Frisian during the hearing’ (see also section 7.21).

¹¹ Council of Europe, *Report of the Committee of Experts* (2001), 74 and 77.

¹² *Ibid.*, 74-75.

- 7.20 The Covenant on the Frisian Language and Culture (2001) recognises the importance of providing information. Article 3.4 of the Covenant contains an agreement to this effect (see section 7.9).
- 7.21 In order to disseminate this information, a sign displaying the text ‘You have the right to speak Frisian during the hearing’ in Dutch and Frisian was placed outside the entrance to every courtroom in the province of Fryslân in November 2001. Frisian is spoken in approximately 10 cases each year in the criminal division (see also section 7.39).
- 7.22 The website of Leeuwarden district court also provides information on the use and history of Frisian in legal matters.¹³ In this context, mention should also be made of two publications produced for the general public by the Public Prosecution Service, namely, a leaflet on the Public Prosecution Service, which appears in many other languages besides Frisian, and a booklet of Frisian-Dutch legal terminology.¹⁴
- 7.23 As the second reason why little use is made of the right to speak Frisian during hearings, the Committee of Experts pointed to the lack of a dictionary specialising in terms used within the judicial system.¹⁵ As already mentioned, this specific problem has been resolved with the publication of the Dutch-Frisian Legal Dictionary in 2000 (cf. section 7.4). For this reason, among others, the Covenant on the Frisian Language and Culture (2001) contains no agreements concerning legal terminology in the Frisian language.
- 7.24 As the third reason, the Committee of Experts noted that, according to the information it had received from government representatives, there is still a shortage of members and employees of the judiciary who are sufficiently competent in Frisian to use it in practice (see also section 7.5).¹⁶
- 7.25 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.¹⁷

¹³ See <http://www.rechtspraak.nl/rechtbank/leeuwarden>.

¹⁴ Both booklets were still available as of the end of 2006. These are: Lars Kuipers, *Iepenbier Ministearje*, Public Prosecution Service Information Department, The Hague, [2000]. F.M.T. Gelissen et al., *Juridysk jargon*, Public Prosecution Service Information Department, The Hague, 2000.

¹⁵ Council of Europe, *Report of the Committee of Experts* (2001), 75.

¹⁶ *Ibid.*, 76.

¹⁷ 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 *Algemiene Fryske Underrjocht Kommissje*.

- 7.26 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.
- 7.27 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.¹⁸
- 7.28 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.¹⁹ Consequently, it is not customary to engage interpreters in criminal cases. In the period 2002-2005, the services of a Frisian-language interpreter before the criminal court were required on only one occasion.²⁰
- 7.29 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. 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 Subdistrict Court took part in an internal Frisian course.
- 7.30 The district court in the province of Fryslân has included a Frisian language course as a set element in the recently created introductory programme for new employees.²¹ A standard phrase concerning command of the Frisian language is included in personnel advertisements for the judiciary and officers of the court.

¹⁸ 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.

¹⁹ 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).

²⁰ Regarding the engagement of Frisian interpreters and translators and regarding proposals to amend their training requirements, see sections 7.36 to 7.38.

²¹ Letter dated 7 March 2002 from the district court of Leeuwarden to the Fryske Akademy. The President of the Leeuwarden Court of Appeal announced in a letter dated 5 December 2006 and addressed to the Fryske Akademy that staff were regularly offered the opportunity to take Frisian language or culture courses.

Article 9(1)(b)(iii): civil proceedings (use of Frisian in documents and evidence)

- 7.31 On accepting the European Charter, the Netherlands undertook ‘to allow documents and evidence to be produced in [the Frisian language], if necessary by the use of interpreters and translations’, at hearings in civil cases conducted in the province of Fryslân. The statutory basis for this is Sections 7 and 7a of the Use of Frisian (Legal Matters) Act.
- 7.32 In 2001, the Committee of Experts considered that the text of the Use of Frisian (Legal Matters) Act was in accordance with the undertakings entered into by the Dutch government under the European Charter concerning the use of Frisian in civil proceedings.²² In this sense, the Netherlands had fulfilled its undertakings, although the Committee considered that this was not yet the case in practice, for the same reasons mentioned above in relation to criminal cases (cf. sections 7.19 to 7.24).
- 7.33 The Covenant on the Frisian Language and Culture (2001) contains a number of agreements that seek to promote the implementation of the Use of Frisian (Legal Matters) Act in the light of the undertakings entered into by the Netherlands under the European Charter (Covenant 3.3, 3.4 and 3.7). The agreements also apply to civil cases. For the content of these agreements, please see sections 7.9 to 7.11 of this report.
- 7.34 The Covenant on the Frisian Language and Culture (2001) also contains a number of agreements that focus specifically on civil proceedings. At the time of its ratification of the European Charter, the Netherlands did not adopt Article 9(1)(b)(i) concerning the conduct of civil proceedings in the Frisian language. However, within the framework of the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân did agree on the following. Central government would strive to ensure that, in accordance with Article 9(1)(b)(i) of the European Charter, courts hearing civil cases could, at the request of one of the parties, permit proceedings to take place in Frisian, providing that the other parties had no objection and that there was still the option to use Dutch, as previously noted in section 7.8 (Covenant 3.6).

In view of this undertaking in the Covenant on the Frisian Language and Culture (2001), it is expedient to report on the measures taken by the Dutch government in this matter within the context of the periodic report in respect of the European Charter.

- 7.35 In Article 3.6 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 ascertain in consultation with the Council for the Judiciary the means by which litigation in the Frisian language could be advanced in civil cases, taking into account the provisions in Articles 3.2 and 3.6 of the Covenant on the Frisian Language and Culture (2001).

²² Council of Europe, *Report of the Committee of Experts* (2001), 78.

- 7.36 At present, the Use of Frisian (Legal Matters) Act already provides that a party, an interested party, or a witness may speak Frisian during a hearing in a civil case, in accordance with the provisions contained in Sections 2 and 4 of the Act. Where necessary, the court may rule that assistance is to be provided by an interpreter, providing that this does not in its opinion unduly delay the proceedings.²³
- 7.37 In view of the special status of civil cases, the Use of Frisian (Legal Matters) Act stipulates explicitly that, in certain cases, the fee of the interpreter who provides his services in a civil case and the costs of the translation of documents in civil actions shall be paid by the state (Sections 4a and 7a). These provisions seek to introduce the possibility that the fee of an interpreter or translator will be paid by the state if their services are required because the judge does not understand or read Frisian.
- 7.38 It was agreed in the Covenant on the Frisian Language and Culture (2001) that central government would strive to ensure that arrangements were in place for the use of interpreters and translations in civil proceedings. Where the court requires the use of an interpreter or witness, these arrangements will be available free of charge (Covenant 3.2). As it happens, the assistance of an interpreter was not required at any hearings in civil cases during the 2002-2005 period.²⁴
- 7.39 Frisian is spoken in an average of 10 civil division cases each year. In both of the other divisions as categorised by the Charter (cf. 7.21 and 7.48), the number of cases in which Frisian is spoken is approximately of the same order.²⁵ In contrast, the litigant speaks Frisian in approximately 100 cases per annum before the subdistrict court. In 60 to 70 of these 100 cases, the proceedings are conducted entirely in Frisian because one of the subdistrict court judges has an active command of the Frisian language.²⁶ In civil cases, moreover, this principally involves examinations of minors in family-law cases, examinations in guardianship cases, land

²³ The entry into force of the Court Interpreters and Sworn Translators Act (Parliamentary Documents 29 936) is anticipated during the course of 2007. It will include a provision that the Public Prosecutions Department, the Judiciary, police force and the Immigration and Naturalisation Service (IND) may use only those court interpreters and translators who are registered in the new Register for Court Translators and Translators. Section 40 of the Court Interpreters and Sworn Translators Act provides for the lapse of Section 11 of the Use of Frisian (Legal Matters) Act. This entails that the training requirements for translators of Frisian be put on a par with those for the interpreters and translators of other languages. Consultations are taking place with the province of Fryslân on content concerning the requirements that can be imposed on interpreters and translators of Frisian.

²⁴ Letter from Leeuwarden District Court dated 22 November 2006. Not only were the services of a Frisian-language court interpreter not required in any of the civil case hearings at Leeuwarden District Court over the years 2002-2005, but neither were they required at administrative case hearings. During the period 2002-2005, the services of a Frisian-language interpreter were used on only one occasion before the criminal court.

²⁵ Otherwise, this involves the Leeuwarden district court's own estimates. The district court does not have a notification system such as was announced in 2000 (cf. 7.9).

²⁶ Letter from the Court of Leeuwarden, dated 22 November 2006, addressed to the Fryske Akademy.

Letter from the Council for the Judiciary dated 27 March 2007 to the Ministry of Justice (reference: UIT10498JZ/EL).

consolidation proceedings, especially complaints procedures before a delegated judge, tenancy proceedings, and examinations in the framework of compulsory admissions under the Psychiatric Hospitals (Compulsory Admission) Act and examinations in cases regarding receivership or administration. The inclusion of Frisian language courses in the range of courses offered to members of the judiciary is meant to promote the use of Frisian in civil and other cases (cf. sections 7.10, 7.26 to 7.30).

Article 9(1)(c)(ii): administrative proceedings (oral use of Frisian)

Article 9(1)(c)(iii): administrative proceedings (use of Frisian in documents and evidence)

- 7.40 On accepting the European Charter, the Netherlands undertook
- c (ii) ‘to allow, whenever a litigant has to appear in person before a court, that he or she may use [the Frisian language] without thereby incurring additional expense, and/or
 - c (iii) to allow documents and evidence to be produced in [the Frisian language], if necessary by the use of interpreters and translations’

at hearings in administrative cases conducted in the province of Fryslân (Article 9(1)(c)(ii) and (iii) of the European Charter).

- 7.41 In 2001, the Committee of Experts considered that the text of the Use of Frisian (Legal Matters) Act was in accordance with the undertakings entered into by the Dutch government under the European Charter concerning the use of Frisian in administrative proceedings.²⁷ In this sense, the Netherlands had fulfilled its undertakings, although the Committee considered that this was not yet the case in practice, for the same reasons mentioned above in relation to criminal cases (cf. sections 7.19 to 7.24).
- 7.42 The Covenant on the Frisian Language and Culture (2001) contains a number of agreements that seek to promote the implementation of the Use of Frisian (Legal Matters) Act in the light of the undertakings entered into by the Netherlands under the European Charter (Covenant 3.3, 3.4 and 3.7). The agreements also apply to administrative cases. For the content of these agreements, please see sections 7.9 to 7.11 of this report.
- 7.43 The Covenant on the Frisian Language and Culture (2001) also contains a number of agreements that focus specifically on administrative proceedings. At the time of its ratification of the European Charter, the Netherlands did not adopt Article 9(1)(c)(i) concerning the conduct of administrative proceedings in the Frisian language. However, within the framework of the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed the following action. Central government would strive to ensure that, in accordance with Article 9(1)(c)(i) of the European Charter, courts trying

²⁷

Council of Europe, *Report of the Committee of Experts* (2001), 79.

administrative cases could, at the request of one of the parties, permit proceedings to take place in Frisian, providing that the other parties had no objection and that there was still the option to use Dutch, as previously noted in section 7.8 (Covenant 3.6).

In view of this undertaking in the Covenant on the Frisian Language and Culture (2001), it is expedient to report on the measures taken by the Dutch government in this matter within the context of the periodic report in respect of the European Charter.

- 7.44 In Article 3.6 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 ascertain in consultation with the Council for the Judiciary the means by which litigation in the Frisian language could be advanced in administrative cases, taking into account the provisions in Articles 3.2 and 3.6 of the Covenant on the Frisian Language and Culture (2001-2010).
- 7.45 At present, the Use of Frisian (Legal Matters) Act already provides that a party, an interested party, or a witness may speak Frisian during a hearing in an administrative case, in accordance with the provisions contained in Sections 2 and 5 of the Act. Where necessary, the court may rule that assistance is to be provided by an interpreter, provided that this does not in its opinion unduly delay the proceedings. Section 7 of the Act further provides that documents may be written in Frisian. In such cases, a court may, on its own initiative or at the request of another party involved in the case, require that a translation into Dutch of the documents concerned be appended.
- 7.46 In the Covenant on the Frisian Language and Culture (2001), it was agreed that central government would strive to ensure that arrangements are in place for the use of interpreters and translations in administrative proceedings. Where the court requires the use of an interpreter or witness, these arrangements will be available free of charge (Covenant 3.2).
- 7.47 According to the explanatory memorandum to Section 5 of the Use of Frisian (Legal Matters) Act, the cost of engaging a Frisian-language interpreter in administrative cases is charged to central government pursuant to Section 8:36 of the General Administrative Law Act. The Use of Frisian (Legal Matters) Act does not contain an equivalent provision with regard to the translation of documents in administrative cases. Nevertheless, it may reasonably be assumed that the same principle applies here, namely, that translation costs are borne by the party submitting the document that is to be translated, unless it is more logical to charge the costs to the state, for example, if the judge cannot read Frisian. The above-mentioned provision from Article 3.2 of the Covenant on the Frisian Language and Culture (2001) develops this principle. As it happens, the assistance of an interpreter was not required at any hearings

before the administrative court during the 2002-2005 period (see footnote to section 7.38).²⁸

- 7.48 Frisian is spoken in approximately 10 cases each year in the administrative division (cf. 7.39). The inclusion of Frisian language courses in the range of courses offered to members of the judiciary is meant to promote the use of Frisian in administrative and other cases (cf. sections 7.10, 7.26 to 7.30).

Article 9(2)(b): validity of legal documents

- 7.49 On accepting the European Charter, the Netherlands undertook ‘not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in [the Frisian language], and to provide that they can be invoked against interested third parties who are not users of [that language] on condition that the contents of the document are made known to them by the person(s) who invoke(s) it’.

- 7.50 In 2001, the Committee of Experts considered that the relevant Dutch legislation was in accordance with the undertaking entered into by the Netherlands under the European Charter.²⁹ The Committee of Experts also stated that the documents referred to in the Charter had general legal validity. In practice, notaries encountered difficulties when drawing up notarial deeds in Frisian, due to a lack of up-to-date Frisian-language model contracts that were based on terminology taken from a Frisian-language legal dictionary.

- 7.51 As previously noted, the specific problem concerning the lack of a Frisian-language legal dictionary has now been resolved (cf. section 7.20). For this reason, among others, the Covenant on the Frisian Language and Culture (2001) contains no agreements concerning such a dictionary. In addition, in order to promote the use of Frisian in legal matters, the Fryske Akademy translated a book of model contracts for legal practice that replaces and updates the book of Frisian-language model contracts for the notarial profession dating from 1979 (see also section 10.56).³⁰ The Fryske Akademy started work on the translation on 1 October 2001. Frisian-language models for the notarial profession have been available online for such Frisian professionals since 31 May 2006.³¹

- 7.52 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that the provincial executive of Fryslân will over the next few years give central government concrete indications of where legislation including the phrase ‘the Dutch language’ can be amended to read ‘the Dutch and Frisian languages’

²⁸ E-mail from Leeuwarden District Court dated 30 November 2006 and addressed to the Fryske Akademy.

²⁹ Council of Europe, *Report of the Committee of Experts* (2001), 20.

³⁰ W.J. Nijenhuis, *Fryske modellen foar it notariaat*, Fryske Akademy, Ljouwert 1979.

³¹ See Fryske Akademy website: <http://www.fa.knaw.nl/fa/utjeften/Boekwinkel/ynhald-publikaasjes-yn-it-frysk/taal-en-letterkunde/frysktalige-modellen-foar-de-rjochtspratyk>.

(Covenant 3.5). This provision applies, first and foremost, to official deeds that are entered in public registers, namely, the Commercial Register of the Chamber of Commerce, the land registers and the register of births, deaths and marriages.³² In this regard, central government and the province of Fryslân agreed in the framework of the Covenant on the Frisian Language and Culture (2001) that central government would strive to ensure that official deeds could wherever possible be entered in public registers in the Frisian language at no extra expense to the originators (Covenant 3.1).

- 7.53 In Article 3.5 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 ascertain on a case-by-case basis whether amendments were necessary to a number of statutory regulations selected by the province of Fryslân in consultation with the Ministry of Justice in which the phrase ‘the Dutch language’ should be changed to ‘the Dutch and Frisian languages’ (cf. 7.2 and 7.14).
- 7.54 Generally speaking, it is fair to say that the basic rule under current legislation is that Frisian-language deeds that must be entered in a public register require a literal translation into Dutch. This translation is then entered in the relevant register, and the Frisian-language deed is appended to it. This applies not only to deeds, but also to other documents that must be entered in public registers pursuant to statutory regulations. This basic rule concerning the entry of Frisian-language deeds and documents in public registers applies unless the law provides otherwise (cf. sections 8 and 10 of the Use of Frisian (Legal Matters) Act).³³
- 7.55 An exception is made to the basic rule described in the previous paragraph in relation to the Commercial Register of the Chamber of Commerce. The deeds of incorporation of public and private limited companies, as well as the deeds of establishment of associations and foundations, are entered in the Commercial Register. The legislation was amended with regard to Frisian associations and foundations (see sections 7.56 to 7.59). As a result of this, the relevant legislation was brought in line with Article 3.1 of the Covenant on the Frisian Language and Culture (2001).
- 7.56 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

³² In fact, the scope of this provision extends beyond the amendment of legislation supporting the use of official deeds drawn up in Frisian and other languages in legal matters to target Dutch legislation in general. Article 3.5 of the new Covenant on the Frisian Language and Culture (2001) therefore also proposes to update the 1987 study of the Berie foar it Frysk and the Fryske Akademy, which contains an inventory of language provisions in Dutch legislation. Updating the 1987 study is also important in view of Article 13(1)(a) of the European Charter (see sections 11.9 and 11.10).

³³ For more information on this Act, see section 11.15 of this report.

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.³⁴ 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.

7.57 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 (cf. section 11.16).

7.58 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 (cf. section 7.64).³⁵

7.59 The Act of 22 November 2001 also led to the amendment of the Sworn Translators Act,³⁶ by adding three sentences to Section 8, subsection 1 of

³⁴ On 1 February 2002, the day on which the Act of 22 November 2001 entered into force, four foundations and associations took the opportunity to have their articles of association executed in Frisian: the Douwe Kalma Stifting, the Slachtemarathon foundation, the Efrrije association and the Fryske Nasjonale Partij [Frisian National Party].

³⁵ 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.

³⁶ *Bulletin of Acts and Decrees* 1878, 30, most recently amended by the Act of 2 April 1991

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.’³⁷

- 7.60 In accordance with the basic rule described in section 7.54 of this report, Section 41 of the Land Registry Act (Bulletin of Acts and Decrees 1989, 186 and 1996, 473) provides, with regard to the public land registers, that a person wishing to register a fact described in a foreign or Frisian-language document must also submit a literal translation into Dutch of the document that is presented for registration. This translation must be done and declared equivalent by a sworn translator whose competence in the language concerned is recognised by the court or, if the document concerned is a notarial deed in the Frisian language, by the notary who executed the deed. Section 41, subsection 3 of the Act subsequently provides that the translations are registered in lieu of the foreign or Frisian-language documents, which are retained by the registrar.
- 7.61 Notwithstanding the basic rule described in section 7.50 of this report, Section 8, subsection 3 of the Use of Frisian (Legal Matters) Act provides that deeds intended for entry in the register of births, deaths and marriages may be drawn up both in Frisian and in Dutch in municipalities in the province of Fryslân (see section 8.58).
- 7.62 In addition to the above-mentioned official deeds intended for entry in the public registers, the following deeds are also relevant in relation to the use of Frisian in legal matters:
- official deeds that do not need to be entered in public registers
 - non-notarial instruments.
- 7.63 The basic rule regarding official deeds that are not intended for entry in public registers reads as follows:
- Notarial deeds that are not intended for entry in public registers may be drawn up in Frisian at the request of the parties, provided the notary is able to understand and write Frisian to a satisfactory degree and the witnesses present at the drawing up of the deed understand Frisian. Such Frisian-language deeds may serve as evidence in judicial proceedings, where necessary accompanied by a translation.

(*Bulletin of Acts and Decrees* 1991, 199).

³⁷ For more information on language provisions in the Land Registry Act, see sections 11.16 to 11.18 of this report.

- 7.64 The above-mentioned basic rule is worked out in detail in the new Notaries Act (Bulletin of Acts and Decrees 1999, 190), which entered into force on 1 October 1999. Section 42, subsection 1 of the Act allows notarial deeds to be drawn up in a foreign language or in Frisian at the request of the parties, provided the notary adequately understands that language, unless the law determines otherwise. If a party appearing before the notary does not adequately understand the language of the deed, a sworn interpreter/translator will also appear in order to translate the contents of the deed. The interpreter/translator also signs the deed, and his or her assistance is noted at the end of it. Section 42, subsection 2 of the Act allows for the execution of a deed in more than one language. In such cases, the text in one language is followed by the text in another language. This provision also applies if the deed is executed in Dutch and Frisian, or if Frisian is one of the languages, in which the deed is executed.³⁸
- 7.65 Non-notarial instruments, which include agreements and unilateral declarations of intent such as rental agreements, receipts and acknowledgements of indebtedness, may be drawn up in Frisian at the request of the parties or the declarant.³⁹ A translation is required if a non-notarial instrument is invoked before the court and the judge cannot read Frisian. In this regard, a Frisian-language non-notarial instrument does not differ from deeds drawn up in languages other than Dutch. Third parties may also enter the picture in connection with non-notarial instruments: for example, in cases of assignment or subrogation. In such cases, authorised translations are required. This does not appear to present any problems in practice.
- 7.66 **In summary**, it appears that Dutch legislation has been brought into line with the undertakings entered into by the Netherlands under the European Charter since the publication of the second Dutch periodical report. In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân have committed themselves to the joint implementation of the relevant measures. In the Implementation Covenant on the Frisian Language and Culture (2005), central government and the province of Fryslân elaborated further on their agreed involvement in implementing the measures jointly.

³⁸ For more information on the legal consequences of a notarial deed that has been executed in more than one language, see sections 11.15 to 11.19 of this report.

³⁹ Employment contracts may also be classified as non-notarial instruments. The European Charter considers the use of regional and minority languages in employment contracts in Article 13(1)(a) (see section 11.13).

8 Article 10: Administrative authorities and public services

- 8.1 In the period under review (2002-2007), legislation and regulations in respect of the use of the Frisian language by administrative authorities and public services remained largely unchanged. Its statutory framework consists of the General Administrative Law Act, the Provinces Act, the Municipalities Act and the Elections Decree. However, some technical adjustments were made to the legislation that also concerned the use of the Frisian language. This amending legislation is discussed in more detail below (see sections 8.2 to 8.8). Furthermore, the Change of Family Names Decree is also of importance. This decree was brought in line with the Charter in the period under review (see section 8.14).

Part 2.2 of the General Administrative Law Act (Bulletin of Acts and Decrees 1995, 302) entered into force on 1 July 1995 and provided a statutory basis for the use of Frisian in administrative matters. The Act stipulates that members of the public be entitled to speak or write in Frisian when communicating with administrative authorities located in the Province of Fryslân. This entitlement to write in Frisian also applies to central government bodies or agencies whose purview extends to the Province of Fryslân or parts of it.

In 1992, the Provinces Act (Bulletin of Acts and Decrees 1992, 550) and the Municipalities Act (Bulletin of Acts and Decrees 1992, 96) were amended such that, as of 1 January 1994, the relevant authorities were authorised to adopt the Frisian name of the province and of each municipality, if necessary in conjunction with the official Dutch name.

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.

- 8.2 In the Act dated 9 September 2004 to amend a number of statutory regulations within the ambit of the Ministry of the Interior and Kingdom Relations and some related areas, with the intention of remedying some legislation-related shortcomings, as well as incorporating other changes of a minor nature (Bulletin of Acts and Decrees 2004, 493), the General Administrative Law Act was amended to the effect that the name “Friesland” for the Province of Friesland was changed to “Fryslân”. On the advice of the Council of State, this change of nomenclature was also implemented in other relevant legislation and regulations, including educational legislation (see also section 8.90).
- 8.3 The oath provisions in the Municipalities Act and Provinces Act were also adjusted in this amendment to the Act thus providing not only the Dutch but also the Frisian wording with a statutory basis. In 2007, Parliament approved a similar adjustment to the text of the oath provisions in the

Water Boards Act; its entry into force is to be arranged at a time to be determined in a royal decree.¹

- 8.4 The Act of 9 September 2004 (Bulletin of Acts and Decrees 2004, 493) added a second subsection to Section 14 of the Municipalities Act which, following a correction in 2007², reads:

When the oath (declaration and solemn affirmation) referred to in the first subsection is taken (or made) in the Frisian language, the wording of the oath (declaration and solemn affirmation) will read as follows:

“Ik swar (ferklearje) dat ik, om ta lid fan 'e rie beneamd te wurden, streekrjocht noch midlik, ûnder wat namme of wat ferlechje ek, hokker jefte of geunst dan ek jûn of ûnthjitten haw.
Ik swar (ferklearje en ûnthjit) dat ik, om eat yn dit amt te dwaan of te litten, streekrjocht noch midlik hokker geskink of hokker ûnthjit dan ek oannommen haw of oannimme sil.
Ik swar (ferklearje en ûnthjit) dat ik trou wêze sil oan 'e Grûnwet, dat ik de wetten neikomme sil en dat ik myn plichten as lid fan 'e rie yn alle oprjochtens ferfolje sil.
Sa wier helpe my God Almachtich!”
 (“Dat ferklearje en ûnthjit ik!”).

- 8.5 The Act of 9 September 2004 (Bulletin of Acts and Decrees 2004, 493) also made further adjustments to the other oath provisions in the Municipalities Act. Thus, Section 41a’s oath (declaration or solemn affirmation) for the appointment as alderman, Section 65’s oath (declaration or solemn affirmation) for the appointment as mayor and Section 81g’s oath (declaration or solemn affirmation) for the appointment as a member of the Court of Audit have been adjusted such that the text, as illustrated above, instead of reading “lid fan 'e rie”, can be read respectively as “wethâlder”, “boargemaster” and “lid fan 'e rekkenkeamer”. In the Act of 15 March 2007 (Bulletin of Acts and Decrees 2007, 124), an additional Frisian-language provision was similarly included in Section 81s of the Municipalities Act for the appointment as ombudsman.

- 8.6 The Act of 9 September 2004 (Bulletin of Acts and Decrees 2004, 493) adjusted the oath provisions in the Provinces Act. A second subsection was added to Section 14 of the Provinces Act which, following a correction in 2007³, reads:

When the oath (declaration and solemn affirmation) referred to in the first subsection is taken (or made) in the Frisian language, the wording of the oath (declaration and solemn affirmation) will read as follows:

¹ Taking the oath or making solemn affirmation in the Frisian language had already been a legal option since 11 May 1956. Since then, that option has been much used. The amendments to the Municipalities Act, Provinces Act and Water Boards Act in 2004-2007 to which reference is made here relate in part to establishing the wording of the oath, declaration and solemn affirmation in Frisian, given that the Frisian language has been admitted as an official language since 1995. See further on taking the oath and making solemn affirmation in Frisian in practice: see sections 8.70 to 8.74.

² A further correction was introduced to the text in the Act of 15 March 2007 (Bulletin of Acts and Decrees 2007, 124). The phrase “lid fan it gemeentebestjoer” is replaced by: lid fan 'e rie.

³ A further correction was introduced to the text in the Act of 15 March 2007 (Bulletin of Acts and Decrees 2007, 124). The phrase «lid fan it provinsjaal bestjoer» is replaced by: lid fan provinsjale steaten.

“Ik swar (ferklearje) dat ik, om ta lid fan provinsjale steaten beneamd te wurden, streekrjocht noch midlik, ûnder wat namme of wat ferlechje ek, hokker jefte of geunst dan ek jûn of ûnthjitten haw.

Ik swar (ferklearje en ûnthjit) dat ik, om eat yn dit amt te dwaan of te litten, streekrjocht noch midlik hokker geskink of hokker ûnthjit dan ek oannommen haw of oannimme sil.

Ik swar (ferklearje en ûnthjit) dat ik trou wêze sil oan 'e Grûnwet, dat ik de wetten neikomme sil en dat ik myn plichten as lid fan provinsjale steaten yn alle oprjochtens ferfolje sil.

Sa wier helpe my God Almachtich!”

(“Dat ferklearje en ûnthjit ik!”).

- 8.7 The Act of 9 September 2004 (Bulletin of Acts and Decrees 2004, 493) also adjusted the other oath provisions in the Provinces Act. Section 40a, the oath (declaration or solemn affirmation) for the appointment as member of the Provincial Executive, Section 66, the oath (declaration or solemn affirmation) for the appointment as Queen’s Commissioner and Section 79g for the appointment as member of the Court of Audit have been adjusted such that the text, as illustrated above, instead of reading “lid fan provinsjale steaten”, can be read respectively as “deputearre”, “kommissaris fan 'e Kening” and “lid fan 'e rekkenkeamer”. In the Act of 15 March 2007 (Bulletin of Acts and Decrees 2007, 124), an additional Frisian-language provision was similarly included in Section 79t of the Provinces Act for the appointment as ombudsman.
- 8.8 The Water Boards (Modernisation) Act of 21 May 2007 (Bulletin of Acts and Decrees 2007, 208) has resulted in the adjustment of the oath provisions in the Water Boards Act. Section 34, subsection 2, Section 50, subsection 2 and Section 51e, subsection 2 make it possible in the future for members of the general administrative body, the chairman and the ombudsman of a water board to use the Frisian language when taking an oath or making a solemn affirmation. These sections will enter into force at a time to be determined in a royal decree.
- 8.9 In documents from and contact with the EU, Frisian does not apply as one of the official languages. However, there is a move underway to give somewhat greater freedom to these unofficial languages which, nevertheless, do have an official status at a regional level. In the Treaty Establishing a Constitution for Europe concluded on 29 October 2004, Article IV-448 determined that this treaty could also be translated into other languages chosen by the member states from those languages that, in accordance with their constitutional framework, apply as official languages throughout their entire territory or in a part thereof. The member states concerned are to deposit a certified copy of such translations in the Council’s archives.
- 8.10 With regard to a Frisian translation of the European Constitution, the Dutch government declared its readiness to avail itself of this option.⁴ On

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The Minister of the Interior and Kingdom Relations had replied previously to questions from members of the House of Representatives that the Dutch government had decided that the Treaty Establishing a Constitution for Europe was to be translated into the Frisian language. The government and the Province of Fryslân would bear the costs of this translation jointly. The translation would then be filed in Brussels in accordance with the provisions in that regard contained within the treaty. See: Annexes to Parliamentary Papers II (House of Representatives) 2004/05, Annexe 1537.

1 June 2005, a referendum was held in the Netherlands on this constitution. In 2005, in consultation with the Referendum Committee, the Province of Fryslân published a Frisian-language summary of the Treaty Establishing a Constitution for Europe. As a result of the negative outcome of the referendum, translation of the full text of the treaty into Frisian was ultimately abandoned.

- 8.11 In 2001, the Committee of Experts encouraged central government and the other authorities concerned to implement Section 2:9 of the General Administrative Law Act by drawing up model regulations or model ordinances covering the use of Frisian.⁵ Moreover, the Committee stated that the Netherlands was fulfilling the undertakings it entered into on accepting Article 10 of the European Charter, with the exception of the undertaking concerning the use of Frisian family names.
- 8.12 In view of the Committee's position, it is worth noting that the Ministry of the Interior and Kingdom Relations drafted a model regulation on the use of Frisian in administrative matters for the benefit of decentralised central government agencies in 1996 (see section 8.35). In addition, the Province of Fryslân drafted a model ordinance for the benefit of the municipalities in Fryslân in 1997 (see further section 8.51). In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that those ministries with agencies covering Fryslân would introduce regulations on the use of Frisian by the agencies concerned by 2004 (Covenant 4.2).⁶ This final point had not yet been achieved in 2004.
- 8.13 In 2004, the Council of Europe's Committee of Ministers recommended taking practical measures to make possible the use of the Frisian language by central government agencies established in Fryslân, as well as by agencies pertaining directly to central government.⁷ The current state of affairs is discussed in greater detail in sections 8.26 to 8.37.
- 8.14 In 2001, the Committee of Experts stated in respect of family names that the Netherlands had not fulfilled the undertakings into which it had entered under the Charter. The Committee encouraged central government to take the necessary measures to permit the use of Frisian family names in official documents.⁸ To rectify this shortcoming, central government and the Province of Fryslân agreed in the Covenant on the Frisian Language and Culture (2001) that central government will draft a statutory provision on changes to family names to enable Frisian names or

⁵ Council of Europe, *Report of the Committee of Experts* (2001), 83. In accordance with Dutch legislation, a distinction needs to be made between regulations (at national level) and ordinances (at provincial and municipal level). The relevant ministry can draw up regulations or legislation concerning the use of Frisian in administrative matters for central government agencies that are located in the Province of Fryslân. The Province of Fryslân and the municipalities can make use of ordinances for this purpose.

⁶ Section 4.2 of the original Dutch version of the Covenant on the Frisian Language and Culture (2001) talks about 'ordinances' where it obviously means 'regulations'.

⁷ Recommendation RecChL (2004) 7 by the Council of Europe's Committee of Ministers.

⁸ Council of Europe, *Report of the Committee of Experts* (2001), 87.

Frisian spellings to be recognised as official family names⁹ (Covenant 4.7). In 2002, the Change of Family Names Decree was amended in that respect (see further sections 8.134 and 8.135).

- 8.15 Finally, the following should be noted with regard to legislation concerning the use of Frisian in administrative matters, as laid down in the General Administrative Law Act. 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 a second evaluation of Part 2.2 of the General Administrative Law Act was conducted if there were practical reasons for doing so. Central government would also strive to ensure that any measures needing to be taken as a result of such an evaluation would indeed be implemented. The Act is to be amended if necessary (Covenant 4.6).
- 8.16 It was agreed in the Implementation Covenant on the Frisian Language and Culture (2005) that the Minister of the Interior and Kingdom Relations ascertain periodically – and at least once every three years – whether possible stumbling blocks might necessitate an evaluation of Section 2.2 of the General Administrative Law Act. To date, such an evaluation of the General Administrative Law Act has not been considered necessary (Implementation Covenant 4.9).
- 8.17 For the second time, the Frisian Language Board (*Berie foar it Frysk*) has conducted a study into the state of affairs in all of the Frisian municipalities, with the exception of the Frisian Islands, regarding Frisian-language and cultural policy in Fryslân’s municipalities.¹⁰ This second study is in fact a repetition of a previous study conducted in 2000, thus enabling the results to provide particular insight into how municipal policy has developed.¹¹
- 8.18 As far as the administrative authorities and public services are concerned, *Berie foar it Frysk* concludes that more municipalities have now enacted a language ordinance (see section 8.52). Arrangements have been more frequently made on the use of Frisian during council meetings or for agendas and council documents (see section 8.68). Ten per cent of municipalities expect their employees to have an active command of the Frisian language in addition a passive command of Frisian. The number of municipalities in which internal arrangements have been made about the choice of language on the telephone appears to have declined. In only a

⁹ Article 4.7 of the Covenant on the Frisian Language and Culture (2001) states that the Frisian name or the Frisian spelling of a name be recognised as the official family name in the municipal personal records database. For the sake of completeness, it should be noted that this recognition has general force and is, therefore, not restricted to the municipal personal records database but also relates to all other official registers. It is for that reason that the phrase “in the municipal personal records database” has been omitted from the text of this report.

¹⁰ G. I. Jellema, A. M. J. Riemersma (chief editors) *Taalbelied by gemeenten. In Tuskenstân*, *Berie foar it Frysk*, Ljouwert, 2005.

¹¹ G. I. Jellema, A. M. J. Riemersma (chief editors) *Bestjoere en foarútsjen*, *Berie foar it Frysk*, Ljouwert, 2000.

minority of municipalities does Frisian play a role in the information provided to citizens.¹²

Article 10(1)(a)(v): written use of Frisian by natural and legal persons in their dealings with central government bodies located in the Province of Fryslân

8.19 On accepting the European Charter, the Netherlands undertook, as far as reasonably possible, ‘to ensure that users of [the Frisian language] may validly submit a document in [this language]’ to central government bodies located in the Province of Fryslân. The statutory basis for this is Section 2:7 of the General Administrative Law Act (Bulletin of Acts and Decrees 1995, 302). Section 2:7, subsection 1 of the Act lays down the basic rule that members of the public are entitled to use Frisian in their dealings with administrative authorities, insofar as these are located in the Province of Fryslân. Section 2:7, subsection 2 of the Act subsequently provides that subsection 1 does not apply in cases where the administrative authority has requested the use of Dutch on the grounds that the use of Frisian would impose a disproportionate burden on the administrative process.

8.20 In 2001, the Committee of Experts noted that central government had fulfilled the undertaking entered into by the Netherlands under Article 10(1)(a)(v) of the European Charter.¹³

8.21 As the relevant legislation and policies are in accordance with the undertaking entered into by the Netherlands under the European Charter, the Covenant on the Frisian Language and Culture (2001) contains no agreements on this issue.

8.22 In a letter dated 23 January 1996, ref. BW95/U1445, the State Secretary for the Interior drew the new statutory regulations on the use of Frisian in administrative matters to the attention of the various ministers whose jurisdictions encompassed a decentralised central government agency located in the Province of Fryslân. In the letter, the State Secretary stated explicitly that although Section 2:7, subsection 2 of the General Administrative Law Act authorised administrative authorities to request Frisian-speaking individuals to use Dutch,

‘it should be clear that excessive use of this exception would lead to the erosion, opposed by the legislature, of the right granted in subsection 1. It is therefore desirable that a sufficient number of Frisian-speaking employees are available, especially in departments dealing directly with the public.’

Through this statement, the Dutch government supports the purpose of Article 10 of the European Charter, as formulated in the Explanatory Report.¹⁴

¹² G. I. Jellema, A. M. J. Riemersma, *Taalbelied by gemeenten*, Berie foar it Frysk, Ljouwert, 2005, 34-36.

¹³ Council of Europe, *Report of the Committee of Experts* (2001), 82.

- 8.23 Two ministries have so far expanded on the language provisions in the General Administrative Law Act concerning the use of Frisian in dealings between, on the one hand, natural and legal persons and, on the other, administrative authorities. First of all, the Ministry of Finance has adopted regulations on communication between individuals and units of the Tax and Customs Administration (see section 8.24). In addition, the Ministry of Housing, Spatial Planning and the Environment has adopted regulations on environmental reporting (see section 8.25).
- 8.24 In 1997, the State Secretary for Finance approved the 1997 General Administrative Law Act Regulations, which apply in particular to communication between individuals and units of the national tax authorities (Government Gazette 1997, 138). As their name implies, these Regulations are based on the General Administrative Law Act. Section 3.1 of the Regulations states that Chapter 2 of the General Administrative Law Act lays down a number of provisions concerning communication between individuals and administrative authorities. These provisions, including the provisions on the use of Dutch and Frisian, apply to all the activities of the Tax and Customs Administration. Section 5.3.4 of the Regulations provides that, pursuant to Section 2:7 of the General Administrative Law Act, taxpayers are entitled to use Frisian when submitting applications to tax units located in the Province of Fryslân. Taxpayers are also entitled to submit Frisian-language notices of objection to tax units located in the Province of Fryslân (Section 6.1.1 of the Regulations).
- 8.25 In 1997, the Minister of Housing, Spatial Planning and the Environment included provisions on environmental reporting by companies in the Environmental Management Act (Bulletin of Acts and Decrees 1997, 170). Section 12.6 of this Act takes account of the possibility that companies in the Province of Fryslân will draw up their environmental reports, which under the Act must be made public, in Frisian. In such cases, a Dutch translation may be requested. If a company draws up an environmental report for an administrative authority in the Province of Fryslân in Frisian, in accordance with Part 2.2 of the General Administrative Law Act, the management of the company must provide a Dutch translation on request, in accordance with Section 12.6, subsection 2 of the Environmental Management Act.

Article 10(1)(c): written use of Frisian by central government administrative authorities located in the Province of Fryslân

- 8.26 On accepting the European Charter, the Netherlands undertook, with regard to central government bodies located in the Province of Fryslân, ‘to allow the administrative authorities to draft documents in [the Frisian language]’, as far as this is reasonably possible. The statutory basis for this is Sections 2:9, 2:10 and 2:11 of the General Administrative Law Act

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Council of Europe, *European Charter for Regional or Minority Languages: Explanatory Report*, section 104.

(Bulletin of Acts and Decrees 1995, 302). These provisions apply to central government bodies whose purview extends to the Province of Fryslân or parts of it.

- 8.27 In 2001, the Committee of Experts noted that Dutch legislation was in accordance with the undertaking entered into by the Netherlands under Article 10(1)(c) of the European Charter, but that it had not yet been put into practice. According to the General Administrative Law Act, central government bodies and agencies that fall within the jurisdiction of a particular ministry and whose purview extends to the Province of Fryslân or part of it are entitled to draw up regulations on the use of Frisian in written documents. In 2001, this had not yet been done and, therefore, central government bodies located in Fryslân cannot use Frisian in their outgoing correspondence. The Committee therefore considered that the Netherlands was not fulfilling its obligations in this matter.¹⁵ Ultimately, the Committee of Experts incited the authorities to implement the General Administrative Law Act (Section 2:9) by drafting model ordinances¹⁶ relating to the use of the Frisian language.
- 8.28 In its second report, the Committee of Experts stated that such a model ordinance¹⁷ had been drafted and sent to the ministries concerned. However, none of the ministries concerned has accepted such an ordinance¹⁸ to date, and this means that the central government agencies concerned, insofar as the Province of Fryslân forms part of their jurisdiction, cannot use the Frisian language in their outgoing correspondence. While the Committee of Experts recognised central government's efforts to comply with the chosen option, it concluded that compliance with the option had not been met to date.¹⁹
- 8.29 As previously noted in section 8.12 of this report, central government and the Province of Fryslân agreed in the Covenant on the Frisian Language and Culture (2001) that, in the period up to 2004, those ministries with agencies covering Fryslân would introduce regulations on the use of Frisian by the agencies concerned (Covenant 4.2).
- 8.30 It was agreed in the Implementation Covenant on the Frisian Language and Culture (2005) that, on the initiative of the Minister of the Interior and Kingdom Relations, all of the central government agencies with jurisdiction in Fryslân would have their attention drawn to the desirability of drafting a regulation in respect of the use of the Frisian language by the central government agency concerned. The Ministers of Education, Culture and Science and of Health, Welfare and Sport would bear responsibility for bringing about such a regulation for their own inspectorates with jurisdiction in Fryslân (Implementation Covenant 4.3).

¹⁵ Council of Europe, *Report of the Committee of Experts* (2001), 83.

¹⁶ "Model regulations" are meant here instead of model ordinances (cf. footnote to section 8.11).

¹⁷ "Model regulation" is meant here instead of model ordinance (cf. previous footnote).

¹⁸ "Regulation" is meant here instead of ordinance (cf. previous footnote).

¹⁹ Council of Europe, *2nd Report of the Committee of Experts* (2004), 136-137.

- 8.31 Section 104 of the Explanatory Report states that the undertakings entered into by the member states in paragraphs 1 and 3 of Article 10 are qualified by the phrase ‘as far as is reasonably possible’. This phrase does not change the fact that the acceptance of a particular provision with respect to a given language necessarily entails a commitment to provide the resources and make the administrative arrangements required to render it effective.
- 8.32 With regard to administrative authorities located in the Province of Fryslân that are part of central government, Section 2:9 of the General Administrative Law Act lays down the basic rule that the ministers concerned are authorised to establish rules on the use of Frisian in written documents for central government bodies whose purview extends to the Province of Fryslân or part of it. Such rules must also be in accordance with the other provisions of Part 2.2 of the General Administrative Law Act (see also sections 8.33 and 8.34).
- 8.33 Section 2:10 of the General Administrative Law Act specifies the cases in which a written document drafted in Frisian must also be drafted in Dutch.
- 8.34 Section 2:11 of the General Administrative Law Act lays down rules concerning the Dutch translation of a written document drafted in Frisian. These rules also apply to central government bodies whose purview extends to the Province of Fryslân or part of it. The basic principle underlying the rules in Section 2:11 is that Dutch translations will be provided upon request only when the written document is drafted in Frisian. In principle, the associated translation costs are borne by the party making the request.
- In addition, it is worth noting that no third-party costs are attached to the translation of documents drafted in Frisian that must also be drafted in Dutch, in accordance with the relevant statutory provision (Section 2:10 of the General Administrative Law Act) (see also section 8.48).
- 8.35 In order to render Section 2:9 of the General Administrative Law Act effective, central government has drawn up a model regulation on the use of Frisian in administrative matters that seeks to lower the threshold for the written use of Frisian by decentralised central government agencies. The State Secretary for the Interior sent the model regulation to the relevant ministries as an annexe to a letter dated 23 January 1996, ref. BW95/U1445. This letter informed the ministries concerned of the new statutory regulations on the use of Frisian in administrative matters (see section 8.22).
- 8.36 Thus far, none of the ministers concerned has made use of their statutory powers under Section 2:9 of the General Administrative Law Act to adopt regulations on the use of the Frisian language (see section 3.7.7). In the absence of such regulations, a decentralised central government agency

located in the Province of Fryslân cannot by law use Frisian in its outgoing correspondence.²⁰

- 8.37 It is clear that Dutch legislation is in accordance with the undertakings entered into by the Netherlands concerning the written use of Frisian by central government administrative authorities. On the basis of section 104 of the Explanatory Report and certain other factors, however, the Committee of Experts considers that the ministries concerned have not yet made all the administrative arrangements that are required to implement the relevant provision of the Charter. As noted in sections 8.29 and 8.30 of this report, Article 4.2 of the Covenant on the Frisian Language and Culture (2001) and Article 4.3 of the Implementation Covenant (2005) seek to encourage the adoption of such arrangements. In addition, Article 4.5 of the 2001 Covenant contains an agreement concerning the need to improve the Frisian language skills of staff dealing directly with the public in the service of governmental or semi-governmental institutions in the Province of Fryslân (such as decentralised central government agencies). This issue is discussed in greater detail in sections 8.107 to 8.110.

Article 10(2)(a)-(d): use of Frisian in administrative matters by local and regional authorities

- 8.38 On accepting the European Charter, the Netherlands undertook the following with regard to local and regional authorities in the Province of Fryslân:

‘to allow and/or encourage:

- a the use of [the Frisian language] within the framework of the regional or local authority;
- b the possibility for users of [the Frisian language] to submit oral or written applications in [this language];
- c the publication by regional authorities of their official documents also in [the Frisian language];
- d the publication by local authorities of their official documents also in [the Frisian language]’.

- 8.39 In 2001, the Committee of Experts considered that these undertakings were being fulfilled. However, the Committee also encouraged the authorities concerned to make use of the opportunity provided by Section 2:9 of the General Administrative Law Act to draw up model ordinances covering the use of Frisian.²¹
- 8.40 In its second report, the Committee of Experts stated that the agreed undertakings had been fulfilled.²²

²⁰ For the sake of clarity, it is worth noting that this section refers to regulations that enable central government authorities located in the Province of Fryslân to use Frisian. Such regulations do not actually exist at present. However, as previously noted, there are regulations that enable natural and legal persons to use Frisian in their dealings with central government bodies located in the Province of Fryslân (such as the tax authorities in Leeuwarden) (see sections 8.23 to 8.25).

²¹ Council of Europe, *Report of the Committee of Experts* (2001) 84.

²² Council of Europe, *2nd Report of the Committee of Experts* (2004), 140.

- 8.41 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that they would jointly strive to ensure that by 2003 ten municipalities in the Province of Fryslân would have adopted ordinances for their own use of Frisian (Covenant 4.1). Section 8.52 of this report discusses the achievement of this arrangement in more detail.
- 8.42 It was agreed in the Implementation Covenant on the Frisian Language and Culture (2005) that the Minister of the Interior and Kingdom Relations would urge all municipalities conducting policy in respect of the use of the Frisian language, which had not yet drafted an ordinance regarding the written use of the Frisian language, of the necessity to adopt such an ordinance (Implementation Covenant 4.1).
- 8.43 It was further agreed in the Implementation Covenant on the Frisian Language and Culture (2005) that the Province of Fryslân would disseminate a model ordinance among all of the municipalities conducting policy in respect of the Frisian language, which had not yet drafted an ordinance regarding the written use of the Frisian language. In 2004, the Ministry of the Interior and Kingdom Relations and the Province of Fryslân released a joint publication entitled ‘A Guide for Municipalities in Fryslân’, which discussed powers and responsibilities in respect of language policy, municipal practice, the European Charter and a model ordinance for Frisian in written correspondence (Implementation Covenant 4.2).
- 8.44 The use of the Frisian language within the framework of the regional and local authorities is regulated in Part 2.2 of the General Administrative Law Act: in particular, in Sections 2:7 to 2:11, as well as in Section 8, subsection 3 of the Use of Frisian (Legal Matters) Act.
- 8.45 As previously noted (see section 8.31), the acceptance by a member state of the provisions contained in subparagraphs 1 and 3 of Article 10 of the European Charter necessarily entails a commitment to provide the resources and make the administrative arrangements required to render it effective. In order to respect the autonomy of regional and local authorities, a different approach was adopted in the formulation of subparagraph 2 of the same article. Thus, on accepting a particular provision from this subparagraph, a member state is not individually bound ‘to provide the resources and make the administrative arrangements required to render it effective’, but undertakes, while respecting the principle of local and regional autonomy, ‘to allow and/or encourage’ the regional and local authorities to apply the provisions accepted by central government in their own policies. In this regard, the regional and local authorities possess the requisite amount of policy freedom (see section 105 of the Explanatory Report).
- 8.46 The possibility for Frisian speakers to submit oral or written applications in Frisian to regional and local authorities in the Province of Fryslân is regulated in Section 2:7, subsection 1 of the General Administrative Law

Act, which provides that ‘everyone may use Frisian in their dealings with administrative authorities, insofar as these are located in the Province of Fryslân’. Section 2:7, subsection 2 provides that this basic rule does not apply ‘in cases where the administrative authority has requested the use of Dutch on the grounds that the use of Frisian would impose a disproportionate burden on the administrative process’. With regard to the use of this exception, the reader is referred to the matters discussed in section 8.22.

- 8.47 The publication of official documents in Frisian by regional and local authorities is regulated in Section 2:9 of the General Administrative Law Act, which provides that ‘administrative authorities located in the Province of Fryslân that are not part of central government may make rules on the use of Frisian in written documents’. Such rules, laid down in provincial or municipal ordinances, must be in accordance with the other provisions of Part 2.2 of the General Administrative Law Act (see also sections 8.48 and 8.49). Section 8.51 considers the freedom of administrative authorities in the Province of Fryslân to adopt such ordinances on the use of Frisian in written documents in greater depth.
- 8.48 Section 2:10 of the General Administrative Law Act stipulates in which cases a written document drafted in Frisian must also be drafted in Dutch. The associated translation costs are borne by the administrative authority concerned (see section 8.34).
- 8.49 Section 2:11 of the General Administrative Law Act lays down rules concerning the translation into Dutch of written documents drafted in Frisian by the administrative authorities located in the Province of Fryslân.²³ In principle, the associated translation costs are borne by the party requesting the translation, unless the written document ‘includes a decision or other proceeding which directly concerns the party making the request’. The level of the translation costs is regulated in the above-mentioned provincial and municipal ordinances (see section 8.47).
- 8.50 By decree of the Provincial Council of Fryslân of 4 October 2000, the Province of Fryslân adopted an ordinance on the written use of the Frisian and Dutch languages by administrative authorities in the Province of Fryslân (Provincial Bulletin 2000, 75), thereby implementing Section 2:9 of the General Administrative Law Act (see section 8.47).²⁴
- 8.51 The Provincial Executive of Fryslân has drafted a model ordinance on the written use of Frisian in administrative matters for the benefit of the local authorities in the Province of Fryslân, in particular the municipalities and

²³ At the end of 2001, a resident in the Province of Fryslân lodged an objection against a Dutch version of a provincial Frisian-language memorandum not being made available on time. In its final judgment, the administrative court indicated to the provincial administration of Fryslân the necessity of making a translation available on time (*Leeuwarder Courant*, 1 December 2003).

²⁴ This ordinance replaced the provincial ordinance on the written use of Frisian and Dutch by administrative authorities in the Province of Fryslân as adopted in 1985 and most recently amended in 1990 (Provincial Bulletin 1985, 82; 1990, 103).

water boards.²⁵ In the absence of such an ordinance on the choice of language, a local authority in the Province of Fryslân is not entitled to use Frisian in its outgoing correspondence. In fact, local authorities in Fryslân are not obliged to introduce policies on the use of Frisian in administrative matters on the basis of Part 2.2 of the General Administrative Law Act for the reasons mentioned in section 8.45.²⁶ Nevertheless, 20 of the 31 Frisian municipalities have opted to introduce municipal policies concerning the use of Frisian in administrative matters.²⁷ Some of the municipalities concerned still lack the municipal ordinance required under Section 2:9 of the General Administrative Law Act, while others have brought their policies into line with the General Administrative Law Act (cf. sections 8.52 and 8.53).

- 8.52 The objective, as expressed in Article 4.1 of the Covenant on the Frisian Language and Culture (2001), to ensure that by 2003 ten municipalities in the Province of Fryslân will have adopted ordinances for the use of Frisian in written documents (cf. section 8.41) has been achieved. At present, 14 of the 31 Frisian municipalities have accomplished this,²⁸ thereby implementing Section 2:9 of the General Administrative Law Act (see section 8.47).
- 8.53 The remaining six municipalities with a language policy plan have yet to enact an ordinance in respect of the use of the Frisian language.²⁹ In the absence of such an ordinance, there is a risk that the municipalities concerned might not act in accordance with the provisions in Section 2:9, subsection 1 of the General Administrative Law Act (see section 8.47).
- 8.54 The six Frisian water boards in existence since 1997 merged with effect from 1 January 2004. Since then, Wetterskip Fryslân has remained the sole Frisian water board. To date, Wetterskip Fryslân has not enacted any ordinance relating to the use of the Frisian language. Wetterskip Fryslân intends to enact such an ordinance by no later than 2008.³⁰
- 8.55 All of the Frisian municipalities have Internet websites. Of these municipalities, nine provide information in Frisian, two have a bilingual

²⁵ Enclosure to a letter dated 20 March 1997 from the Provincial Executive of Fryslân to the local authorities concerned, ref. MO/97-31447.

²⁶ Cf. Parliamentary Papers II (House of Representatives) 1993-1994, 23 543, no. 5, p. 18.

²⁷ Since the previous report, the number of municipalities with a language policy scheme has increased from nineteen to twenty. As of 1 November 2005, the following municipalities had drafted a policy plan or memorandum in respect of the Frisian language: Achtkarspelen, Boarnsterhim, Dantumadeel, Dongeradeel, Ferwerderadiel, Franekeradeel, Heerenveen, Het Bildt, Leeuwarden, Leeuwarderadeel, Lemsterland, Littenseradiel, Menaldumadeel, Opsterland, Skarsterlân, Smallingerland, Sneek, Tytsjerksteradiel, Wûnseradiel and Wymbritseradiel (see: www.gemeentenenfrysk.nl). The municipality of Het Bildt has a memorandum in respect of Bildts and Frisian in the municipality.

²⁸ This concerns the municipalities of Boarnsterhim, Dongeradeel, Ferwerderadiel, Littenseradiel, Leeuwarden, Leeuwarderadeel, Menaldumadeel, Skarsterlân, Smallingerland, Sneek, Tytsjerksteradiel, Wûnseradiel and Wymbritseradiel (see: www.gemeentenenfrysk.nl). In comparison with the previous report, the number of municipalities with a language ordinance has nearly doubled from 7 to 13.

²⁹ This concerns the municipalities of Achtkarspelen, Dantumadeel, Franekeradeel, Heerenveen, Het Bildt and Littenseradiel.

³⁰ E-mail from Wetterskip Fryslân to the Fryske Akademy dated 28 November 2006.

website, and a further two also provide more comprehensive information in Frisian in addition to the Dutch text.³¹

- 8.56 In 2005, the Afûk, with the support of the Province of Fryslân, launched the www.gemeentenenfrysk.nl website for the purposes of municipal language and culture policy. The website focuses on promoting Frisian-language written correspondence among local authorities and provides both information on language policy as well as a helping hand concerning linguistic issues, including a language correction service. The principal intention of the latter is to lower the barriers that prevent public service employees from writing in Frisian.
- 8.57 On 15 November 2006, the Province of Fryslân signed a declaration of intent with the municipalities of Boarnsterhim, Dongeradeel, Ferwerderadiel, Leeuwarderadeel, Littenseradiel, Menaldumadeel, Tytsjerksteradiel and Wymbritseradiel to correspond with each other forthwith in Frisian.³² It was agreed to publish reports and memoranda in Frisian whenever possible or else to provide a Frisian-language summary. The province made € 9,000 available with which the Afûk would be able to set up its language correction service (see section 8.56).
- 8.58 Section 8, subsection 3 of the Use of Frisian (Legal Matters) Act (Bulletin of Acts and Decrees 1995, 440), which entered into force on 1 January 1997, provides that deeds intended for entry in the register of births, deaths and marriages may be drawn up both in Frisian and in Dutch. In connection with the amendment of the Act, the 1994 Births, Deaths and Marriages (Registration) Decree was amended by a decree of 27 August 1996 (Bulletin of Acts and Decrees 1996, 445). As of 1 January 1997, municipalities in the Province of Fryslân are able to draw up deeds intended for entry in the register of births, deaths and marriages in Frisian and Dutch. The language in which the marriage booklet is issued depends on the municipalities concerned.³³

³¹ In 2001, ‘Steunpunt Fries’ under the Afûk initiated a new project under the heading ‘Municipalities on the Internet in Frisian’. The project’s objective is to facilitate municipalities’ use of Frisian on their websites. In the interim, the municipalities of Achtkarspelen, Ferwerderadiel, Smallingerland and Wûnseradiel are now providing Frisian-language information on the Internet. In addition to this, the municipality of Menaldumadeel devotes some Frisian-language text to the municipality’s Frisian-language policy. The mayor of Gaasterlân-Sleat has an entirely bilingual editorial on the Internet.

³² In 2005, the municipality of Vlieland returned a motion drafted in Frisian and submitted by the municipality of Dongeradeel to the Frisian municipalities in respect of the project to strengthen the administrative organisation, because a Dutch-language translation was absent (*Leeuwarder Courant*, 26 July 2005).

³³ Research into the language practice and policy of Frisian municipalities in 1997-2001 shows that the municipalities of Boarnsterhim, Ferwerderadiel, Franekeradeel, Gaasterlân-Sleat, Kollumerland c.a., Leeuwarden, Nijefurd and Littenseradiel have issued only Frisian-language marriage booklets. During the same period, the municipalities of Ameland, Bolsward, Harlingen, Lemsterland and Terschelling issued only Dutch-language marriage booklets. The remaining sixteen municipalities issued Frisian-language and Dutch-language marriage booklets, of which 88% of the marriage booklets issued by the municipality of Achtkarspelen were Frisian-language, while the municipality of Vlieland issued only 0.62% of its marriage booklets in Frisian. Frisian-language marriage booklets issued by the remaining municipalities were between the percentages for Achtkarspelen and Vlieland (Durk M. B. Krol, *Taalpraktyk en taalbelied by gemeenten*, Berie foar it Frysk, Ljouwert, 2003, 25).

- 8.59 In 1996, prior to the introduction of bilingual deeds for entry in the register of births, deaths and marriages, and at the request of the Ministry of Justice, the Fryske Akademy's Language Desk translated into Frisian all the deeds in the book of model documents of the Dutch Association of Population Affairs. In addition, all the municipalities in the Province of Fryslân have received a software package of bilingual deeds in order to facilitate the implementation of the Use of Frisian (Legal Matters) Act.
- 8.60 Article H 2, paragraph 5 of the Elections Decree (Bulletin of Acts and Decrees 1989, 471; 1997, 712) allows appellations on candidate lists in the Province of Fryslân to appear in Frisian: 'where the election of the members of the Provincial Council of Fryslân or the municipal councils in the Province of Fryslân is concerned, appellations on the candidate lists may appear in Frisian'. The candidates of the Fryske Nasjonale Partij regularly avail themselves of this legal possibility, while the candidates of other parties do so only rarely. A few parties also participate in municipal or provincial council elections under their Frisian names (see further in section 8.91).
- 8.61 In light of the above, it appears that the Netherlands has adopted the necessary statutory and substantive measures to implement Article 10(2)(a)-(d) of the European Charter, while respecting the principle of local and regional autonomy. In addition, Article 4.5 of the Covenant contains an agreement concerning the need to improve the Frisian language skills of staff dealing directly with the public where the staff is employed by governmental or semi-governmental institutions in the Province of Fryslân (province, municipalities and water boards). This issue is discussed in more depth in sections 8.107 and 8.111 to 8.122.

Article 10(2)(e)-(f): use of Frisian in meetings of regional and local authorities located in the Province of Fryslân

- 8.62 On accepting the European Charter, the Netherlands undertook the following with regard to the regional and local authorities in the Province of Fryslân
- ‘to allow and/or encourage:
- e the use by regional authorities of [the Frisian language] in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;
 - f the use by local authorities of [the Frisian language] in debates in their assemblies, without excluding, however, the use of the official language(s) of the State.’
- 8.63 In 2001, the Committee of Experts considered that the above-mentioned undertakings had been fulfilled.³⁴
- 8.64 In its second report, the Committee of Experts stated once again that the agreed undertakings were being fulfilled.³⁵

³⁴ Council of Europe, *Report of the Committee of Experts* (2001), 84.

- 8.65 As Dutch legislation and policy are in accordance with the undertakings entered into by the Netherlands under the European Charter, the Covenant on the Frisian Language and Culture (2001) contains no agreements in this regard.
- 8.66 The use of Frisian in meetings of administrative authorities located in the Province of Fryslân is regulated in Section 2:12 of the General Administrative Law Act. According to Section 2:12, what is said in Frisian is to be recorded in Frisian in the minutes.
- 8.67 Barring certain statutory exceptions, the administrative authorities may charge a fee for the translation of the minutes of such meetings that may not exceed the cost of the translation. The level of the translations costs is regulated in provincial and municipal ordinances, as discussed in sections 8.47 to 8.49. No fee is charged for the translation into Dutch of minutes drawn up in Frisian if the party requesting the translation has a direct interest in the content of those minutes or if the minutes concern the adoption of generally binding regulations or policy rules (Section 2:11, subsection 3 (a) of the General Administrative Law Act).
- 8.68 In 2005, a study was conducted on behalf of the Frisian Language Board, *Berie foar it Frysk*, into municipalities' language policy. The oral use of Frisian during council meetings was also studied in addition to this. This produced a varied picture. In rural municipalities, where the Frisian language enjoys a strong position in the community, Frisian is employed frequently in the council chamber. In other municipalities, the Frisian language is heard far less in the council chamber.³⁶ According to the same study, the documents prepared for the council meeting are compiled for the most part in the Dutch language. Frisian is used to a significantly lesser degree (cf. sections 8.17 and 8.18).
- 8.69 In the period under review (2002-2007), the policy for members of the Provincial Council of Fryslân in respect of agendas and meeting papers was specified in more detail:
- a. regarding the Provincial Council, the agenda and meeting papers is alternately in Dutch or in Frisian;
 - b. regarding both Provincial Council committees, the agendas are in Frisian. However, many meeting papers are in Dutch. This also applies to the list of resolutions from the meetings from January 2005 onwards;
 - c. in principle, the agenda of the Provincial Presidium - consisting of a board of chairpersons from all political groupings in the Provincial Council who meet under the chair of the Queen's Commissioner – is drafted in Dutch. The papers are alternately in Dutch or in Frisian.
- Since 20 March 2003, the meeting papers have been available for inspection online from the Province of Fryslân website. For more

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Council of Europe, *2nd Report of the Committee of Experts* (2004), 140.

³⁶

G. I. Jellema, A. M. J. Riemersma, *Taalbelied by gemeenten*, Berie foar it Frysk, Ljouwert, 2005, 34.

information concerning the numbers of documents produced in Frisian, see section 8.113.

- 8.70 Taking the oath or making the solemn affirmation in Frisian by members of provincial and municipal councils, as well as by members of the general administrative body of water boards, had already been a statutory option since 11 May 1956 and is so on the grounds of Section 1 of the Use of Frisian (Legal Matters) Act. The same freedom also existed for members of the Provincial Executive, aldermen and the executive committee members of water boards. Frequent use is made of this option.³⁷
- 8.71 In addition, it was also standard practice in provincial councils and in many municipal councils in Fryslân during the swearing in of municipal or provincial councillors – as well as of aldermen and members of the Provincial Executive – to read out the full text of the oath or solemn affirmation in Frisian, despite the fact that the Provinces Act, Municipalities Act and Water Boards Act officially recognised only a Dutch-language text. This did not result in any difficulties in practice.
- 8.72 However, in 2002, the then mayor of the Frisian municipality of Opsterland called into question the use of Frisian when reading out the oath or solemn affirmation during the swearing in of new municipal councillors. His view was such that the legislature had made formal provision for this in any case. Amending legislation was deemed necessary given that the Frisian language had been allowed as an official language in the Province of Fryslân since 1995. The oath provisions in the Provinces Act, Municipalities Act and Water Boards Act were amended between 2004 and 2007 in order to put beyond question that the Frisian text of oaths or declarations could be used during the swearing in of new members of the Provincial Executive, municipal councillors and members of the general administrative body of water boards in the Province of Fryslân. The other oath provisions in these three acts were also amended in comparable fashion (see sections 8.3 to 8.8).
- 8.73 Following the municipal council elections of 8 March 2006, 36.5% (or 214 out of a total of 586) of municipal councillors and aldermen took the oath or made the solemn affirmation in Frisian³⁸ In ten municipalities, this was performed by over half of councillors.³⁹ In six municipalities, none of the councillors took the oath or made the solemn affirmation in Frisian.⁴⁰ Four municipalities furnished figures including aldermen.⁴¹

³⁷ Several members of the Senate and House of Representatives take this option. It is also employed with regularity when swearing in registrars of births, deaths and marriages.

³⁸ The data from 2006 for municipal councillors taking the oath or making the solemn affirmation relate to all Frisian municipalities. In addition, four municipalities submitted information on the taking of the oath by aldermen as well.

³⁹ This relates to the municipalities of Achtkarspelen, Boarnsterhim, Dantumadeel, Dongeradeel, Franekeradeel, Gaasterlân-Sleat, Littenseradiel, Tytsjerksteradiel, Wûnseradiel and Wymbritseradiel.

⁴⁰ This relates to the four Frisian Islands (Vlieland, Terschelling, Ameland and Schiermonnikoog) and to the municipalities of Harlingen and Weststellingwerf.

⁴¹ This relates to the municipalities of Ooststellingwerf, Kollumerland c.a., Lemsterland and Skarsterlân. A total of 14 aldermen were elected in these four municipalities in 2006. In Ooststellingwerf, two of the four aldermen took the oath or made the solemn affirmation in Frisian;

8.74 On 6 May 2003, following the provincial council elections of 11 March 2003, 29 of the 55 provincial councillors took the oath or made the solemn affirmation in Frisian. Following the provincial council elections of 7 March 2007, 28 of the 43 provincial councillors took the oath or made the solemn affirmation in Frisian. In percentage terms, this accounts for 53% and 65% of Fryslân's provincial councillors respectively.⁴² When swearing in the members of the Provincial Executive during the Provincial Council meeting of 30 May 2007, it was required only to read out the Frisian text of the oath or solemn affirmation. In other words, all five of the provincial executive members took the oath or made the solemn affirmation in Frisian.

8.75 In light of the above, it appears that the Netherlands has thus taken the necessary statutory measures to bring its legislation into line with the undertakings entered into under the European Charter.

Article 10(2)(g): adoption of place names

8.76 On accepting the European Charter, the Netherlands undertook with regard to the regional and local authorities in the Province of Fryslân

‘to allow and/or encourage:

g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place names in [the Frisian language].’

8.77 In 2001, the Committee of Experts noted that Dutch legislation was in keeping with the undertaking entered into under Article 10(2)(g) of the European Charter, although full implementation was still lacking. In this regard, the Committee pointed out the absence of a requirement to provide bilingual street, village and municipality signs, noting that such decisions are left to the municipality concerned. The Committee considered that this undertaking was only partially fulfilled and called on the Dutch government to encourage the relevant municipality authorities to introduce bilingual signs.⁴³

8.78 In its second report, the Committee of Experts stated that the agreed undertakings entered into under the treaty were being fulfilled.⁴⁴

8.79 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that all government institutions, including the decentralised central government agencies, would use the official Frisian names of municipalities and places in

in Kollumerland, two out of the three aldermen did so. Separate figures for aldermen and municipal councillors were not given in the other two municipalities.

⁴² The number of provincial councillors for Fryslân was reduced from 55 to 43, with this coming into effect on the occasion of the March 2007 provincial council elections.

⁴³ Council of Europe, *Report of the Committee of Experts* (2001), 85.

⁴⁴ Council of Europe, *2nd Report of the Committee of Experts* (2004), 144.

Fryslân when drafting documents or addressing correspondence (Covenant 4.3) (see also sections 11.24 and 11.25). In practice, this is already the case.

- 8.80 The Covenant on the Frisian Language and Culture (2001) contains no provisions on bilingual street, village and municipality signs for two reasons. The first reason is that the relevant provision in the European Charter does not contain a requirement to this effect. In actual fact, the Netherlands is bound 'to allow and/or encourage' the use of Frisian place names. This requirement has been complied with in full, as the use of bilingual signs has already been permitted for some time. A substantial number of municipalities in the Province of Fryslân have placed bilingual signs at the outer limits of built-up areas.
- 8.81 At present, the placement of such signs is facilitated by the Regulation implementing the Administrative Provisions (Road Traffic) Decree⁴⁵ with respect to traffic signs (Government Gazette 1997, 239). Paragraph 3, point 15 of the regulations provides that road signs are generally produced in accordance with the NEN 3381 standard (Traffic signs: General rules regarding road signs). Section 4.3.2 of the NEN 3381 standard provides that, in the Province of Fryslân, signs indicating the beginning or end of a built-up area may display Frisian-language place names in addition to the official names. If the official place name is already in Frisian, that name by itself will suffice.
- 8.82 The second reason why the Covenant on the Frisian Language and Culture (2001) contains no provisions on bilingual signs is that, in the opinion of the government, there is no need for further policies encouraging this practice, as local authorities are already making full use of their freedom of action in this regard in relation to town, village and street signs (see further sections 8.98 and 8.99).
- 8.83 With regard to regional authorities, Section 156 of the Provinces Act (Bulletin of Acts and Decrees 1992, 550) provides that provincial councils can change the name of the provinces they govern. On 13 December 1995, the Provincial Council of Friesland made use of this possibility to change the official name of the province from Friesland to Fryslân, as of 1 January 1997 (Provincial Bulletin 1996, 7).
- 8.84 With regard to local authorities, Section 158 of the Municipalities Act (Bulletin of Acts and Decrees 1992, 96) provides that municipal councils can change the name of the municipalities they govern. By virtue of this provision, which came into force on 1 January 1994, municipalities in the Province of Fryslân can decide to adopt Frisian names.⁴⁶
- 8.85 The Act of 24 October 1984 (Bulletin of Acts and Decrees 475) previously granted this power to municipalities that are created as a result

⁴⁵ Bulletin of Acts and Decrees 1990, 460.

⁴⁶ In addition, the official Dutch names of the municipalities of Achtkarspelen and Weststellingwerf do not differ from the Frisian-language versions of those names.

of the redrawing of municipal boundaries and that acquire their names by means of a boundary reform act (previously Section 53 of the Local Government Boundary Reform (General Regulations) Act). Eight new municipalities, created on 1 January 1983 as a result of the municipal reorganisation of Fryslân, made use of this opportunity to adopt official Frisian names. These were the municipalities of Boarnsterhim, Gaasterlân-Sleat, Littenseradiel, Nijefurd, Skarsterlân, Tytsjerksteradiel, Wûnseradiel and Wymbritseradiel.

- 8.86 In 1996, on the basis of Section 158 of the Municipalities Act, the municipal council of Ferwerderadeel decided to change the official name of the municipality to Ferwerderadiel, as of 1 January 1999.
- 8.87 The power to name villages, towns, streets, squares and so forth belongs to the municipalities. In 1953, the Dutch government clarified once and for all that the municipalities in the Province of Fryslân were authorised to adopt the Frisian names, either exclusively or in conjunction with the Dutch names, of towns and villages located in their territory. This power also extends to the naming of streets, squares and so forth.⁴⁷
- 8.88 Four municipalities in the Province of Fryslân have used this power to officially adopt Frisian names for towns and villages located in their territory, namely, Boarnsterhim, Ferwerderadiel, Littenseradiel and Tytsjerksteradiel. In 2007, the municipal council of Dantumadeel took a similar decision, which will come into effect as of 1 January 2008. In the other municipalities, the official names of the towns and villages are in Dutch, with the exception of a number of cases in which certain municipalities decided to adopt official Frisian names: Nij Beets (1950), Koufurderrige (c. 1950), De Tike (1952), De Knipe (1970), Boksum (1972), It Heidenskip (1979) and Jonkerslân (1988). There is no difference between the Frisian and Dutch versions of a substantial number of place names in Fryslân.⁴⁸ Otherwise, municipalities in Fryslân in particular employ the expertise of the ‘Topografyske Wurkgroep Fryslân’ (Committee for Topographic Names in Fryslân) to ensure that the process concerning the conversion of place and municipality names into Frisian runs as smoothly as possible.
- 8.89 Central government and its administrative authorities use the official names adopted by the province and the municipalities for towns and villages, streets, squares and so forth. In cases in which local authorities have decided to adopt two official names – one in Frisian and one in Dutch – central government and its administrative authorities exclusively use the Dutch name, based on the government’s position paper of 1953. Nevertheless, it seems that the government’s position paper has not always been properly observed over the past few decades, particularly when topographical names in Fryslân were adopted exclusively in Frisian on a large scale from 1980 onwards. It is for that reason that further

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

⁴⁸

See Ried fan de Fryske Beweging, *Plaknammen yn/Plaatsnamen in Fryslân*, Ried fan de Fryske Beweging, Ljouwert/Versloot-kartografy, Hilaard 1997.

arrangements were made about this in the Covenant on the Frisian Language and Culture (2001).

- 8.90 It was agreed in Article 4.5 of the Implementation Covenant on the Frisian Language and Culture (2005) that the Minister of the Interior and Kingdom Relations would promote employment of the officially adopted provincial name of Fryslân in relevant central government legislation and regulations. This agreement is principally in respect of future legislation and regulations, given that the provincial name had already been incorporated within all relevant legislation and regulations in 2004.⁴⁹ The Elections Decree had already been amended in the same context two years previously.⁵⁰
- 8.91 Since 1989, the use of Frisian-language appellations on candidate lists has been allowed by virtue of Article H 2 of the Elections Decree, exclusively in the case of provincial or municipal council elections in the Province of Fryslân (cf. section 8.60). Given that address appellations have not been exempted from this, the regulation also applies to street and place names, even when these have been officially adopted exclusively in Dutch.⁵¹
- 8.92 The following was additionally agreed in Article 4.4 of the Implementation Covenant on the Frisian Language and Culture (2005). If government agencies should fail to use the officially adopted municipality and place names in Fryslân correctly in documents and/or addresses, the Minister of the Interior and Kingdom Relations will consider, together with the Province of Fryslân, ways in which to encourage government agencies to implement the use of the officially adopted municipality and place names correctly – this being in accordance with the NEN standards as referred to in the Personal Data (Standard Spelling) Decree of 1 September 1992 (Government Gazette 1992, 176).
- 8.93 In accordance with government policy, all central government agencies and other central government administrative authorities must use official place names when drafting documents or addressing correspondence. This policy is based on the Personal Data (Standard Spelling) Decree of 1 September 1992.⁵² This decree requires ministries and central government agencies to adapt their methods of addressing correspondence to the NEN standards, which, among other things, list the official names of municipalities, towns and villages. If official Frisian names have been adopted, ministries and central government agencies must use the Frisian

⁴⁹ The provincial name was amended in several Acts of Parliament (from “Friesland” to Fryslân) by the Act of 9 September 2004 (Bulletin of Acts and Decrees 2004, 493). This involved the General Administrative Law Act, the Use of Frisian (Legal Matters) Act, the Passenger Transport Act 2000 and various education-related Acts of Parliament.

⁵⁰ The provincial name of “Friesland” was changed to Fryslân in Article H 2, paragraph 2 of the Elections Decree by the Decree of 18 February 2002 (Bulletin of Acts and Decrees 2002, 98) to Amend the Elections Decree and the Temporary Referenda Decree.

⁵¹ The municipality of Smallingerland mistakenly rejected the addresses and place names adopted in the Frisian language on a nominations list for the municipal council elections on 8 March 2006 (*Leeuwarder Courant*, 18 February 2006). However, the municipality in question soon rectified this rejection.

⁵² Government Gazette 1992, 176.

names, this being confirmed, as noted above, in Article 4.4 of the Implementation Covenant on the Frisian Language and Culture (2005).

- 8.94 As far as can be ascertained, all ministries and central government agencies now comply with the above-mentioned policy. This means that central government agencies, such as the Tax and Customs Administration, the organ donors registry of the Ministry of Health, Welfare and Sport and the Central Fines Collection Agency, are currently complying with the policy laid down in the decree of 1 September 1992. These developments are connected to the fact that the Dutch postal service TNT Post has recently started using official place names in its databases, even if the only official place name is in Frisian.⁵³ Central government is employing these databases.
- 8.95 The government's position paper of 1953 does not discuss the power to name lakes, canals and other waterways, or rural areas (see section 8.87). In fact, the power to name lakes, canals and other waterways has still not been regulated explicitly.⁵⁴ In theory, it falls under municipal and provincial self-government, with the possible exception of the naming of national waterways.⁵⁵ With regard to lakes, canals and other waterways, local authorities are thus entitled to adopt official names in Frisian or in Dutch, or in both languages. The same policy freedom applies with regard to engineering structures – especially bridges – on Frisian waterways, where the relevant municipalities or administrators have replaced existing names with Frisian names in recent years.⁵⁶
- 8.96 On 15 March 2006, the Province of Fryslân officially agreed upon the introduction date for the officially designated names of waterways in Frisian. To that end, the provincial authorities coordinated and issued communications concerning the names of waterways shared between the various municipalities, thereby striving for uniformity of nomenclature. All of the municipal administrations on the mainland of Fryslân decided on Frisian names for waterways with the exception of the municipality of Harlingen. The municipalities of Het Bildt and of Ooststellingwerf and Weststellingwerf have respectively adopted the names of waterways in the Bildts and Stellingwerfs dialects as well as in Frisian. The canals and waterways that cross into other provinces change into their Dutch names at the provincial border. The same applies by analogy to the municipal border with Harlingen. The Frisian names for waterways took actual effect as of 15 March 2007 (Provincial Bulletin 2007, 23). In accordance with the Decree of the Provincial Council of 15 March 2006, the official names for the Waddenzee, IJsselmeer and Lauwersmeer will not be changed.

⁵³ Since 16 October 2006, the name Royal [Koninklijke] TNT Post has been administered by the organisation that since 1 May 2002 has been called Royal [Koninklijke] TPG Post and which was formerly called Royal [Koninklijke] PTT Post.

⁵⁴ At a meeting on 24 April 1985, at which it considered the final report 'Frysk yn it offisjele ferkear' and the sub-report of the committee on the Frisian language, the Provincial Council of Fryslân not only decided to change the name of the Province of Friesland to the Province of Fryslân, but also to change the Dutch names of waterways and canals to Frisian names.

⁵⁵ Cf. policy document of the Ministry of the Interior of 8 February 1995, ref. BW 95/N274.

⁵⁶ Cf. Parliamentary questions, Annexes to Parliamentary Papers II (House of Representatives) 1999-2000, Annexe 880.

- 8.97 The Province of Fryslân's change of name was also emulated by the Cabinet, which decided to officially change the name of the Police Region of Friesland to the Police Region of Fryslân in December 2001. The change became effective on 1 July 2002.
- 8.98 It appears that Dutch legislation and practice are in accordance with the relevant undertakings entered into by the Netherlands. Municipalities are already entitled to use bilingual signs, regardless of whether the official place name is in Dutch or Frisian. Almost all the municipalities in the Frisian language area of the Province of Fryslân have placed bilingual signs at the outer limits of built-up areas. There is therefore no need for additional government encouragement of local authorities to use bilingual signs, as recommended by the Committee of Experts in 2001.
- 8.99 Some municipalities in the Province of Fryslân also use bilingual street signs. In such cases, however, the official Dutch name is still used in administrative matters and in the address files of organisations such as Royal TNT Post in accordance with the government's position paper of 1953, unless the municipality concerned has explicitly determined that the Frisian name is to be used as the official name. In practice, Frisian municipalities generally opt for monolingual street signs in either Dutch or Frisian. In the opinion of the Dutch government, the policy freedom of the Frisian municipalities is of fundamental importance in this regard, in light of the principle of local self-government endorsed by the Netherlands when it ratified the 1985 European Charter of Local Self-Government. For this reason, among others, the Dutch government does not welcome the 2001 recommendation of the Committee of Experts to encourage the relevant municipal authorities in Fryslân to use bilingual street signs. Moreover, Article 10(2) of the European Charter does not explicitly refer to bilingual street signs.

Article 10(4)(a) and (c): additional measures

- 8.100 On accepting the European Charter, with a view to putting into effect the provisions from Article 10(1), (2) and (3) that it had accepted, the Netherlands undertook to take the following measures:
- 'a translation or interpretation, as may be required;
 - c compliance, as far as possible, with requests from public service employees having a knowledge of [the Frisian language] to be appointed in the territory in which that language is used.'
- 8.101 In 2001, the Committee of Experts considered that the undertakings entered into by the Netherlands under Article 10(4)(a) and (c) were being fulfilled.⁵⁷

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Council of Europe, *Report of the Committee of Experts* (2001), 86.

- 8.102 In its second report, the Committee of Experts stated that, in the absence of information in respect of fulfilment of the option, it could not be established whether or not the agreed undertakings were being fulfilled.⁵⁸
- 8.103 As Dutch legislation and policy are in accordance with the undertakings entered into under the European Charter, the Covenant on the Frisian Language and Culture (2001) contains no agreements in this regard.
- 8.104 The Netherlands has adopted a number of statutory measures with regard to translation and interpretation services, as referred to in Article 10(4)(a) of the European Charter. Provisions regarding translation appear in Sections 2:10 and 2:11 of the General Administrative Law Act (see also sections 8.33, 8.34, 8.48, 8.49 and 8.67 of this report).
- 8.105 Section 6.44 of the first State Report on the measures adopted by the Netherlands in respect of the Frisian language and culture considers how the measures referred to in Article 10(4)(c) of the European Charter should be reported. The number of requests from public service employees having a knowledge of the Frisian language to be appointed in the territory in which that language is used, as well as the levels of compliance or non-compliance with such requests, are not known. There is no central location where the submission and handling of such requests can be registered.
- 8.106 The Netherlands decided not to accept Article 10(4)(b) of the European Charter, which concerns the recruitment and, where necessary, training of the required officials and public service employees, for the reasons stated during its exchange of views with the House of Representatives.⁵⁹ However, the government took this opportunity to state its willingness ‘to encourage vigorously the implementation of the measures mentioned in the provision’. In view of this undertaking, the periodical reports on the implementation of the European Charter are an appropriate forum for reporting on the measures taken by the Netherlands in this regard.
- 8.107 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that they would 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).
- 8.108 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

⁵⁸ Council of Europe, *2nd Report of the Committee of Experts* (2004), 145.

⁵⁹ Parliamentary Papers II (House of Representatives) 1994-1995, 24 092, no. 5, p. 8.

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).

- 8.109 The authors of this report do 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).
- 8.110 In this context, it is worth noting the Frisian language courses for members and employees of the judiciary in the Province of Fryslân (see sections 7.29 and 7.30).
- 8.111 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.
- 8.112 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.
- 8.113 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 (see also section 8.69).⁶⁰

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

- 8.114 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 8.112).
- 8.115 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.
- 8.116 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.⁶¹
- 8.117 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.
- 8.118 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).⁶²
- 8.119 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 Frisian courses. This information has not been broken down into the various types of courses.

⁶¹ See: Citizens' Annual Reports for the Province of Fryslân 2003, 2004 and 2005.

⁶² E-mail from Wetterskip Fryslân to the Fryske Akademy dated 28 November 2006.

| 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)

- 8.120 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).
- 8.121 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).
- 8.122 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.⁶³ 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 2005/06.⁶⁴
- 8.123 In practice, use of the Frisian language in communications with the police would appear to cause few complaints. Only one formal instance of complaint is known of from 2005. At one Frisian police station, the police

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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.

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.⁶⁵ 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.⁶⁶

8.124 In response to this incident and to another language-related incident that also occurred in 2005,⁶⁷ 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.⁶⁸

8.125 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 passive and active command of Frisian, and police force employees would have to be supported in acquiring a knowledge of Frisian.⁶⁹

Article 10(5): Frisian family names

8.126 On accepting the European Charter, the Netherlands undertook ‘to allow the use or adoption of family names in [the Frisian language], at the request of those concerned’.

8.127 In 2001, the Committee of Experts considered that the Netherlands had not fulfilled the undertaking it entered into under Article 10(5) of the European Charter, although the Committee had been informed that the government was looking into widening the scope for changing family names.⁷⁰

⁶⁵ Letter from the National Ombudsman to the Fryslân Regional Police Force manager dated 3 November 2005, reference 2005.07787 002. See also section 11.46 of this report for more information on the National Ombudsman and Frisian-language complaints.

⁶⁶ Letter from Politie Fryslân Complaints Commission to complainant dated 25 January 2006.

⁶⁷ 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.

⁶⁸ Letter from the Provincial Executive of Fryslân dated 8 November 2005.

⁶⁹ Annexes to Parliamentary Papers I (Senate) 2005/06, no. 5.

⁷⁰ Council of Europe, *Report of the Committee of Experts* (2001), 87.

- 8.128 In its second report, the Committee of Experts stated that the agreed undertakings entered into were being fulfilled.⁷¹
- 8.129 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 statutory provision was made to enable Frisian names or Frisian spellings to be recognised as official family names⁷² (Covenant 4.7). Action has since been taken on this undertaking (see section 8.134).
- 8.130 In the explanatory memorandum accompanying the bill approving the European Charter, the government stated that some of the provisions of the Charter were entirely self-evident for the Netherlands. As an example of this, the government mentioned the right of people to use family names in a regional or minority language, in accordance with Article 10(5) of the Charter.⁷³
- 8.131 In this context, it is worth noting that people generally use their official name in the Netherlands. Basically, a person's official name is the one that appears in the registers of births, deaths and marriages (birth certificate). The municipal personal records database is based on the information contained in deeds that have been deposited in these registers, including information concerning a person's family name and the name of his or her spouse (or ex-spouse) or registered partner (or ex-partner).⁷⁴ On the basis of Article 9 of Book I of the Civil Code, a person is entitled to use the family name of his or her spouse (or ex-spouse) or registered partner (or ex-partner) instead of, or in combination with, his or her own family name. The name in question may be registered in the municipal personal records database, so that the municipality is able to address correspondence to the person concerned using this name. Apart from that, a person may not request to be registered in the municipal personal records database under a name that differs from his or her official name.
- 8.132 In view of the rule that, as such, a person is free to use a name that is not his or her official name, people are also free to use family names in the Frisian language. In general, however, administrative authorities will address correspondence to a person using his or her official name or, at his or her request, the name of his or her spouse (or ex-spouse) or registered partner (or ex-partner), or a combination of the two, as this makes use of information contained in the municipal personal records database.
- 8.133 At his or her own request, or at the request of a legal representative, a person's family name may be changed by the Crown, pursuant to Article 7, paragraph 1 of Book I of the Civil Code. The Decree of 6 October 1997

⁷¹ Council of Europe, *2nd Report of the Committee of Experts* (2004), 148.

⁷² See second footnote to section 8.14.

⁷³ Parliamentary Papers II (House of Representatives) 1994-1995, 24 092, no. 3, p. 4.

⁷⁴ Cf. Section 34 of the Municipal Database (Personal Records) Act (Bulletin of Acts and Decrees 1994, 494) and paragraph 10 of Annexe I of the Act, as amended on 17 December 1997 (Bulletin of Acts and Decrees 1997, 660).

containing rules relating to changes to family names also contains rules on official changes to family names (Bulletin of Acts and Decrees 1997, 463). These rules were amended in 2002 in order to bring the Change of Family Names Decree into line with the Charter.

- 8.134 It was determined by a decree dated 29 October 2002 (Bulletin of Acts and Decrees 2002, 531) that persons with a Dutch family name who had previously had a Frisian family name, or for whom one of whose parents had had a corresponding Frisian family name, would be given the option by means of a change of name to obtain or regain the Frisian name concerned in its present Frisian spelling. A change of name is also possible if a Frisian family name is involved to which Dutch spelling has been applied.
- 8.135 At the time of this amendment to the Change of Family Names Decree, in which, as aforementioned, it was made possible to change a Dutch family name into a Frisian family name or to change a family name with Dutch spelling into a name spelt according to Frisian spelling rules, editorials appeared in various regional journals in Fryslân to bring this option to the attention of the public. Information about changing a family name into a Frisian family name or changing one to a Frisian spelling can be found in a booklet on family name changes on the Ministry of Justice website (www.justitie.nl). According to the Ministry of Justice, 10 to 20 such applications for name changes are submitted annually.
- 8.136 **In summary**, it can be concluded that Dutch regulations are in accordance with the undertakings entered into by the Netherlands under Article 10 of the European Charter.

Regarding the provisions from Article 10 that the Netherlands has accepted, the focus of the Dutch government, in collaboration with the Provincial Administration of Fryslân, is on implementation of these measures and conditions. Within that context, attention is drawn to the regulations yet to be enacted by the ministries concerning the use of the Frisian language by the central government agencies in whose purview the Province of Fryslân comes, as well as to language policy in respect of Politie Fryslân. Central government and the Province of Fryslân have made further arrangements on this in the Covenant on the Frisian Language and Culture (2001).

9 Article 11: Media

- 9.1 In the Netherlands, public broadcasting, including regional and local broadcasting, and private broadcasting are legally regulated by the Media Act (Bulletin of Acts and Decrees 1987, 249, most recently amended on 1 July 2007) and the Media Decree (Bulletin of Acts and Decrees 1987, 573, most recently amended on 16 September 2006). Section 9 of the Act notes the existence of the Media Authority (Dutch: Commissariaat voor de Media). The Media Authority allocates broadcasting time on request, monitors compliance with the relevant legislation and financially supervises public broadcasting. The Media Decree is an order in council that implements the provisions of the Media Act.
- 9.2 With effect from 1 January 2006, the Act of 7 April 2005 to amend the Media Act in connection with a new funding structure for regional public broadcasting (Bulletin of Acts and Decrees 2005, 236) placed the responsibility for funding operations for at least one regional broadcasting organisation in the province with the provincial government. In that connection, government grants were transferred to the Provinces Fund. This responsibility concerns paying for the costs directly connected with the running of the regional broadcasting organisation, insofar as such costs are not otherwise covered, such as to enable high-quality programming and guarantee continuity of funding. In all events, this funding guarantees that, for each province, the level of activities existing in 2004 in relation to the provision of radio and television programmes and the activities of the regional broadcasting organisation(s), as referred to in Section 13c, subsection 3, is at least maintained.
- 9.3 In May 2003, the Provincial Council submitted a representativeness and funding statement concerning Omrop Fryslân to the Media Authority. Subsequently, in a letter dated 4 September 2003, the Media Authority issued Omrop Fryslân a broadcasting licence for radio and television to run until September 2008.
- 9.4 The Committee of Experts is of the view that the Dutch government is fulfilling the option accepted by the Netherlands, i.e. option a (iii) in Article 11 of the European Charter ('to make adequate provision so that broadcasters offer programmes in the regional or minority language'). Further to this, however, the Committee of Experts observes that Frisian radio and television is regulated in just the same way as regional radio and television in other regions of the Netherlands and that the additional costs for broadcasting in Frisian are not included in the resources that are being made available.
- 9.5 Just as in its first report of 2001, the Committee of Experts once again recommends that central government take account of the special needs of Frisian-language broadcasting and consider strengthening its financial support¹ and further encourages the government to make available the

¹ Council of Europe, 2nd Report of the Committee of Experts (2004), 149.

funds earmarked for Frisian broadcasting.² Finally, the Committee of Experts urges central government to encourage the use of Frisian in commercial broadcasting.³ Recommendation 3 from the Committee of Ministers (2001) asks for the specific needs of broadcasting in Frisian to be taken into account and for greater financial support to be considered.⁴

- 9.6 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that central government would support Omrop Fryslân TV having sufficient resources to create full and varied programming on the basis of Frisian as a second national language (Covenant 5.1). The Covenant on the Frisian Language and Culture (2001) did not contain any arrangements on encouraging the use of Frisian in commercial radio and television programmes (see section 9.39).
- 9.7 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). Insofar as it relates to (daily) newspapers and magazines, ‘written media’ can appeal to the Netherlands Press Support Fund (Dutch: Stimuleringsfonds voor de Pers) for financial support.
- 9.8 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 2002-2006.⁵

Article 11(1)(a)(iii): public broadcasting (radio and television)

- 9.9 On accepting the European Charter, the Netherlands undertook, for users of the Frisian language in the Province of Fryslân, ‘to the extent that the

² *Ibidem*, 157.

³ *Ibidem*, 158.

⁴ Recommendation RecCH(2001)1, laid down on 19 September 2001 by the Committee of Ministers in its 765th session.

⁵ 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 Nederlands Literair Productie en Vertalingen Fonds. Since 2002, *Styl* has appeared with provincial support on 14 occasions: a Frisian-language section in the journal *Friesland Post*.

public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

- a. to the extent that radio and television carry out a public service mission:
- iii. to make adequate provision so that broadcasters offer programmes in the [Frisian language].⁷

In the Netherlands, public broadcasting takes place at national, regional and local level.

9.10 In 2001, the Committee of Experts noted that Omrop Fryslân produced television programmes in Frisian for **national** television channels⁶ This then accounted for 31 hours of television a year; at present, Omrop Fryslân produces 37 hours of television, which is broadcast by NOS (cf. section 9.12).⁷ The programmes are intended partly for the general public and partly for school television broadcasts.

9.11 In its second report, the Committee of Experts went on to state that, as of 2002, Omrop Fryslân was providing 118 hours of radio programmes weekly, as well as a daily television programme of one and a half hours. In terms of **regional** public broadcasting, Omrop Fryslân broadcasts one hour of Frisian-language television and eight hours of Frisian-language radio programmes daily. The Committee further noted that Omrop Fryslân received exactly the same funding for these programmes as other regional broadcasting organisations in the Netherlands.⁸

9.12 The Covenant on the Frisian Language and Culture (2001) contained no agreements on the number of hours of Frisian-language television programmes for general public broadcasting on national public television channels, as central government and the Province of Fryslân concluded such agreements on an earlier occasion.⁹ On the basis of these earlier agreements, except during the summer months, Omrop Fryslân produces a 30-minute television programme that is broadcast on Sundays on Netherlands 1 and repeated between 6.00 p.m. and 10.00 a.m. the next morning. These broadcasts amount to 21 hours of television a year.

⁶ Council of Europe, *Report of the Committee of Experts* (2001), 88.

⁷ *Omrop Fryslân* differs from other regional broadcasting organisations in the Netherlands in its broadcasts for the national public network. At the same time, the amendment to the Media Act of 13 May 2004 (Bulletin of Acts and Decrees 2004, 233) put an end to the distribution limit for local and regional broadcasting programmes as previously included in Section 64a, subsection 2. Since mid-1998, and in contrast to the other regional broadcasting organisations in the Netherlands, Omrop Fryslân had been permitted in principle to distribute its broadcasts beyond the Province of Fryslân pursuant to Section 64a, subsection 2, of the Media Act. As of 2006, and in addition to using airwaves and the Internet, Omrop Fryslân's radio programmes can be received by cable outside Fryslân in all of the municipalities in the Province of Drenthe and in various municipalities in the Provinces of Flevoland, Gelderland, Groningen, North and South Holland and Overijssel. Since 10 November 2006, Omrop Fryslân programmes have also been broadcast *free-to-air* by the Astra satellite. This means that Frisian programmes can be received throughout Europe.

⁸ Council of Europe, *2nd Report of the Committee of Experts* (2004), 152.

⁹ Cf. 2nd Covenant on the Frisian Language and Culture (1993), Article 5.4.1.

Finally, Omrop Fryslân produces per annum a total of 16 hours and eight minutes of schools television on Netherlands 3, breaking down into ten hours for primary education and six hours for the first stage of secondary education. Consequently, as of 2006, over 37 hours of Frisian-language television programmes are being broadcast a year in **national** public broadcasting. The national public service broadcaster bears the cost of this.

- 9.13 The Covenant on the Frisian Language and Culture (2001) contained no agreements on the number of hours of broadcasting time to which Omrop Fryslân was entitled in its capacity as a **regional** broadcasting organisation. This is discussed in greater detail in sections 9.23-9.24.
- 9.14 In the Covenant on the Frisian Language and Culture (2001), agreements were not made in relation to local broadcasting licensees offering broadcasts in the Frisian language. However, several **local** public broadcasting organisations are operating in the Province of Fryslân (see sections 9.32 to 9.34).
- 9.15 In Article 5.1 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the Province of Fryslân agreed that the Ministry of Education, Culture and Science would make available to Omrop Fryslân an accessory sum to be determined annually for the development and/or production of television programmes. In that regard, this chiefly involves children's programmes and programmes devoted to (different expressions of) the Frisian language and culture. The Ministry of Education, Culture and Science has asked that the board of the Dutch Cultural Broadcasting Promotion Fund focus on the importance of original Frisian-language television drama for adults and has requested that this be taken into account when dealing with requests from Omrop Fryslân.
- 9.16 In Articles 5.2 to 5.5 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the Province of Fryslân stated that sections 5.2, 5.3, 5.5 and 5.6 of the Covenant on the Frisian Language and Culture (2001) were being fulfilled. In that regard, this involved successively the option to claim support from the Dutch Cultural Broadcasting Promotion Fund (Covenant 5.2, 5.3); the presence of sufficient resources to create the fullest and most varied range possible of Frisian-language media, insofar as the press (dailies, newspapers and news magazines) is concerned, which can appeal to the Netherlands Press Support Fund (Covenant 5.5), as well as the number of hours required for Frisian schools television (Covenant 5.6).
- 9.17 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).¹⁰ 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.¹¹ The policy rules drawn up by the Media Authority expand on this provision in more detail (cf. section 9.18 etc.).

9.18 Several of the articles from the Policy Rules on Programme Quotas as laid down once again by the Media Authority on 30 August 2005 are also of relevance to regional public broadcasting in relation to original Dutch or Frisian-language programme segments as referred to in Section 54a, subsection 1, of the Media Act.¹² Article 6 of the aforementioned policy rules determines that the following are to be considered among original Dutch or Frisian-language programme segments as referred to in Section 54a, subsection 1, of the Media Act:

- 1a programmes containing segments that are dubbed into Dutch or Frisian;
- 1b programmes containing segments from non-Dutch or non-Frisian programmes that are introduced in Dutch or Frisian by a presenter.

9.19 According to Article 8 of the Policy Rules on Programme Quotas:

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

9.20 The Media Act also contains a number of provisions that apply specifically to regional and local broadcasting. As the activities of Omrop Fryslân focus mainly on regional broadcasting, this report will now examine a few of these provisions. Regarding the allocation of broadcasting time, see sections 9.21 to 9.24, and regarding the funding of regional broadcasting, see sections 9.25 to 9.31.

9.21 Section 42, subsection 1, of the Media Act enables the Media Authority to allocate regional or local broadcasting time to a regional or local broadcasting organisation at the request of the organisation concerned. Section 42, subsection 4, of the Media Act further states that regional and local broadcasting time is always allocated for a period of at least five years. This means that only one regional or local broadcasting organisation

¹⁰ The calculation of the percentage of programming in Dutch or Frisian does not include broadcasting time devoted to advertising. On the use of Frisian in advertising, see section 11.28.

¹¹ A similar provision applies to commercial broadcasting. This is regulated in Article 521 of the Media Decree (cf. sections 9.41 and 9.42).

¹² Government Gazette 2005, 189, p. 20.

can acquire the right to broadcast programmes for a period of at least five years in each province or municipality. In contrast, the Media Authority determines the exact amount of broadcasting time on an annual basis, as well as the days, times and television channels on which the organisations that have been allocated regional and local broadcasting time can broadcast their programmes. The Media Authority also uses these powers in relation to Omrop Fryslân.

- 9.22 Section 43, subsection 1, of the Media Act indicates that the allocation of broadcasting time initially occurs once the Provincial Council or Municipal Council has provided information on whether the organisation fulfils the requirements set by the Media Act. This information is provided once every five years. The provincial government of Fryslân most recently provided such information to the Media Authority in a letter dated 18 June 2003. At the same time, the provincial government of Fryslân announced that it was prepared to take responsibility for the funding of the Omrop Fryslân foundation. The Media Authority last allocated broadcasting time to Omrop Fryslân for the provision of public radio and television programmes in a letter dated 4 September 2003. This allocation of broadcasting time is valid until 2 September 2008.
- 9.23 Regarding the allocated broadcasting time referred to above (see section 9.22), Omrop Fryslân has been allocated broadcasting time for the broadcast of a regional radio programme for general broadcast via a broadcasting transmitter in the Province of Fryslân from 6.00 a.m. to 11.00 p.m. for Mondays to Fridays inclusive and from 9.00 a.m. to 11.00 p.m. on Saturdays and Sundays. This means 131 hours of radio on a weekly basis. The transmitter broadcasts the national Radio 1 programme during the hours in which Omrop Fryslân provides no programming. In addition to the above broadcasting time for regular programming, Omrop Fryslân has also been granted ten hours of broadcasting time per annum in which to provide Frisian schools programmes and 24 minutes and 30 seconds a week for broadcasting Open School programmes (cf. section 9.12).
- 9.24 Moreover, Omrop Fryslân has also been allocated broadcasting time to broadcast a regional television programme for general broadcast via a broadcasting transmitter in the Province of Fryslân for 24 hours a day from Monday to Sunday inclusive. In practice, this initially involved Omrop Fryslân providing an hour-long regional television programme every day that was subsequently repeated a few times.¹³ Since 1 September 2005, Omrop Fryslân has moved to two hours of broadcasting in which its news programme *Hjoed*, broadcast on every hour, is a permanent component. The broadcast lasts from 6.00 p.m. until 8.00 p.m. and is subsequently repeated until 10.00 a.m. the following morning. This broadcast is preceded by programmes for children (at present, from 5.50 p.m. or 5.55 p.m. until 6.00 p.m.).¹⁴ In principle, the remaining 8 hours (from 10.00

¹³ From 1 March 2002, daily television broadcasts began at 5.55 p.m. on working days and at 6.00 p.m. on Sundays. Broadcasts lasted until 7.00 p.m. Up until 1 March 2002, Omrop Fryslân's television broadcasts had started an hour later.

¹⁴ The broadcasting schedule differs on Saturdays and Sundays. Frisian-language teletext

a.m. until 5.50 p.m.) consist of text-based television programming. Omrop Fryslân also provides a teletext service on its television channel.¹⁵

- 9.25 The Act of 7 April 2005 (Bulletin of Acts and Decrees 2005, 236) amended the funding structure for regional public broadcasting. Since 1 January 2006 (Bulletin of Acts and Decrees 2005, 268), the provincial government has been responsible for funding the operation of at least one regional broadcasting organisation pursuant to Section 107 of the Media Act, insofar as such costs are not otherwise covered, such as to enable high-quality programming and guarantee continuity of funding. In that connection, government grants have been transferred to the Provinces Fund. In all events, this funding guarantees that, for each province, the level of activities existing in 2004 in relation to the provision of radio and television programmes and the activities of the regional broadcasting organisation(s), as referred to in Section 13c, subsection 3, is at least maintained.¹⁶
- 9.26 In addition to the regular grant to Omrop Fryslân, the province can also make special funds available on its own initiative to the regional public broadcasting organisation. On 19 December 2001, the Provincial Council of Fryslân decided to award Omrop Fryslân the sum of € 771,000 in 2001 and the sum of € 907,000 in each of the two following years. The Provincial Council subsequently decided to make an indexed grant of € 907,560 available to Omrop Fryslân annually for the period 2004-2006, to be used to expand and broaden radio and television programming.¹⁷
- 9.27 In a letter dated 25 August 2003, the Province of Fryslân approached the Ministry of Education, Culture and Science with a request for further details to be given on provision 5.1 of the Covenant on the Frisian Language and Culture (2001-2010) (cf. section 9.6). In a follow-up letter dated 3 February 2004, specific proposals were made on the potential intended use of new resources. In a letter of reply dated 16 April 2004, the State Secretary for Education, Culture and Science announced that resources were not available to enable the wishes of the Province of Fryslân and Omrop Fryslân to be met.
- 9.28 In a letter dated 12 October 2004, the State Secretary for Education, Culture and Science subsequently announced that € 100,000 would be made available to Omrop Fryslân to bring about some special initiatives, such as conducting further research into the possibilities of a Frisian-

programming begins at midday. The broadcast from the previous day is repeated before this. A one-hour programme is broadcast at 6.00 p.m. This programme is also subsequently repeated: until midday (on Sundays) and 10.00 a.m. (on Mondays). On Saturdays, the television broadcast is preceded by a children's programme lasting ten minutes (from 5.50 p.m. to 6.00 p.m.).

¹⁵ Section 42, subsection 9, of the Media Act facilitates the broadcast of teletext programmes by regional and local public broadcasting organisations.

¹⁶ These provisions in the Media Act apply only to regional public broadcasting (and not to local public broadcasting). In 2006, the provincial grant for Omrop Fryslân amounted to the sum of € 8,313,273, excluding the temporary grant for the expansion and broadening of radio and television programmes (cf. section 9.26).

¹⁷ As of 2006, the indexed provincial grant had risen to a sum of € 956,992.

language radio station aimed at young people, the adaptation of two stage productions for television broadcast and research into the use of the Frisian language among primary school pupils. The accessory grant was afterwards also awarded for 2005 and 2006 to the sum of € 50,000.

- 9.29 In a letter dated 7 February 2006, the Province of Fryslân notified the State Secretary for Education, Culture and Science about Omrop Fryslân's vision for the future as presented before the Dutch parliament in the interim in which the broadcasting organisation pleaded for a broad expansion of resources and programming. The State Secretary for Education, Culture and Science responded to this in a letter to the Province of Fryslân dated 8 March 2006,¹⁸ stating that the 'visibility and vitality of the Frisian language and culture [was] being adequately supported on the part of central government'. The explanatory statement from the State Secretary for Education, Culture and Science pointed to support of the Frisian language and culture in the form of an annual government grant of approximately € 440,000 in existence up until 1 January 2006. As of 1 January 2006, a clause was inserted with the consent of the Province of Fryslân that this government grant be transferred to the Provinces Fund.
- 9.30 In relation to the support of Omrop Fryslân, the State Secretary pointed to the coming into force of the Act of 7 April 2005 to amend the Media Act in connection with a new funding structure for regional public broadcasting (Bulletin of Acts and Decrees 2005, 236), which from 1 January 2006 onwards ceased to place responsibility for the funding of regional broadcasting with central government (cf. section 9.2). The State Secretary for Education, Culture and Science pointed further to the Ministry successively awarding an accessory grant to Omrop Fryslân in the years 2004, 2005 and 2006 (cf. section 9.28), as well as to Omrop Fryslân's option to make a request for facilities from the Dutch Cultural Broadcasting Promotion Fund (cf. sections 9.47 to 9.50).
- 9.31 Finally, the State Secretary for Education, Culture and Science pointed out that the broadcasting organisation did not appear to be operating below standard: on the contrary. The State Secretary understood that more money was always welcome. In the letter, the State Secretary discussed the proposals in the vision for the future at greater length: *"The broadcasting organisation states in its memorandum that it is reaching too few young people, but that is an area of concern for all regional public broadcasting organisations. The responsibility for tackling this is separate from the issue of Frisian-language programming. The broadcasting organisation paints a picture of the programmes being largely compliant with the ICE standard; that is very positive, but this, too, is an issue separate from that of Frisian-language programming. Concerning funding of the regional broadcasting organisation: with the transfer of funding to the Provinces Fund, this is now at the provincial government level, including the established framework of agreements"*.

¹⁸

Letter from State Secretary Ms M.C. van der Laan to Mr A.J. Mulder, Member of the Provincial Executive of Fryslân, dated 8 March 2006, reference MLB/M/2006/9.314.

- 9.32 15 public local broadcasting organisations in Fryslân are involved with providing broadcasts in 19 municipalities. Furthermore, this chiefly involves radio broadcasts. Regarding the provision of television broadcasts, such as, for example, those by the Oskar foundation for residents of the municipality of Skarsterlân, this involves no more than one hour a week, excluding repeats.
- 9.33 A 1998 study by the Fryske Akademy indicated that most of the broadcasts by local broadcasting organisations in the Province of Fryslân were conducted in Dutch. The sixteen broadcasting organisations that participated in the study conducted 2.5 times more broadcasts in Dutch than in Frisian. Only one of the organisations appeared to have a language policy. In practice, two of the local broadcasting organisations broadcasted only in Dutch, while one broadcasted only in Frisian.¹⁹
- 9.34 In 1996, Afûk organised two Frisian-language courses for employees of local broadcasting organisations in Fryslân. No such courses have been organised since.

Article 11(1)(b)(ii): non-public broadcasting (radio)

Article 11(1)(c)(ii): non-public broadcasting (television)

- 9.35 On accepting the European Charter, the Netherlands undertook, for the users of the Frisian language in the Province of Fryslân, ‘to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

- b (ii) to encourage and/or facilitate the broadcasting of radio programmes in the [Frisian language] on a regular basis;
- c (ii) to encourage and/or facilitate the broadcasting of television programmes in the [Frisian language] on a regular basis’.

In light of this undertaking, the Netherlands has adopted a number of statutory regulations on television programmes produced by commercial broadcasting organisations.

- 9.36 According to section 110 of the Explanatory Report, subparagraphs (b) and (c) of Article 11(1) of the European Charter apply to the private sector.
- 9.37 In 2001, the Committee of Experts indicated that the Netherlands had not fulfilled the undertakings to which it had agreed in respect of options b (ii) and c (ii) in Article 11 of the European Charter.²⁰
- 9.38 With regard to commercial broadcasting, the Committee of Experts recognised in its second report that statutory provision had been made for 40% of programmes from commercial broadcasting organisations to be in

¹⁹ Piet Hemminga, Oer betsjutting en taal fan de lokale omrop, in: *It Beaken*, 61 (1999) 1, 25-40.
²⁰ *Council of Europe, Report of the Committee of Experts* (2001), 91.

Dutch or Frisian, but pointed out that the minority language always lost out to the majority language in such approaches at equality. However, the Committee of Experts stood by its view that the options accepted by the Netherlands would not have been fulfilled until further information about the use of Frisian in programmes from commercial broadcasting organisations became available.²¹

- 9.39 The Covenant on the Frisian Language and Culture (2001) contained no agreements on encouraging the use of Frisian in commercial radio and television programmes. Even so, there were commercial organisations in Fryslân that broadcasted radio and/or television programmes.²²
- 9.40 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 2.²³
 - 4 Subsection 1 does not apply to a programme for special broadcast.²⁴
- 9.41 Several of the articles from the Policy Rules on Programme Quotas as laid down once again by the Media Authority on 30 August 2005 (Government Gazette 2005, 189, p. 20) 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. Article 6 of the aforementioned 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, of the Media Act:
- a. programme segments that are dubbed into Dutch or Frisian;
 - b. programmes containing segments from non-Dutch or non-Frisian programmes that are introduced in Dutch or Frisian by a presenter.

²¹ Council of Europe, *2nd Report of the Committee of Experts* (2004), 160.

²² When granting permission for the broadcast of a commercial radio or television programme, the Media Authority determines the name of the broadcasting organisation but not its area of operation. Therefore, theoretically, a commercial broadcasting organisation can broadcast a programme throughout the Netherlands for which it has received permission to broadcast. Based on the registered offices of the organisations concerned, ten commercial broadcasting organisations can be said to be established in the Province of Fryslân, i.e. Atalanta FM in Sneek, Freez FM in Leeuwarden, Gerstel Produkties B.V. in Harlingen, Radio Caroline, Sneek, Radio NL, Sneek, Radio Piraat, Leeuwarden, Radio Seagull, Harlingen, Radio Waddenzee, Harlingen, Waterstad FM, Sneek and Waterstad FM Groningen, Sneek.

²³ This is regulated in Article 10 of the Policy Rules on Programme Quotas of the Media Authority.

²⁴ 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 general 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.

- 9.42 According to Article 8 of the Policy Rules on Programme Quotas:
- 1 The achieved percentage of original programming in Dutch or Frisian within the meaning of 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 11(1)(f)(ii): measures encouraging audiovisual productions

- 9.43 On accepting the European Charter, the Netherlands undertook, for the users of the Frisian language in the Province of Fryslân, ‘to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:
f(ii) also to apply existing measures for financial assistance to audiovisual productions in the [Frisian language]’.
- 9.44 The Committee of Experts has established that the Netherlands is fulfilling its official undertaking by means of the Dutch Cultural Broadcasting Promotion Fund to which the regional broadcasting organisation can also resort. However, the Committee of Experts is urging the Dutch government to take into consideration earmarked special funds to support Frisian-language audiovisual productions.²⁵
- 9.45 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that Omrop Fryslân’s programmes would qualify for support from sources such as the Dutch Cultural Broadcasting Promotion Fund. This has been laid down in the constitution of the Fund (Covenant 5.2). The parties also agreed that central government would strive to ensure that Frisian-language television drama productions also qualified for grants from the Fund (Covenant 5.3).
- 9.46 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 the boards of bodies established under the Media Act and the boards of funds focusing on broadcasting productions included a member with a good knowledge of the Frisian language and culture. Where necessary, the boards would be able to call in external expertise in relation to the Frisian language (Covenant 5.4).
- 9.47 In Articles 5.2 and 5.3 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the Province of Fryslân established that sections 5.2, 5.3 and 5.4 of the Covenant on the Frisian Language and Culture (2001-2010) had been achieved. This means that Omrop Fryslân, just like the other regional broadcasting organisations in the Netherlands, can apply for grants from the Dutch Cultural

²⁵ Council of Europe, 2nd *Report of the Committee of Experts* (2004), 163.

Broadcasting Promotion Fund. At approximately € 1.1 million per annum (the 2006 level), the earmarked sum available to promote regional broadcasting productions is insufficient to allow all of the requests by Dutch regional public broadcasting organisations to be guaranteed. In the interim, the Minister of Education, Culture and Science has increased this sum by € 500,000 to € 1.6 million to take effect from 2008.

- 9.48 Furthermore, expertise has been guaranteed in terms of the Frisian language and culture regarding the composition of the boards of bodies set up pursuant to the Media Act and regarding the boards of funding bodies in terms of broadcasting productions.
- 9.49 The Dutch Cultural Broadcasting Promotion Fund provides the opportunity for financial contributions towards the development and production of programme segments that are of a special Dutch cultural nature and that are provided by broadcasting associations, the NOS (Dutch Broadcasting Foundation), the NPS (Dutch Programmes Foundation), the educational broadcasting body or else religious denominations or spiritually based communities that have obtained broadcasting time for national broadcasts, the organisations that have obtained broadcasting time for regional broadcasts, as well as the World Broadcasting Service [Wereldomroep].
- 9.50 From 1 January 2002 up until 1 July 2006, the Dutch Cultural Broadcasting Promotion Fund committed itself to grant support to Omrop Fryslân on 12 occasions. This involved three commitments with regard to the development of a television programme and nine commitments with regard to the production of a television programme. Five of Omrop Fryslân's requests during this period were rejected.
- 9.51 The Province of Fryslân has a similar arrangement for providing help towards cultural media productions. The provincial arrangement for cultural media productions (Provincial Gazette 1998, 4) is intended to encourage the creation of professional Frisian-language films, videos, broadcasting organisation programmes and comparable productions.²⁶

²⁶

In 2002, € 3,200 was reserved for the video production 'In nije tiid', € 10,000 for the opera film 'Rigoletto', € 5,000 for the film 'Eise Eisinga, het fenomeen van Franeker', € 5,000 for the film 'De Fryske hounen' and € 5,000 for a concert reviewing the film music of Cees Bijlstra at the Dutch Film Festival in Utrecht.

In 2003, € 9,000 was set aside for the video production 'De lêste brief', € 10,000 for producing a screenplay for the film 'Grutte Pier' and € 5,000 for a video production 'Van oogst tot dak'.

In 2004, € 10,000 was set aside for 'Dance Explosion', € 3,000 for a multimedia production of the dance production 'Me' and € 2,241 for the CD 'Sievesâlt'.

In 2005, € 3,600 was reserved for the Frisian-language part of the SBS6 television programme '6-Pack', € 3,000 for supervision of and professional assistance for Frisian amateur film, € 10,000 was allocated for writing a screenplay for a television series 'Landschapslezen in Fryslân' and € 4,500 for professional adjustments to the film 'Sportman fan 'e ieu'.

In 2006, € 3,000 was reserved for the production 'Album Amicorum van hotel De Kroon', € 7,000 for the film 'Zwarte Parels' and € 5,000 for the documentary 'Yn 'e beage'.

Article 11(2): Frisian-language media communications from neighbouring countries.

- 9.52 On accepting the European Charter, the Netherlands undertook ‘to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language’.
- 9.53 In view of the freedom of expression that applies in the Netherlands, the latter does not disrupt, or block by other means, radio and television broadcasts from other countries. In this sense, the Netherlands ensures the direct reception of radio and television broadcasts from neighbouring countries. In practice, it is not possible to receive the Frisian programmes from NDR 1 (Welle Nord), the *Offener Kanal Westküste* and Radio Redbad given their technically limited range in the Dutch Province of Fryslân; in other words, they can be received or requested only and partially through the Internet.
- 9.54 In light of EU regulations concerning cross-border television and the obligations it imposes on the Netherlands, the Committee of Experts considered in 2001 that the Netherlands had fulfilled the above-mentioned undertaking.²⁷
- 9.55 As Dutch legislation and policy in this area were in accordance with the undertaking entered into under the European Charter, the Covenant on the Frisian Language and Culture (2001) contained no agreements in that regard.
- 9.56 In Germany, various forms of Frisian – differing variously from the Netherlands-Frisian variant to greater or lesser extents – are spoken in Lower Saxony in the municipality of Saterland (district of Cloppenburg) and in Schleswig-Holstein in the district of North Friesland and on Heligoland (see also sections 3.6.3 and 12.9 to 12.14). North Frisian, which comprises two dialect groups and nine dialects, is spoken by approximately 8,000 people, while Sater Frisian is spoken by approximately 2,250 people.²⁸
- 9.57 The media in Germany make limited use of North Frisian. Since 1989, Frisian has occupied a very minor position in the radio programmes of public broadcasting organisations. Once a week, NDR 1 (Welle Nord) broadcasts a one-hour evening programme in Schleswig-Holstein of which three minutes are broadcast in North Frisian (‘Freesk for enarken’) in the district of North Friesland. In addition, there is an occasional programme on Frisian. The private media producer Riecken produces videos and radio programmes on behalf of ‘Ferien för Nuardfresk Radio’, which are distributed under the name Radio Redbad via the Internet.²⁹

²⁷ Council of Europe, *Report of the Committee of Experts* (2001), 94.

²⁸ Piet Hemminga, *Het beleid inzake unieke regionale talen*. Leeuwarden 2000, 243-244.

²⁹ Federal Ministry of the Interior, *Zweiter Bericht der Bundesrepublik Deutschland gemäß*

- 9.58 North Frisian occupies a marginal position in the printed media: a few daily newspapers in the district of North Friesland publish a monthly page in North Frisian.³⁰ In addition, North-Frisian contributions appear at irregular intervals in a few other publications.³¹
- 9.59 The media in Germany make even less use of Sater Frisian. In Lower Saxony, NDR occasionally broadcasts reports on Sater Frisian when there is a topical reason for doing so, but it does not broadcast them in Sater Frisian. The regional newspapers that are circulated in Saterland have contained a report in Sater Frisian on one solitary occasion.³² Sater Frisian plays no role in terms of radio or television programmes.³³
- 9.60 On accepting the European Charter, the Netherlands undertook ‘to ensure that no restrictions [would] be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language’. This right is guaranteed in view of the freedom of expression that applies in the Netherlands.
- 9.61 The exercise of the freedoms referred to in Article 11(2) of the European Charter may be subject to a number of clearly defined and legally prescribed formalities, conditions, restrictions or penalties. However, this is not relevant in the Dutch context.
- 9.62 **In summary**, it is clear that Dutch legislation is formally in accordance with the provisions of Article 11 of the European Charter as accepted by the Netherlands. With effect from 1 January 2006, the funding structure for regional broadcasting was changed in the sense that, since then, the provincial government has borne responsibility for funding the operation of at least one regional broadcasting organisation in the province. To date, the recommendation made by the Committee of Experts in its first report that central government should take into account the special needs of Frisian broadcasting and consider strengthening financial support has not been fulfilled in a structural sense, according to the Province of Fryslân. Central government, however, claims that existing provisions are sufficient.
- 9.63 Furthermore, without being able to obtain further information on this matter, the Committee of Experts holds to its view that the approach towards equality as practiced in the case of non-public broadcasting works to the disadvantage of Frisian insofar as the use of Dutch or Frisian is

Artikel 15 Absatz 1 der Europäischen Charta der Regional- oder Minderheitensprachen [Berlin 2003], 183.

³⁰ *Ibidem*, 185. This relates to the newspapers: *Der Inselbote*, *Husumer Nachrichten*, *Nordfriesland Tagesblatt* and *Sylter Rundschau*.

³¹ *Ibidem*, 185. This relates to the magazines: *Nordfriesland*, *Der Helgoländer*, *Sylt Aktuell* and the newspaper *Flensborg Avis*.

³² *Ibidem*, 212. This relates to the newspapers: *General-Anzeiger*, *Münsterländische Tageszeitung* and *Nordwest-Zeitung*.

³³ *Ibidem*, 210.

concerned. Although the Committee of Experts has established that the Netherlands is fulfilling its official undertaking in respect of promoting measures for audiovisual productions, the Committee urges that earmarked special funds to support Frisian audiovisual productions be considered.

10 Article 12: Cultural activities and facilities

- 10.1 Article 12(1) of the Charter gives a non-exhaustive summary of cultural activities and facilities, especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including *inter alia* the use of new technologies. Foreign cultural policy falls within the scope of Article 12(3) of the European Charter.
- 10.2 The foundations for the cultural policy are primarily rooted in the policy papers of central government and the Province of Fryslân. Once every four years, the Minister responsible for cultural policy produces a cultural paper for submission to Parliament. In addition, the provinces in the Netherlands have traditionally enjoyed a large degree of autonomy in the field of culture. In comparison with the other Dutch provinces, the Province of Fryslân puts above average effort into cultural policy.¹
- 10.3 In 2001, the Committee of Experts considered that the obligations entered into by the Netherlands under Article 12 are being fulfilled, with the exception of Article 12(1)(e): staff with a full command of Frisian.² This issue is discussed in detail in sections 10.98 to 10.104.
- 10.4 In its second report, the Committee of Experts stated that it could not conclude that the Netherlands are meeting their obligation under Article 12(1)(e), while acknowledging the good intentions of the Dutch authorities. The Netherlands stated that they are endeavouring to have at least one staff member with a good command of the Frisian language and culture in the advisory committees of the Foundation for the Production and Translation of Dutch Literature (NLPVF) and the Dutch Foundation for Literature respectively. A similar ambition concerns the advisory bodies of organisations, which are based on the Media Act, and bodies of funds aimed at supporting media productions. With regard to provincial organisations, it is generally accepted that (part of) the personnel speak Frisian. The Committee of Experts calls for information that is more concrete.³
- 10.5 In addition, in 2004 the Committee of Experts stated that it is unable to say that the Netherlands are fulfilling the obligation entered into under Article 12(1)(f). However, the Committee of Experts was informed about the knowledge of the Frisian language and culture in the Board of the NLPVF, on the one hand, and the Board of Directors and the advisory bodies of the Dutch Foundation for Literature, on the other hand. Nevertheless, it is not known how many Frisian-

¹ In 2005 the Province of Fryslân allocated 40.71 euro per head of population to art and culture. Of the twelve Dutch provinces, it was the highest amount per capita. In all provinces, regional broadcasting requires the largest provincial subsidy by some distance. On the regional culture and history aspect, which includes regional language policy, Fryslân is the front-runner among Dutch provinces, with an amount of 2,444,627 euros. See Carla van Deijck-Hofmeester, Willem-Jan Raymakers, *De Provincies kiezen in cultuurbeleid*. IPO, The Hague 2005, 42, 43 and 59. IPO is the Netherlands Association of Provinces.

² Council of Europe, *Report of the Committee of Experts* (2001), 96.

³ Council of Europe, *2nd Report of the Committee of Experts* (2004), 165-166.

speakers participate in facilities and the organisation of cultural activities other than the two literary organisations mentioned.⁴

- 10.6 Finally, the Committee of Experts stated in 2004 that the Netherlands are not fulfilling the obligation entered into under Article 12(3), and calls on the Dutch government to include the Frisian language and culture in its foreign cultural policy. In 1999-2003, the Frisian language and culture did not form part of the information policy implemented by Dutch embassies or in any other way in the Dutch presentation of cultural policy abroad. Moreover, the Frisian language and culture were not explicitly mentioned in the international culture policy 2001-2004, under the responsibility of the State Secretary for Education, Culture and Sciences.⁵
- 10.7 The Covenant on the Frisian Language and Culture (2001) contains 32 agreements in the field of culture. They include efforts that central government and/or the Province of Fryslân will make in respect of key cultural facilities (the Tryater theatre company, the Frisian Literary Museum and Documentation Centre, the Fryske Akademy and the Provincial and Buma Library). In addition, they include various other cultural facilities, such as those for Frisian writers, films, literary and cultural events abroad and youth theatre. The Covenant contains no agreements concerning Article 12(1)(e) of the Charter.
- 10.8 The report, entitled '*Anders gestuurd, beter bestuurd: de specifieke uitkeringen doorgelicht*' (Directed differently, run better: screening of specific grants) – issued in 2004 by the Minister of Finances and the Minister of Administrative Reform and Kingdom Relations – recommends transferring the specific grants for Frisian language and culture to the Provinces Fund.⁶ Subsequently, the relevant specific grants were transferred with effect from 2006 to the Provinces Fund (see sections 10.84 and 10.85).
- 10.9 The Act of 9 November 2004 on fixed book prices (Bulletin of Acts and Decrees 2004, 600) provides a legal basis for the system of fixed book prices that has existed in the Netherlands since 1923: a system of agreements between publishers and booksellers, as set out in the Trade Regulation. This vertical price setting contravenes the legislation on competition that has existed since 1962. Based on cultural policy considerations and a legal certainty and business certainty viewpoint, the law replaces the previous private law arrangements. Frisian-language books fall under the scope of the protective function of the law.
- 10.10 Once every four years, the Minister with responsibility for cultural policy draws up a cultural policy document and presents it to Parliament. For the period that is relevant for this report, it concerns the Culture Policy Paper 2001-2004 '*Cultuur als confrontatie*' (Culture as Confrontation) and the Culture Policy Paper 2005-2008 '*Meer dan de som*' (More than the Sum).

⁴ *Ibidem*, 167-168.

⁵ *Ibidem*, 170-172.

⁶ Parliamentary Papers II (House of Representatives) 2004-2005, 29 800 B, nr. 16.

The Culture policy documents for 2001-2004 list the Frisian-language Tryater theatre company as one of the larger companies in the field of performing arts that is eligible for an increase in funding.⁷ In addition, central government was providing an annual grant of €130,000 to the Frisian Literary Museum and Documentation Centre.

The Culture policy document for 2005-2008, describes the cultural factor, as it were, as the DNA of Dutch society. The Tryater theatre company has been subsidised annually by an amount of €1,539,000 (see also sections 10.27 to 10.29). The 2005-2008 policy document also states that museums operating nationally which address the Dutch and Frisian literary heritage across the spectrum should be eligible for subsidy on the basis of the culture policy document. However, the Frisian Literary Museum and Documentation Centre, which has formed part of the Frisian Historic and Literary Centre Tresoar since 1 September 2002,⁸ is subsidised by central government from other funds than those of the Culture policy paper.⁹

- 10.11 The Provincial Executive of Fryslân has provided an outline for the province's cultural policy in a memorandum, entitled '*kultuer yn fryslân 20.01\04*'. This memorandum on cultural policy identifies the province of Fryslân's primary responsibility for the development of the Frisian language as the third determining factor with regard to the culture in Fryslân.¹⁰ In the memorandum, the Provincial Executive of Fryslân describes the preservation, display and the opening up of the collection in Fryslân as its first goal, and the promotion of the artistic expressions of the Frisian population, both professional and amateur, as its second goal.
- 10.12 The provincial culture policy memorandum '*kultuer yn fryslân 20.01\04*' was succeeded by in the Culture policy paper 2006-2008 '*Sels dwaan!*', adopted by the Provincial Council on 16 March 2005. The new provincial cultural policy opts to reinforce the cultural production climate. Secondly, it will endeavour to clarify subsidy relationships. Thirdly, it aims to strengthen the relationship between culture and economy, and finally, it proposes simplification of subsidies.¹¹
- 10.13 Neither the provincial culture policy paper for 2001-2004, nor the provincial culture policy paper for 2006-2008 discusses the Province of Fryslân's ambitions abroad with regard to Frisian language and culture. In this area, a

⁷ Parliamentary Papers II (House of Representatives) 2000-2001, 27 432.

⁸ Tresoar was set up on the basis of the policy framework for regional historic centres, as set out in the letter from the State Secretary for Education, Culture and Science of 7 February 2000 (see Parliamentary Papers II (House of Representatives) 1999-2000, 26 591, nr. 13). Three institutions in Fryslân were involved in the setting-up of Tresoar, i.e. the Provincial and Buma Library, the State archives in Fryslân and the Frisian Literary Museum and Documentation Centre.

⁹ Ministry of Education, Culture and Science, *Culture policy paper 2006-2008*. The Hague 2004, 40.

¹⁰ Province of Fryslân, *kultuer yn fryslân 20.01\04*, Ljouwert 2000, 8.

¹¹ Province of Fryslân, *Sels dwaan! Cultuurnota 2006-2008*. Ljouwert 2006, 7-10.

policy document on international contacts in the field of bilingualism dating from 1987 still serves as the main guideline.

- 10.14 With regard to specific elements of its cultural policy, the province's memorandum on cultural policy for 2001-2004 sets itself the following goals:
- in the field of the performing arts:*
- structural funding of support and umbrella organisations in the field of theatre and pop music;
 - structural funding of the youth theatre companies Tryater and De Citadel;
- in the field of literature:*
- more quality, more readers and assistance for young people;
 - integrating Frisian literature into the media;
 - strengthening the cultural profile of Fryslân on the Dutch literary scene and increasing the sums of money for literary prizes;
- in the field of libraries:*
- strengthening an integrated library network;
 - establishing contacts between libraries, the education sector, the welfare sector, archives and ICT companies;
- in the field of archives:*
- development of a regional historical centre;
 - encouraging cooperation between archives, libraries and cultural facilities;
- in the field of the media:*
- strengthening regional broadcasting programmes in the new media;
 - strengthening Frisian-language television drama,¹² and
- in the field of the cultural education:*
- support of the 'Culture and school' project;
 - strengthening the relationship between schools and culture providers.¹³
- 10.15 With regard to specific elements of its cultural policy, the province's memorandum on cultural policy for 2006-2008 sets itself the following goals:
- in the field of the performing arts:*
- continuation of existing policy in the field of the amateur arts;
 - launching a House for Amateur Arts;
 - strengthening the support in the field of dance and cultural participation by young people;
 - continuing support for *inter alia* the Frisian-language theatre company Tryater;
 - increase in the budget for writers of original Frisian plays from 4,000 to 11,000 euro per year; as well as increasing the budget for choral accompaniment from 25,000 to 75,000 euro per year;

¹² For a discussion of the elaboration of this objective in the field of the media, see chapter 9 of this report.

¹³ For a discussion of the elaboration of this objective in the field of cultural education, see chapter 6 (discussion of Article 8(1)(g) of the European Charter) and chapter 10 (see sections 10.71 to 10.74).

in the field of literature:

- continuation of the existing literary policy, including the literary prize system, with emphasis on innovations that can be made in a budget-neutral way;
- contribution to better sales and distribution possibilities for Frisian literature, as well as creating a role for new media in the literary policy;
- developing of policy that leads to more new writers and poets under 35 years of age;
- formation of a Translation Fund in cooperation with the Foundation for the Production and Translation of Dutch literature ;

in the field of libraries:

- implementation of an efficiently-functioning library system;
- broadening the social function of the library;

in the field of archives:

- encouraging further professionalism in the public archives in Fryslân;

in the field of the media:

- continuation of existing policy on Omrop Fryslân;
- continuation of the Cultural Media productions scheme;
- further decision-making concerning the Frisian-language magazines;

in the field of festivals:

- creation of a budget for large cultural events;
- continuation of support for festivals, and
- further decision-making about the Frysk Festival;

in the field of the economy and culture:

- formation of a committee set up ad hoc, consisting of independent experts, reporting on the state of affairs in an artistic discipline or in a policy field;
- attention to ‘cultural governance’.

- 10.16 In 2006, the Provincial Executive evaluated its policy on Frisian-language magazines in the policy paper on the use of the Frisian language in the written media (*Frysk Skreaune Media 2007-2010*). On that basis, the decision was taken which Frisian-language media were to be funded in future years. On 27 June 2001, the Provincial Council decided to allocate at least €226,890 per year for that purpose in the period up to 2011. In the following four years, (partly) funding will be made available for a number of publications and actions (see 10.117). Subsidisation of the *F-side*, a page in both Frisian daily newspapers about twenty times per year has been discontinued (see sections 10.114 to 10.117).¹⁴

Article 12(1)(a), (b) and (d): encouraging expression and initiatives

- 10.17 On accepting the European Charter, the Netherlands undertook, with regard to cultural activities and facilities - a non-exhaustive list of which appears in Article 12(1) of the Charter:

¹⁴

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

‘within the territory in which [the Frisian language] is used and to the extent that the public authorities are competent, have power or play a role in this field:

- a to encourage types of expression and initiative specific to [the Frisian language] and foster the different means of access to works produced in [that language];
- b to foster the different means of access in other languages to works produced in [the Frisian language] by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;
- d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of [the Frisian language] and cultures in the undertakings which they initiate or for which they provide backing’.

- 10.18 In 2001, the Committee of Experts was of the opinion that the Netherlands was fulfilling the above-mentioned undertakings.¹⁵
- 10.19 In its second report, the Committee of Experts did not reach any conclusions with regard to the aforementioned Article 12(1)(a), (b) and (d).
- 10.20 In the discussion of central government and provincial policy on activities and facilities in the field of the Frisian culture, we shall be looking at the policy and the policy undertakings with regard to the following elements of policy:
- Frisian-language theatre company (sections 10.21 to 10.32)
 - Frisian historic and literary centre Tresoar, formerly Frisian Literary Museum and Documentation Centre, the Provincial and Buma Library, and the State archives in Fryslân (sections 10.33 to 10.45)
 - Fryske Akademy (sections 10.46 to 10.59)
 - National literature and translation funds (sections 10.60 to 10.74)
 - National funds and schemes for films (sections 10.75 to 10.79)
 - Other national funds (sections 10.80 and 10.81)
 - State budget allocation for Frisian language and culture: cultural facilities (sections 10.82 to 10.95)
 - Other activities and projects (sections 10.96 and 10.97).

Frisian-language theatre (Tryater)

- 10.21 Central government subsidises a professional Frisian-language professional theatre company. This company, which is known as Tryater, puts on productions in Frisian for adults and bilingual productions for children. The maintenance of bilingual youth theatre is partly made possible by funding from the Province of Fryslân. These matters are laid down in Articles 6.1.1 and 6.6.11 of the Covenant on the Frisian Language and Culture (2001).
- 10.22 The maintenance of Tryater will be assessed in the light of the basic premises set out in the government cultural policy document. The central government

¹⁵ Council of Europe, *Report of the Committee of Experts* (2001), 95.

assessment will be conducted by the Council for Culture (Covenant 6.1.2). Furthermore, in the framework of the Covenant, central government will provide financial support to Tryater in accordance with the relevant norms, on the understanding that as far as the geographic distribution of performances is concerned, it will normally suffice to put on performances within the Province of Fryslân, with only occasional performances outside the province (Covenant 6.1.3).

- 10.23 In the Covenant on the Frisian Language and Culture (2001), it is agreed that the Province of Fryslân will create the conditions necessary to ensure a proper distribution of performances across the province by subsidising performances which would otherwise not be possible because of the limited capacity or location of the venue (Covenant 6.1.4).
- 10.24 Central government and the Province of Fryslân consider it their duty, also in the light of the European Charter, to maintain a Frisian-language professional theatre company such as Tryater. If, on the basis of the assessment referred to in section 10.22, a decision is made to reduce or discontinue funding to the company, or if the company ceases its activities, the Minister of Education, Culture and Science and provincial government will discuss the situation as it then stands (Covenant 6.1.5).
- 10.25 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed as follows. Provincial government will work with stakeholders in the Frisian theatre world to ensure that, having regard to the advisory role of the national Council for Culture, the quality of Frisian-language youth theatre is high enough by 2010 for it to be incorporated into the national theatre system (Covenant 6.6.11).
- 10.26 The financial support and assessment of Tryater shall occur in accordance with the norms applying to professional theatre, on the understanding that there will be one exception to these norms.¹⁶ As far as the geographic distribution of performances is concerned, it will normally suffice to put on performances within the Province of Fryslân, although the Minister of Education, Culture and Science continues to attach importance to giving performances outside the Province of Fryslân. This observation applies in particular to performances in the field of youth theatre and education.
- 10.27 In Article 6.1.1 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the Province of Fryslân agreed that Tryater would be financed 100% by the Ministry of Education, Culture and Science. In the culture period 2005-2008, the financial support for Tryater will be continued at the level of the previous culture policy paper, which means that Tryater will receive an annual basic amount of €1,539,250 (on this point, see section 10.10).

¹⁶ Up to 2001, a second exception clause from the norms prevailing for national professional theatre applied to Tryater, i.e. the provision regarding the required minimum level of self-generated income. With effect from 2001, this exception no longer applies to Tryater.

- 10.28 In Article 6.1.2 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the Province of Fryslân agreed that Tryater would receive an annual contribution from the province of €142,000 for youth theatre. Besides that, the Province of Fryslân is investing an additional €50,000 in Tryater on the basis of the Culture Agreement Northern Netherlands.
- 10.29 In Article 6.1.3 of the Implementation Covenant on the Frisian Language and Culture (2005), both parties agreed that within the provincial theatre and music scheme, intended to provide a good geographic distribution of performing arts shows in Fryslân, an amount of €109,000 would become available for staging performances specifically intended for small venues. Within this scheme, an amount is earmarked for Tryater's performances. When the Implementation Covenant was signed, this earmarked amount was €11,344. Tryater does not restrict its performances to those within the Province of Fryslân.
- 10.30 Finally, central government and the Province of Fryslân agreed in Article 6.1.4 of the Implementation Covenant on the Frisian Language and Culture (2005) that the agreements made about Tryater in the context of Articles 6.1.2 and 6.1.5 of the Covenant on the Frisian Language and Culture (2001) shall remain in force notwithstanding (cf. sections 10.22 and 10.24).
- 10.31 In the table below an overview is given of the number of productions by Tryater from 2002 to 2005. For the same period, the table presents the number of performances by the Frisian-language theatre company and its audience.

| | 2002 | 2003 | 2004 | 2005 |
|-------------------------|--------|--------|--------|--------|
| Number of productions | 9 | 12 | 15 | 13 |
| Number of performances | 734 | 447 | 658 | 668 |
| Number of theatre-goers | 55,602 | 69,921 | 56,927 | 64,873 |

Besides *Salted*, which was produced in the context of the *Offspring* project and performed in Terschelling as well as in Germany and Wales, in the period 2003-2005, twelve performances were given abroad, with six in Belgium and six in Germany (see section 12.33).

The following table presents similar data for the educational projects run by Tryater from 2002 to 2005.¹⁷

¹⁷

Source: Tryater's annual reports for the 2002-2005 period. See: Tryater, *Jierferslach 2002*, 38-39; *Jierferslach 2003*, 41-42; *Jierferslach 2004*, 33-34. *Jierferslach 2005*, 32-34.

| | 2002 | 2003 | 2004 | 2005 |
|-------------------------|--------|-------|-------|-------|
| Number of productions | 4 | 7 | 4 | 8 |
| Number of performances | 431 | 254 | 169 | 269 |
| Number of theatre-goers | 10,806 | 6,387 | 4,210 | 6,952 |

- 10.32 The plays performed by Tryater comprise both translations and adaptations in Frisian of plays from the world repertoire, as well as plays originally written in Frisian. The Covenant contains an agreement on the writing of new plays in Frisian (cf. section 10.94).

Frisian Historic and Literary Centre Tresoar

- 10.33 In the Covenant on the Frisian Language and Culture (2001), it is laid down that there is an institution for scientific library work concerning the Frisian language and culture, which is maintained thanks to the support of the Province of Fryslân. At the time of the Covenant, the Provincial and Buma Library fulfilled this function (Covenant 6.4.1).

The Provincial and Buma Library is considered to be of great importance by central government and the Province of Fryslân due to its leading collection for study of the Frisian language and the history of the Frisians. The Library has not only a provincial, but also a national function in this regard, which is fulfilled in part via the Inter-Library Lending System. The Provincial Library caters for the needs of scientists and interested parties in this field. The Provincial Library has the task of maintaining and adding to this fascinating collection (Covenant 6.4.4).

- 10.34 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that cooperation between the Provincial and Buma Library of Fryslân and higher education establishments in Fryslân would be reinforced (Covenant 6.4.2). Furthermore, where necessary, central government and the Province of Fryslân will create additional conditions in order to enable actual intensification of the quality and positioning of the library concerned, within the context of the network of scientific information facilities (Covenant 6.4.3).
- 10.35 Central government and the Province of Fryslân see it as their task, also in the light of the European Charter to maintain institutions like the Provincial en Buma Library. If the Minister of Education, Culture and Sciences and the Provincial Executive of Fryslân are of the opinion that the objectives set with regard to the PB, as formulated in Articles 6.4.1 to 6.4.4 of the Covenant, have not been fully attained, both parties shall consult in order to achieve the objectives in a different way (Covenant 6.4.5).
- 10.36 In the Covenant on the Frisian Language and Culture (2001) central government and the Province of Fryslân also laid down that in Fryslân there is an institute for

documentation, archiving, promotion and encouragement of Frisian language and literature whose maintenance is made possible by the Minister of Education, Culture and Science and the Province of Fryslân. This task was carried out at the time of the Covenant by the Frisian Literary Museum and Documentation Centre (FLMD) in Leeuwarden (Covenant 6.2.1). The maintenance of the FLMD is evaluated, taking account of the initial assumptions of central government cultural policy paper and the Provincial literature policy. The evaluation by central government is carried out by the Culture Council (Covenant 6.2.2).

- 10.37 In the Covenant on the Frisian Language and Culture (2001), it is also agreed that central government shall apply the prevailing national standards to financial support for the FLMD. The institution can enter into cooperation agreements with comparable institutions outside the Province of Fryslân so as to achieve a greater dissemination of information (Covenant 6.2.3). Central government and the Province of Fryslân see it as their task, also in the light of the European Charter to maintain institutions like the FLMD in some form. If the appraisal mentioned in section 10.36 leads to the discontinuation or reduction of the creation of possibilities for maintaining the institutions, central government and the Province of Fryslân shall consult about the situation that has arisen. Such consultation shall also occur if the activities of the institutions are discontinued for other reasons (Covenant 6.2.4).
- 10.38 In Article 6.2.1 of the Implementation Covenant on the Frisian Language and Culture (2005), it is stipulated that Chapter 6 of the Covenant on the Frisian Language and Culture (2001) contain provisions about the Provincial and Buma Library of Fryslân and the Frisian Literary Museum and Documentation Centre. These two institutions, as well as central government archive repository in the Province of Fryslân, were merged with effect from 1 September 2002 based on the Joint Arrangements Act into a body called 'Letterhoeke'.¹⁸ The new institution has been functioning since 2 September 2002 under the name 'Frysk histoarysk en literêr sintrum Tresoar' (Frisian Historic and Literary Centre Tresoar).¹⁹
- 10.39 Article 6.2.2 of the Implementation Covenant on the Frisian Language and Culture (2005) further states that Tresoar shall manage the collections and archive documents of the associated institutions. The individual collections consisting of literary sources, scientific books and cultural historic information are kept accessible to the public as a single entity.
- 10.40 Article 6.2.3 of the Implementation Covenant on the Frisian Language and Culture (2005) provides, last but not least that the structural costs of the joint scheme known as Letterhoeke minus any income will be borne by the Minister of Education, Culture and Science and the Province of Fryslân, according to the breakdown set out in the Letterhoeke joint scheme. The agreements made in the context of subparagraphs 6.2 and 6.4 of the Covenant on the Frisian Language and Culture (2001) remain in force *mutatis mutandis*.

¹⁸ Government Gazette 2002, 163.

¹⁹ E-mail from Tresoar of 22 December 2006.

- 10.41 Under the ‘Letterhoeke’ joint arrangement, Tresoar sets itself the objective of making the cultural heritage contained in the collections and archives accessible in an active way, and maintaining them to bring them to the attention of a wide audience. Furthermore, Tresoar promotes Frisian literature and its dissemination by fostering the literary climate in Fryslân in the broadest sense.
- 10.42 At the request of the Province of Fryslân, the FLMD has fulfilled since 1991 a role in fostering the literary climate in the province. With a view to achieving this, the institution had and Tresoar has a literature promotion coordinator, half of the costs being paid from central government contribution for Frisian language and culture. Tresoar, and specifically the coordinator for literature promotion, organises regular courses and/or workshops for writers, including new authors under 35 years of age, of Frisian literary texts (see section 10.93).
- 10.43 The literature promotion coordinator mentioned in the previous paragraph also has a task of organising appearances by Frisian literary authors outside the Province of Fryslân and abroad (see section 10.138).
- 10.44 As part of the merger documents for Tresoar, language rules for Tresoar were drawn up. The language rules recognise in their initial assumptions the Frisian language and the bilingualism of Fryslân as essential elements of the history and culture of Fryslân. Tresoar emphasises the equivalence and equal rights of Dutch and Frisian in Fryslân and considers the use of Frisian as part of its everyday work.
- 10.45 In the language rules, it is laid down that Tresoar must appear to the outside world as a bilingual organisation paying particular attention to Frisian. At least a passive knowledge of Frisian is expected of all staff, while the Director and Heads of Department are expected to have an active command of Frisian. The active command of Frisian among Tresoar’s front office staff is considered relevant, as customers and users who speak or write in Frisian, will be answered in Frisian. The training and pay policy devotes particular attention to the command of the Frisian language.²⁰

Scientific practice concerning the Frisian language and culture: the Fryske Akademy

- 10.46 Scientific research in the field of the Frisian language and literature takes place in a university context at the Universities of Groningen and Amsterdam (see also sections 6.236, 6.264-6.270, as well as 10.59).
- 10.47 In the Covenant on the Frisian Language and Culture (2001), it was agreed by central government and the Province of Fryslân that there is an institution for scientific practice in the field of the Frisian language and culture, whose

²⁰ On 18 May 2005, the Director of the Afûk awarded a ‘Frisian for non-Frisians’ diploma and the Afûk-A-diploma in Frisian to 16 staff members of Tresoar. To meet the requirement to speak and/or write Frisian, over 40 Tresoar staff members attended a (refresher)course in Frisian.

maintenance is made possible by the Minister of Education, Culture and Science and the Province of Fryslân. The Fryske Akademy is that institution as of the date when the agreement was signed (Covenant 6.3.1).²¹

- 10.48 Taking account of the research policy with regard to para-university institutions such as the Fryske Akademy, the financial resources from the Minister of Education, Culture and Science for the Fryske Akademy are transferred to the Royal Netherlands Academy of Arts and Sciences (KNAW). The following is agreed, as stipulated in Article 6.3.2 of the Covenant:
- a the nature of the relationship between the Fryske Akademy and the KNAW will be determined jointly by them. The former will remain a separate, independent entity and will retain its status as a non-profit foundation;
 - b the central government funds transferred to the KNAW will be earmarked for research into aspects of the Frisian language and culture by the [Fryske Akademy];
 - c the KNAW will assess the quality of the research conducted by the [Fryske Akademy], including the efficiency of its research programming both in relation to the activities in this field of science elsewhere and otherwise (Covenant 6.3.2).
- 10.49 Central government and the Province of Fryslân see it as their task, also in the light of the European Charter, to maintain an institution like the Fryske Akademy. In the Covenant on the Frisian Language and Culture (2001), the following agreements were recorded. If, based on its evaluation as referred to in the previous paragraph, subparagraph c, the KNAW is of the opinion that a substantial change should be made in the resources it provides to the Fryske Akademy, the KNAW shall bring this opinion immediately to the attention of the Minister of Education, Culture and Science. If the Province of Fryslân is considering reducing the funds provided to the Fryske Akademy it shall also draw this intention immediately to the attention of the Minister of Education, Culture and Science. In both cases - for both the KNAW and the Province of Fryslân – before a decision can be taken on this, KNAW or the Provincial Executive of Fryslân shall consult with the Minister of Education, Culture and Sciences, in order to achieve the objectives in a different way (Covenant 6.3.3 and 6.3.4).
- 10.50 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that the rules of conduct laid down in the agreement between the Fryske Akademy and the KNAW, form part of this third Covenant on the Frisian Language and Culture 2001 (see Article 6.3.5).
- 10.51 Article 6.3.1 of the Implementation Covenant on the Frisian Language and Culture (2005) lays down that the agreements made in the context of Article 6.3 of the Covenant on the Frisian Language and Culture (2001) with regard to the Fryske Akademy remain in force notwithstanding.

²¹ The data about the Fryske Akademy are based on the Fryske Akademy Annual Reports 2001- 2002, 2002-2003, 2003-2004, 2004 and 2005.

- 10.52 The Fryske Akademy receives each year for carrying out its tasks an annual subsidy from the KNAW and the Province of Fryslân. The scientific activities of the Fryske Akademy are allocated to three specialised departments:
- the linguistics department;
 - the history, literature and onomastics department, and
 - the social sciences department.

In the course of 2004, it became clear that the Fryske Akademy was facing serious financial and organisational problems. Audit firm KPMG was commissioned by the KNAW and the Province of Fryslân to carry out an audit, which led both subsidising parties to withdraw their confidence in the Board and the management on 24 June 2004. A provisional Board was formed, and an Acting Director appointed. On 24 June 2005, new articles of association were drawn up, enabling a new governance structure. Since then a supervisory board has been in operation, and on 1 June 2006, a Managing Director took up his post. Notwithstanding the introduction of various administrative and organisational changes and measures, the financial problems have not yet been definitively solved.

- 10.53 The linguistics department of the Fryske Akademy deals particularly with lexicography and grammatical research. It also carries out dialectological research. A number of projects of this kind that were worked on in the 2002-2005 period deserve mention.

The first project worth noting concerns the Dictionary of the Frisian Language, which was started after the founding of the Fryske Akademy in 1938 and made its first appearance in 1984. So far, twenty-one of the 25 planned volumes of this dictionary have been published. The project involves the scholarly description of the lexicon of "New Frisian" from the 1800-1975 period. Based on this dictionary, an explaining hand dictionary is in preparation, for publication in 2007. Furthermore, the department started working in 2001 on the corpus of spoken Frisian. The purpose of this latter project is to describe and record spoken Frisian.

- 10.54 Furthermore, a comprehensive study of the 17th century Burmania proverbs was issued, and research was carried out into the lexicographical work of Joast Hiddes Halbertsma, as well as the quantitative relationships in Frisian and Frisian dialects. Work was also done on a study of 'body language': an analysis of the portrayal of mankind in medieval Fryslân using the Old Frisian penalty registers.

- 10.55 Work has been done on six different databases, of Old Frisian, Mid-Frisian, 19th century Frisian, 20th century Frisian, dialectic Frisian and spoken Frisian. It is intended that the different language databases should be integrated in the course of time in one database and be made available to anyone over the Internet.

10.56 Based on the Dutch-Frisian legal dictionary published in 2000, the Linguistics department has started writing a specimens book for legal practice in the Frisian language. These specimens are particularly important for the notaries' profession (see section 7.51). Since 31 May 2006, the Frisian specimens have been *on line* for Frisian notaries.

10.57 The history, literature and onomastics department focuses its research on two areas: power and property, particularly in the Middle Ages and in the early modern period, and culture and identity in the modern era and the post-war years. The study of the history of vocational education in Fryslân, the history of denominational (Protestant-Christian) teacher training in Fryslân, the Franeker University library in the seventeenth century, the biography of Frisian writer Anne Wadman, and the study of the nineteenth century hoax of the Oera Linda book all form part of that work.

Furthermore, historic research has been carried out into local authority finances in Fryslân in the 17th and 18th centuries and the Mennonites in the Frisian South-West region 1650-1811.

On 13 December 2005, an event was organised in Leeuwarden to launch the historic geographic information system: the first historic GIS at plot level for a whole province.²²

10.58 The social sciences department of the Fryske Akademy concentrates on research into the socio-cultural identity of Fryslân. One of the areas of its work consists of the use of the Frisian language in education in Fryslân. The educational results of pupils in Frisian primary schools are examined, as well as the education results in a pilot project trilingual school where Frisian, Dutch and English are spoken. Another area of work is research into language in the public sphere, where attention is focused on Dutch, Frisian and English expressions. It also works on the Frisian Language Analyse Remediation and Screening Procedure (see section 11.54).

The European or international dimension of the research is not just embodied in the many international contacts, publications and conferences, but also in the implementation of the European information and documentation project Mercator-Education. This Mercator-Education project focuses on the position of regional or minority languages in education in the Member States of the European Union. With financial support from the KNAW, a pilot project was carried out in 2003-2005 focusing on the development of a digital library of European minority languages. The further implementation is dependent on European funds.

10.59 In addition to the research function, the Fryske Akademy provides education in the field of Frisian history at the University of Leiden and Frisian language and literature at the University of Amsterdam (see sections 6.268 to 6.270).

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www.hisgis.nl

National literature and translation funds

10.60 In the Covenant on the Frisian Language and Culture (2001), it was laid down that Frisian writers could make use of the national literature funds (Covenant 6.5.1). In this regard, the specific market and sales circumstances in which these writers find themselves are taken into account.

10.61 Article 6.4.1 of the Implementation Covenant on the Frisian Language and Culture (2005) stipulates that this is provided for in the articles of association and, if applicable, in the standing rules of the Dutch Foundation for Literature and the NLPVF.

At present, this agreement applies to the Foundation for the Production and Translation of Dutch Literature (NLPVF) and for the Dutch Foundation for Literature (Fonds voor de Letteren). A similar arrangement also applies to the activities of the national Reading Foundation (Stichting Lezen).²³ This foundation, which subsidises projects promoting enjoyment of reading, focuses its activities on Dutch and Frisian literature. See for more information on Stichting Lezen sections 10.71 to 10.74 of this report.

10.62 The Dutch Foundation for Literature and the NLPVF are legal entities subject to private law, which can actually be considered as independent administrative bodies, and fall under the General Administrative Law Act. The articles of association and standing rules are published in the Government Gazette. Amendment to the articles of association and amendment of the standing rules as well as dissolution of the foundation require the approval of the administrator responsible for cultural policy. The task of these funds for Frisian literature is examined in more detail below (see sections 10.63 to 10.70).²⁴ Within the Board of the NLPVF, there is expertise in Frisian literature (see section 10.109).

10.63 The aim of the NLPVF, whose registered offices are located in Amsterdam, is to promote

- the production of high-quality original literary works in Dutch and Frisian,
- the translation of such works into other languages, and
- the translation into Dutch and Frisian of literary works in inaccessible languages, if these works are regarded as being particularly relevant to literary diversity in the Netherlands.

10.64 The NLPVF foundation grants translation subsidies to foreign publishers who wish to publish Dutch or Frisian literature, including children's books, in translation. In the reporting period, the NLPVF granted one subsidy in 2000 for translation of a Frisian text into English and Dutch. This was the textbook

²³ In the previous report, NLPVF and *Fonds voor de Letteren* were translated into Netherlands Literary Production and Translation Fund and Literary Fund, respectively. In this report, the current English translation as they appear at the websites of the two foundations is being used. See: www.nlpvf.nl and www.fondsvoordeletteren.nl.

²⁴ On the promotion and presentation of Frisian literature abroad, see section 10.138.

published with Tsjêbbe Hettinga's CD 'It doarp: Always ready', published in 2000 by Montaigne.

- 10.65 The NLPVF foundation makes it possible to publish the series Frisian Classics and Frisian Moderns. The series, a re-publication of highlights of Frisian literature that were out of print in the former case, and in the latter, commissions for new literary work (see section 10.68), are the result of cooperation between three Frisian publishers and the *Stichting It Fryske Boek*, i.e. the Frisian Book Foundation. In 2002, 2003 and 2004 the NLPVF allocated 13,780, 5,709 and 26,576 euro respectively to these two series. To continue making it possible to publish Frisian literature the NLPVF allocated in the years 2002-2005 amounts of 38,549, 33,412, 30,537 and 22,318 euro respectively.

The NLPVF also subsidises the publication of the Frisian-language literature magazines *Hjir* and *Trotwaer*, as well as *Jierboek Farsk* contributed to the publication of around twenty different Frisian-language books. In 2002, 2003, 2004 and 2005 the NLPVF made available amounts of 32,139, 39,282, 35,109 and 30,800 euro respectively for Frisian-language magazines. In total, the NLPVF made available 308,211 euro for Frisian literature in the period 2002-2005. On 29 February 2004, the NLPVF organised the Second Frisian Literature Day in Amsterdam, in cooperation with the Literature Fund, Tresoar and the Province of Fryslân: 'Vers 2 uit Friesland'.²⁵

- 10.66 The NLPVF and the Dutch Foundation for Literature have a Frisian Committee, consisting of five members, which advises on bursary applications and applications connected with the Fryske Modernen project (see sections 10.65 and 10.68). In 2005, six bursary applications were granted.²⁶ The NLPVF also has a committee of Frisian-speaking experts to evaluate the Frisian-language literary magazines.

- 10.67 The aim of the Dutch Foundation for Literature, whose registered offices are also located in Amsterdam, is to promote the quality and diversity of Dutch and Frisian-language literature, and literature translated into Dutch or Frisian. For this purpose, the Foundation awards grants, including travel and maintenance grants, to writers and translators of Dutch and Frisian-language works. Grants can only be awarded if, in the opinion of the Board of Directors, the work of a writer or translator contributes to the quality and diversity of Dutch and Frisian literature, and if all the formal and material requirements are met. The requirements are set out in the general regulations of the Stichting Fonds voor de Letteren (i.e. the Dutch Foundation for Literature). The Board of Directors of the Dutch Foundation for Literature is advised by an Advisory Board to aid its decision-making. Expertise in Frisian literature is also present on that Board (see section 10.110).

²⁵ NLPVF. *Jaarverslag 2004*. Amsterdam [2005], 38-39.

²⁶ Dutch Foundation for Literature (Fonds voor de Letteren), *Op weg naar de veertig Jaarverslag 2005*. Fonds voor de Letteren. Amsterdam 2006, 39-40.

- 10.68 The Dutch Foundation for Literature, together with the NLPVF, has given financial contributions to assist the implementation of the Fryske Modernen (Frisian Modern Authors) project. Three Frisian publishers have initiated this project in 2001, t.w. Afûk/Utjouwerij Fryslân, Friese Pers Boekerij and Koöperative Utjouwerij, in cooperation with the *Stichting It Fryske Boek* (The Frisian Book Foundation) and the *Skriuwersboun* (the Association for Frisian authors) (see section 10.65). For the period 2003-2005, the Dutch Foundation for Literature earmarked an annual amount of 6,666 euro for the publication of Frisian modern authors. Fryske Modernen is set up to give incentives to writers of modern Frisian prose by encouraging new literary writers, and thus expanding the supply of Frisian prose for both adults and children. It is intended that the Fryske Modernen project should provide three children's books and six titles for adults. Meanwhile, seven young Frisian authors have been granted a writing subsidy. The first book published under the project was 'Prospero' by Nyk de Vries.
- 10.69 For the financing of work bursaries and incentive grants for Frisian-language authors, the Dutch Foundation for Literature provided an amount of 135,124 euro in 2002, while in 2003 the amount was 152,866 euro, in 2004 the Fund provided 67,793 euro and in 2005 an amount of 155,416 euro for the writing of new Frisian literary work.²⁷
- 10.70 In the policy plan for the Dutch Foundation for Literature 2005-2008, 'Kwaliteit kost geld' (Quality costs money) the Fund states that in the past policy period, granting of bursaries to an annual average of ten Frisian-language authors contributed to the creation of new Frisian literary work. The new crop of Frisian-language authors is being stimulated by making available bursaries to new authors. Furthermore, bursaries are paid to translators for translating Frisian literature into Dutch and for translating foreign literary works into Frisian. This policy will be continued equally resolutely in the next policy period.²⁸
- 10.71 In order to encourage reading of Dutch and/or Frisian literature, the Ministry of Education, Culture and Science provides a budget for subsidising projects to encourage reading. The relevant budget is managed by the Stichting Lezen (Dutch Reading Foundation) whose objective is to help people enjoy reading, both in Dutch and Frisian. The priority in carrying out this work is the 0-18 year-old target group. Within the target group, a distinction is made into age groups: 0-6 years (pre-school and nursery education) - reading aloud as an important supplement to modern language policy); 6-12 years (primary school age) - reading and reading aloud as a substantial component of language policy and fully usable; and 12-18 years, with a distinction between background (primary and secondary/vocational education) - literature for senior vocational and senior secondary education. Within these target groups, three specific approaches are incorporated: attention to target groups with a non-Dutch speaking background, an approach based on the national 'Culture and School' programme (including

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Letter from the Dutch Foundation for Literature, 2 February 2007.

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Dutch Foundation for Literature (Fonds voor de Letteren), *Kwaliteit kost geld, Beleidsplan 2005-2008*. Amsterdam 2004, 33-34.

literature education) and specific attention to the role of (smaller) local authorities in promoting reading projects.

- 10.72 Stichting Lezen granted financial support in 2003 to the ‘Tomke reading aloud event’ as part of National Reading Aloud Day. This activity was organized by the Tomke working group, which is part of the *Platfoarm Lêsbefoarding Taalryk Fryslân*, i.e. the Platform for Reading Promotion in the Province of Fryslân.²⁹ The multimedia Tomke project aims at children of pre-school age and their parents and educators, and was subsidised by Stichting Lezen in 2000 and 2001. Moreover, in liaison with the *Platfoarm Lêsbefoarding Taalryk Fryslân*, Stichting Lezen supported the multimedia project ‘De lêste brief’, intended for young people from age 12 upwards and based on the book ‘De laatste brief’ (The last letter) by Hanneke de Jong. In 2003, the Fryske Akademy was commissioned by Stichting Lezen to research the views of younger readers about the use of language in Frisian-language books.³⁰ Also in 2003, Stichting Lezen contributed to the IBBY conference held that year in Leeuwarden (see section 10.140).³¹
- 10.73 In 2004, Stichting Lezen supported the Frisian Story Bus, an initiative by *Stichting It Fryske Boek* (The Frisian Book Foundation) and *Stichting It Fryske Berneboek* (The Frisian Children’s Book Foundation), which visited libraries, community centres and schools to promote Frisian (children’s) literature.
- 10.74 The multi-annual policy plan of Stichting Lezen for the years 2006-2008 states that attention will continue to be paid to encouraging reading in Frisian, as will cooperation with *Platfoarm Lêsbefoarding Taalryk Fryslân*.

National film funds and schemes

- 10.75 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that State subsidies for Dutch-language films also apply to Frisian-language films (Covenant 6.5.2).
- 10.76 In the Covenant on the Frisian Language and Culture (2001), central government set out two ambitions for period up to 2004. First, it was stated that Frisian-language films were eligible for subsidies from the Netherlands Film Fund. Secondly, screening of Frisian-language films will be encouraged by means of the occasional subsidy scheme for film festivals, film events and investment in cinemas (Covenant 6.6.5 and 6.6.6). This last scheme is used by central

²⁹ The *Platfoarm Lêsbefoarding Taalryk Fryslân* was founded in 1996 as a joint venture of *Afûk*, *Bibliotheekservice Fryslân*, *Cedin*, *It Fryske Berneboek Stichting Partoer*, *Omrop Fryslân* and *Tresoar*, with the aim of developing a shared vision and activities to encourage reading in Fryslân.

³⁰ Jager, B. de, *Leesbegrip, leesplezier en de Friese taalnorm. A study on the influence of the language norm on comprehension and enjoyment of reading*. Stichting Lezen, Amsterdam 2003.

³¹ *IBBY = International Board on Books for Young People*. IBBY is a non-profit organisation that forms a network of people from all over the world who are involved in bringing books and children together. The organisation, founded in 1953, is based in Basle (Switzerland) and has seventy national sections, including the one in the Netherlands.

government to encourage screening of cinematographically worthwhile films a national and regional level.

- 10.77 In Article 6.4.2 of the Implementation Covenant on the Frisian Language and Culture (2005), it is stated that the subsidy schemes of the Netherlands Film Fund that aim to encourage the quality and diversity of film production in our country and the promotion of the Dutch film climate, are open to Frisian-language films.
- 10.78 The Netherlands Film Fund; based in Amsterdam, aims to encourage film production in the Netherlands, with the emphasis on quality and diversity; and on the other hand, the promotion of a healthy climate for the Dutch film culture. The Netherlands Film Fund reports annually on its work in favour of Dutch film, but makes no distinction between films in Frisian and other languages, so that it is not possible to say whether subsidies were granted to Frisian-language films in the years 2002-2005.³²
- 10.79 The Province of Fryslân has a subsidy scheme for cultural media productions.³³ The aim of this subsidy scheme is to encourage professional Frisian-language films, videos, TV and radio programmes and comparable productions. The subsidy applies to the production costs of professional cultural media productions. A requirement is that the production must be screened for a wide audience, specifically in Fryslân. The subsidy amounts to a maximum of 11,345 euro per production.

Other national funds (Performing Arts Fund and Amateur Art Fund)

- 10.80 There is a national Fund for Amateur Art and Performing Arts, which aims to contribute to the long-term development of the quality and diversity of amateur art and the performing arts in the Netherlands and exhibitions of that work abroad.³⁴ With that in mind, the Fund can grant subsidies (grants, project and presentations abroad), in the field of amateur art: dance, music and musical theatre, theatre, literature, audiovisual art and the visual arts. In addition, the Fund provides subsidies to the professional performing arts: dance, music, musical theatre and theatre, (bundled) presentations abroad, international cooperative projects and special international presentation/fringe programming in the Netherlands.
- 10.81 The Fund for Amateur Art aims to contribute to the development and diversity of amateur art in the Netherlands.³⁵ In practice, that means that the Fund mainly

³² E-mail from the Netherlands Film Fund to the Fryske Akademy, 13 March 2007.

³³ Province of Fryslân, *Provincial Bulletin* 1998, 4.

³⁴ As of 1 January 2008, the Fund for Amateur Art and Performing Arts will be merged together with Fund for Creative Music and the Stage Programming and Marketing Fund into one new national fund. See report commissioned by the Minister of Education, Culture and Science and the management of the three funds concerned, issued in November 2006: 'Naar een fonds voor muziek, dans en theater, advies over een nieuwe landelijke fondsstructuur voor de podiumkunsten' (Towards one fund for music, dance and theatre, advice about new national fund structure for the performing arts). Utrecht 2006.

³⁵ The Fund for Amateur Art and Performing Arts also has a window for small subsidy applications as

subsidises projects that have broader interest than just for the participants. Projects can have a pilot function or add to the repertoire that can subsequently be used by other amateurs. The same applies when the originators of a project claim they are using a new working method. If this is adopted by other artists, in many cases this contributes to the development of amateur art.³⁶

State budget allocation for the Frisian language: other cultural facilities

- 10.82 Since 1971 central government culture budget has contained an item for promotion of the Frisian language and culture. This budget item is referred to in Article 6.6.1 of the Covenant on the Frisian Language and Culture (2001). The annual central government grant in favour of the Frisian language and culture was used to support the work and activities of the Province of Fryslân on this subject. At the time of signature of the Implementation Covenant on the Frisian Language and Culture (2005), central government grant amounted to 444,033 euro on an annual basis. The Province of Fryslân made available an amount of 2,048,629 euro per year at the same time, for promotion of the Frisian language and culture (Implementation Covenant 6.4.3).
- 10.83 In Article 6.4.3 of the Implementation Covenant on the Frisian Language and Culture (2005) it was further agreed that the Minister of Education, Culture and Science and the Province of Fryslân would adapt the level of State and provincial contributions to reflect higher expenditure due to pay rises. In Article 6.4.4 of the 2005 Implementation Covenant it is also agreed that the Province of Fryslân must submit an annual budget by 1 July to the Minister of Education, Culture and Science with details and explanations concerning the allocation of central government grant for Frisian language and culture. In the 2001 Covenant, the date shown was still 1 December. With regard to the central government grant, the Province monitors the progress and formal processing of the subsidies granted by the Province. If necessary, the Province consults on this point with the Ministry of Education, Culture and Science.
- 10.84 Shortly after the signature of the Implementation Covenant on the Frisian Language and Culture (2005), however, the Dutch government decided to transfer a number of specific grants, including those for the Frisian language and culture, with effect from 2006 to the Provinces Fund. The decision was based on recommendations in the report ‘Anders gestuurd, beter bestuurd: de

part of the foreign cultural policy (see section 10.136).

³⁶ In the 2002-2006 period, the Fund for Amateur Art and Performing Arts contributed to a number of projects in the Province of Fryslân, not all of them related to Frisian language productions.

| | 2002 | 2003 | 2004 | 2005 | 2006 |
|-------------------------------|---------|---------|---------|---------|---------|
| Total amount in euro | 194,546 | 173,533 | 312,279 | 246,104 | 184,345 |
| Number of projects in Fryslân | 9 | 9 | 9 | 6 | 8 |

Of these 41 projects, Oerol on Terschelling received a major contribution eight times (E-mail from Fund for Amateur Art and Performing Arts of 16 January 2007).

specifieke uitkeringen doorgelicht' (Directed differently, run better: screening of specific grants) (see section 10.8).³⁷

- 10.85 In a letter of 12 May 2005 the Provincial Executive of Fryslân informed the Lower House (or House of Representatives) of Dutch Parliament about overriding objections against the proposal to transfer the specific grants, i.e. Frisian in education, Frisian language additional and central government grant for the Frisian language and culture to the Provinces Fund. The first objection by the Province concerns the loss of transparency, which is particularly important with regard to the European (reporting) obligations entered into by the State. The second objection concerns the wish to go back on the agreement in the second report concerning the Charter that the allocation of responsibility, allocation of activities and information provision was completely balanced. The third objection by the Province of Fryslân concerns the national political importance of responsibility for the Frisian language and culture, which justifies a specific grant.
- 10.86 With the transfer of the specific grants for the Frisian language and culture to the Provinces Fund, the Province of Fryslân is no longer subject to the obligation to report annually, by 1 July, to the Minister of Education, Culture and Science on the use of this money for promoting the Frisian language, literature and culture. Consequently, the provision as laid down in Article 6.4.4 of the Implementation Covenant on the Frisian Language and Culture (2005), about submitting by 1 July a detailed budget to the Minister of Education, Culture and Science with an explanation of its aims, has lapsed.
- 10.87 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that central government would subsidise provincial prizes for Frisian literature via the central government grant scheme (Covenant 6.6.8). As noted earlier, the annual central government grant for the Frisian language and culture has been transferred to the Provinces Fund as of 2006.
- 10.88 Under the Implementation Covenant on the Frisian Language and Culture (2005), it was agreed that Article 6.6.8 of the 2001 Covenant had been implemented. The Ministry of Education, Culture and Science contributes via central government grant for the Frisian language and culture to the prizes for Frisian literature (Implementation Covenant 6.4.12). As noted earlier, the annual central government grant for the Frisian language and culture has been transferred to the Provinces Fund as of 2006.
- 10.89 The policy on literature prizes has been further elaborated by the Province of Fryslân in its culture policy paper 'kultuer yn fryslân 20.01\04' (see section 10.14). This shows the development of a high quality prize policy for Frisian literature, where the amounts of the existing literature prizes are raised and a

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Parliamentary Papers II (House of Representatives) 2004-2005, 29 800 B, nr. 16; and 2005-2006, 30 300 B, nr. 8.

prize for Frisian-language song is added.³⁸ In the culture policy paper 2006-2008 the existing literature prize system is continued, where endeavours are made to achieve greater public involvement (see section 10.15).³⁹

- 10.90 In the Covenant on the Frisian Language and Culture (2001) it was also agreed that the Province of Fryslân cooperate with publishers and other parties in the Frisian book industry to increase sale of Frisian-language books. This effort will be funded in part out of the above-mentioned central government grant (Covenant 6.6.3).⁴⁰ The Fryske Boek foundation, which is responsible for promoting and distributing Frisian-language books, has an important role in this regard.
- 10.91 In Article 6.4.9 of the Implementation Covenant on the Frisian Language and Culture (2005) it is recorded that the Province of Fryslân consulted in 2004 with publishers and others in the Frisian book trade in order to explore possibilities for increasing sales of Frisian-language books.
- 10.92 Furthermore, in the Covenant on the Frisian Language and Culture (2001) both parties agreed on the following. The Province of Fryslân would endeavour to cooperate with authors, publishers and other stakeholders to ensure a substantial increase in the number of literary debuts by authors under the age of 30, with the financing coming partly out of the central government grant for the Frisian language and culture (Covenant 6.6.4).⁴¹ This policy proposal was also included in the provincial culture policy paper. It was intended to introduce an annual grant for writers making their debut to cover some of the costs of editorial assistance.⁴²
- 10.93 In Article 6.4.10 of the Implementation Covenant on the Frisian Language and Culture (2005) it is recorded that the Province of Fryslân consulted in 2004 with authors, publishers and other stakeholders to bring about a substantial increase in the number of debut works by authors under 35 years of age. The Province has a subsidy budget (in 2004, it amounted to 7260 euro) for advice to authors, half of which comes from central government grant for Frisian language and culture.⁴³

³⁸ Province of Fryslân, *kultuer yn fryslân 20.01 04*. Ljouwert 2000, 2.6.

³⁹ Province of Fryslân, *Sels dwaan! Kultuernota 2006-2008*. Ljouwert 2006, 40. The Province of Fryslân awards the following cultural prizes (year established, amount, frequency and purpose):

- Gysbert Japicx prize (1947): € 5 000, two-yearly, alternately for Frisian poetry and prose;
- Dr. Joast Halbertsma prize (1947): € 4 000, three-yearly, for scientific work in the field of history, language and literature science and social sciences;
- Fedde Schurer prize (1983): € 2 000, three-yearly, for Frisian literature debuts;
- Fedde Schurer readers' prize (2003): € 2 000, three-yearly, for Frisian literature debuts;
- Bernlef prize (1999): 2 000 euro, three-yearly, for services to music; and the
- Pyt van der Zee prize (2001): € 2 000, for services to amateur theatre.

⁴⁰ As noted earlier, the annual central government grant for the Frisian language and culture has been transferred to the Provinces Fund as of 2006.

⁴¹ As noted earlier, the annual central government grant for the Frisian language and culture has been transferred to the Provinces Fund as of 2006.

⁴² Province of Fryslân, *kultuer yn fryslân 20.01\04*. Ljouwert 2000, 2.6.

⁴³ As noted earlier, the annual central government grant for the Frisian language and culture has been transferred to the Provinces Fund as of 2006.

Publishers can make use of this budget to finance part of the costs of manuscript coaching of debutants. For authors under 35 years of age, who are making their debut, Tresoar, or specifically its literary promotion coordinator is organising (see section 10.42), writing courses. Finally, the Province of Fryslân makes prizes available to debutants in Frisian literature: the Fedde Schurer prize and the Fedde Schurer readers' prize, both worth 2000 euro (see section 10.89).

- 10.94 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân finally agreed that resources from the central government grant for Frisian language and culture can be used to commission the writing of original plays in the Frisian language (Covenant 6.6.7). As noted earlier, the annual central government grant for the Frisian language and culture has been transferred to the Provinces Fund as of 2006.
- 10.95 In Article 6.4.11 of the Implementation Covenant on the Frisian Language and Culture (2005) it is stated that the Province of Fryslân occasionally makes available funds to the Stichting Stimulering Friese Toneelschrijverij for writers of original Frisian-language plays. Since 2003, this foundation has been part of the Keunstwurk Foundation. At the start of the Implementation Covenant the basic subsidy was 3,400 euro per year, from which at least two writing commissions were subsidised.⁴⁴

Other activities and projects

- 10.96 The last Frysk Festival was held in 2000 - in cooperation with Simmer 2000. The festival has been held every five years since 1980 and since it was very important for the Frisian language, it was not continued in 2005 due to all sorts of organisational hassles. The Provincial Executive of Fryslân set up a Committee in 2006 to answer the question of whether the festival should be continued, and if so, how. The committee in question answered in the affirmative, and indicted how a possible continuation could be arranged. Since then the committee members have formed the Board of the festival foundation Stichting Frysk Festival and the Provincial Executive of Fryslân has set aside a million euro for the future festival.⁴⁵
- 10.97 In 1991, a Frisian-language song festival was held for the first time under the name 'Liet'. Songwriters, composers and performers have since been invited

⁴⁴ Writing commissions were granted, according to data from the Keunstwurk Foundation, as follows:
In 2003 to Wouter Elzinga, *'tussen de bergen en de zee'* and Rients Gratama, Bouke Oldenhof and Antine Zijlstra, *Wolkom*.
In 2004 to Albertina Soepboer, *Woartels* (yet to be implemented), Hans van der Eems, *De Tsjelp*, Karin Idzinga, *Kennedy is vermoord*, Ytsje Hettinga, *It iten is klear*.
In 2005 to Bouke Oldenhof, *All inclusive*, Renske the Boer, *De wrâldreis fan prinses Kat*, Antina Zijlstra, *Tút*.

In 2006 the writing commissions went to: Eelco Venema, *De griene man*, Siebe Siebenga, *de troudei*, Hans van der Eems, *de diepte van Eb/De djipte fan Eb* (yet to be written) and Sieger Bijsterveld, *De 17de ieu yn de Midstrjitte* (yet to be written) (E-mail from Keunstwurk dated 31 January 2007).

⁴⁵ Status as of 9 January 2007.

each year to stage their original Frisian-language work. In 2002, a festival for songwriters, composers and performers working in one of the European regional or minority languages was added to the original formula. After ‘Liet Ynternasjonaal’ was held three times in succession in Leeuwarden with support from local and regional authorities and sponsors its future was in jeopardy due to lack of funds.⁴⁶ An appeal for EU funding proved fruitless. In 2006, ‘Liet Ynternasjonaal’ could be held again with support from local and regional funds, in Östersund in Swedish Lapland (see section 12.25). The future of ‘Liet Ynternasjonaal’ is uncertain, due to the lack of more structural financing.

Article 12(1)(e): command of Frisian among staff of cultural organisations

10.98 On accepting the European Charter, the Netherlands undertook, with regard to cultural activities and facilities - of which Article 12(1) gives a non-exhaustive list:

‘within the territory in which [the Frisian language] language is used and to the extent that the public authorities are competent, have power or play a role in this field:

e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the [the Frisian language], as well as of the language(s) of the rest of the population’.

It is recommended here to make a distinction between bodies at national and provincial level.

10.99 In 2001, the Committee of Experts was of the opinion that the Netherlands had not met its obligation under the European Charter. The Committee concluded that the government was focused on promoting the situation where national cultural organisations should have one staff member at any rate who could maintain the relationship with the Frisian-speaking Community. The Committee also stated that in practice, the policy was having little effect. The obligation was not fulfilled and therefore, the Committee recommended that the government devise measures to fulfil it.⁴⁷

10.100 In the State report covering the years 1999-2001, it is stated that the aforementioned conclusion by the Committee of Experts may have been based on a misunderstanding. The aim of Dutch government policy with regard to national cultural bodies, such as the NLPVF and the Dutch Foundation for Literature, is not that each should have at least one staff member with an active command of the Frisian language. Government policy is not designed to achieve that. However, the policy is intended to ensure that in the advisory boards of these funds, at least one member has specific expertise in Frisian matters, in this case

⁴⁶ An amount of maximum 59,000 euro provided by the Provincial Executive of Fryslân made it possible to organise Liet Ynternasjonaal 2004 in Leeuwarden. Five thousand euro of the allocated subsidy was intended for a presentation of Liet Ynternasjonaal at the Committee of the Regions.

⁴⁷ Council of Europe, *Report of the Committee of Experts* (2001), 96.

Frisian literature, as referred to in Article 12(1)(f). The same guarantees concerning expertise in Frisian language and culture apply for the management boards of the bodies, set up under the Media Act, and for managements of funds in the field of television and radio productions (see sections 9.46 and 9.47).

- 10.101 In the second report, no observations were made by the Committee of Experts about this point.
- 10.102 In the Covenant on the Frisian Language and Culture (2001) central government and the Province of Fryslân made no agreements about compliance with the obligation under the Charter.
- 10.103 In Article 6.4.14 of the Implementation Covenant on the Frisian Language and Culture (2005), it is recorded that the Province of Fryslân increased the financial contribution intended for the course work of the Afûk structurally by 13,613 euro per year. This means that trainees from outside Fryslân enjoy the same scheme with regard to course fees as for trainees who live in Fryslân (see section 10.120).
- 10.104 For provincial cultural bodies, it is generally accepted that it is important that (a proportion of) the staff should have an active command of Frisian.

Article 12(1)(e): participation by Frisian-speakers in facilities and activities

- 10.105 On accepting the European Charter, the Netherlands undertook, with regard to cultural activities and facilities - of which Article 12(1) gives a non-exhaustive list:

‘the territory in which [the Frisian language] language is used and to the extent that the public authorities are competent, have power or play a role in this field: f to encourage direct participation by representatives of the users of [the Frisian language] in providing facilities and planning cultural activities’.

It is recommended here to make a distinction between bodies at national and provincial level.

- 10.106 In 2001, the Committee of Experts stated that users of Frisian were represented in various bodies, including the Fryske Akademy. However, the information available was limited, in the opinion of the Committee.⁴⁸
- 10.107 In its second report, the Committee of Experts states that it cannot judge whether the Netherlands are fulfilling the obligation entered into on this point.⁴⁹
- 10.108 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân did not record any agreements about compliance with the obligation under the Charter. The simple reason is that this has already

⁴⁸ Council of Europe, *Report of the Committee of Experts* (2001), 97.

⁴⁹ Council of Europe, *2nd Report of the Committee of Experts* (2004), 168.

been done for the *Stichting Nederlands Literair Productie- en Vertalingenfonds* (Foundation for the Production and Translation of Dutch Literature) and the *Fonds voor de Letteren* (Dutch Foundation for Literature) (see sections 10.109 and 10.110).

- 10.109 The Foundation for the Production and Translation of Dutch Literature (NLPVF) has experts in the field of Frisian literature in its management and seeks the advice of about ten advisers in the specialist field concerned.⁵⁰
- 10.110 The Board of Directors of the Dutch Foundation for Literature is, among other things, responsible for taking decisions concerning grants to authors and translators. All such decisions are based on advice provided by the Advisory Board of the Foundation. The Advisory Board consists of a maximum of thirteen members with broad knowledge of national and international literature and with specific expertise in the field of literary prose (fiction and non-fiction), literary translation from various linguistic regions, poetry, drama, youth literature and Frisian literature. One of the members of the Advisory Board has specific expertise in the field of Frisian literature.⁵¹ In addition, the Foundation's Board of Directors can call on the knowledge and cooperation of about two hundred external experts, including experts in the field of Frisian children's and youth books, Frisian prose and Frisian poetry.⁵²

Article 12(1)(g): to encourage and/or facilitate the collecting, keeping a copy of and presenting or publishing Frisian-language works

Article 12(1)(h): development of specific terminology

- 10.111 On accepting the European Charter, the Netherlands undertook, with regard to cultural activities and facilities - of which Article 12(1) gives a non-exhaustive list:

‘within the territory in which [the Frisian language] language is used and to the extent that the public authorities are competent, have power or play a role in this field:

- g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the [the Frisian language];
- h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in [the Frisian language]’.

⁵⁰ NLPVF, *Jaarverslag 2000*. [Amsterdam, sa] 27. The inclusion of an expert in the field of Frisian literature as a member of the Board of the NLPVF came about because of Art. 5.3.6 of the (second) Covenant on the Frisian Language and Culture (1993).

⁵¹ In Article 6 of the articles of association of the Dutch Foundation for Literature, it is provided that its board must include an expert in Frisian literature.

⁵² Furthermore, the Fund must ensure that the membership of Frisian Advisory Committees which advise the Board of Directors whether to grant subsidies for Frisian-language literary works or not, pursuant to the prevailing regulations (see Articles 16 and 17 Standing Rules).

- 10.112 The Committee of Experts was of the opinion in 2001 had met its obligations under the European Charter.⁵³
- 10.113 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân record that the Provincial and Buma Library is considered of great importance due to its collection for studying the Frisian language and history (Covenant 6.4.4). This importance is partly due to the function of the Provincial and Buma Library in keeping and presenting Frisian-language works.
- 10.114 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.⁵⁴
- 10.115 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 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.
- 10.116 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.
- 10.117 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 (see section 10.16). 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,

⁵³ Council of Europe, *Report of the Committee of Experts* (2001), 98.

⁵⁴ 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).

- 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.⁵⁵

Article 12(2): cultural activities and facilities for the benefit of ‘Friezen om utens’⁵⁶

- 10.118 On accepting the European Charter, the Netherlands undertook ‘in respect of territories other than those in which [the Frisian language] is traditionally used, if the number of users of [the Frisian language] justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with [Article 12(1) of the Charter]’.
- 10.119 The Committee of Experts was of the opinion in its first report that the Netherlands had met their obligations under the European Charter.⁵⁷
- 10.120 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed on the following. The provincial government, via the Frysk Boun om Utens, would ensure that participants in a Frisian course outside the Province of Fryslân would be subject to the same arrangements concerning course fees as those that apply for trainees residing within the boundaries of the Province (Covenant 6.6.10).
- 10.121 In accordance with Article 6.4.14 of the Implementation Covenant on the Frisian Language and Culture (2005), the Province of Fryslân increased the financial contribution intended for the course work of the Afûk structurally from 2002 by 13,613 euro per year. As a result, trainees from outside Fryslân enjoy the same scheme with regard to course fees as for trainees who live in Fryslân (see section 10.103).
- 10.122 In view of the constitutional liberties prevailing in the Netherlands, Frisians outside the Province of Fryslân may organise cultural activities and facilities in accordance with Article 12(1). Obviously this right is used, usually in organised groups known as Fryske krite - local Frisian associations - which are usually affiliated to ‘Frysk Boun om Utens’, the national umbrella organisation of Frisian associations outside the Province of Fryslân.⁵⁸
- 10.123 In accordance with Article 12(1) of the European Charter, the key aims of the Frysk Boun om Utens and its member associations are

⁵⁵ Province of Fryslân, *Notysje Frysk Skreaune Media 2007-2010*. [Ljouwert] 2006.

⁵⁶ ‘Friezen om utens’ is the Frisian term for Frisians who are not resident in the Province of Fryslân.

⁵⁷ Council of Europe, *Report of the Committee of Experts* (2001), 99.

⁵⁸ Of the thirty Fryske Krite om Utens, 27 are affiliated to the Frysk Boun om Utens. The Boun om Utens have been faced with substantial falls in membership. The number of members in 2005 was still 4261, and a year earlier it was 4642, and the year before that, the association had 4878 members.

- encouraging activities in the field of Frisian literature, for example, lectures by Frisian authors, and sale of Frisian-language books;
- representing Friezen om Utens in Frisian organisations in Fryslân;
- organising Frisian language courses,
- organising officer training courses;
- organising a ‘Friezedei’, once every five years;⁵⁹ and
- organising Frisian theatre and choir evenings.⁶⁰

10.124 In the framework of the promotion of the interests of Friezen om Utens, the Frysk Boun om Utens has in recent years lobbied more than once for the ability to receive Omrop Fryslân’s programmes outside the Province of Fryslân.⁶¹ Via Internet and satellite, as well as in a number of cases via cable, the programmes of Omrop Fryslân can now be picked up outside the Province of Fryslân (see section 9.10).

Article 12(3): cultural policy abroad

- 10.125 On accepting the European Charter, the Netherlands entered into the following obligation: ‘to make appropriate provision, in pursuing [its] cultural policy abroad, for [the Frisian language] and the [culture it reflects]’.
- 10.126 In 2001, the Committee of Experts recorded that in the period to 1999, the Netherlands presented the Frisian language and culture alongside Dutch language and culture at various international events. For that reason, the Committee was of the opinion that in that period, the obligation under the European Charter had been met.⁶²
- 10.127 In its second report, the Committee of Experts states that the Netherlands has not met its obligation under Article 12(3), in view of the lack of attention to and activities in relation to Frisian language and culture on the part of Dutch representations abroad.
- 10.128 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that at literary and cultural events abroad, they should encourage representation of the Frisian language and culture. (Covenant 6.6.9).
- 10.129 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that central government should ensure that the Frisian language and culture occupied a clear place in the broader information policy of Dutch embassies (Covenant 8.5).

⁵⁹ In 2003, the Friezedei – i.e. a Day for Frisians om Utens - was held in Enschede.

⁶⁰ The Fryske Kriteen affiliated to the Boun om Utens include three choirs, two dance troupes and ten theatre companies.

⁶¹ The last time that the Boun om Utens announced its wishes concerning reception of the broadcasts of Omrop Fryslân outside Fryslân was at the general meeting of the Boun on 13 April 2002. The Boun then took note of the motion put forward by the Minister of Education, Culture and Science, which called for the programmes of Omrop Fryslân to be included in the ‘must carry’ package.

⁶² Council of Europe, *Report of the Committee of Experts* (2001), 99.

- 10.130 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that central government and Province of Fryslân should endeavour to establish constructive cooperation between areas where regional or minority languages are spoken in the Member States of the Council of Europe (Covenant 8.1).⁶³
- 10.131 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân also agreed on the following. Central government should pay particular attention to the Frisian language and culture and the minority language in the country concerned, when entering into and implementing cultural treaties between the Netherlands and other Member States of the Council of Europe (Covenant 8.3).⁶⁴
- 10.132 In Article 6.4.13 of the Implementation Covenant on the Frisian Language and Culture (2005) it was stated that the Province of Fryslân has a grant scheme for international contacts on bilingualism, which is focused on enabling participation in European events and conferences on bilingualism in combination with the Frisian language. The financing of this scheme comes partly from the central government grant for the Frisian language and culture. With effect from 2002 the Province of Fryslân has set aside a minimum of 4,538 euro for this system.
- 10.133 In accordance with Article 6.4.12 of the Implementation Covenant on the Frisian Language and Culture (2005), the NLPVF (Foundation for the Production and Translation of Dutch Literature) should involve, where possible, Frisian literature in its foreign literary promotion material. In 2004, the Province of Fryslân entered into consultation with the Fund to give the promotion of Frisian literature abroad a more systematic character. The Provincial Executive of Fryslân plans to set aside an amount of 12,269 euro for this purpose.
- 10.134 In the report by the State Secretary for the Interior about the performance of the 1993 Covenant, it was promised in 1994/95 to the House of Representatives of Dutch Parliament that the Frisian language and culture would appear structurally in the section ‘bilateral languages and cultures’ in bilateral agreements with other countries (§ 3.3 of the report).
- 10.135 Op 10 May 2006, the Secretaries of State for European Affairs and for Education, Culture and Science respectively issued the policy paper ‘Koers Kiezen’ (Choose Course) with the aim of devising a multi-annual strategy for international cultural policy.⁶⁵ The policy paper indicates that in the next few years, programmes will be carried out that fall into the categories: connection between national and international policy, foreign policy priorities and sector-specific focus. The link between national and international policy highlights two

⁶³ In the discussion of Article 14(b) of the European Charter, the policy in relation to Article 8.1 of the Covenant on the Frisian Language and Culture (2001) is also examined (see sections 12.16 to 12.35).

⁶⁴ In the discussion of Article 14(b) of the European Charter, the policy in relation to Article 8.3 of the Covenant on the Frisian Language and Culture (2001) is also examined (see sections 12.5 and 12.7).

⁶⁵ Parliamentary Papers II (House of Representatives) 2005-2006, 28 989, nr. 34.

factors: culture and the economy and cultural diversity. In the latter case, the policy paper devotes attention to migration, cultural diversity and enrichment of the Netherlands. The report does not explore the contribution of the Frisian language and culture to that cultural diversity and enrichment.

- 10.136 In the policy paper ‘Koers Kiezen’ it is stated that the HGIS culture resources available for international cultural policy are about 8.77 million euro, of which about 40% is transferred to the funds, including the Foundation for the Production and Translation of Dutch Literature (NLPVF) and the Fund for Amateur Art and Performing Arts.⁶⁶ The policy paper quotes a percentage of 40% transferred to the funds, that should be increased to 50% transferred to the Funds. In addition to these HGIS-Culture resources, there are the delegated Embassy budgets of 1.1 million euro, as well as the non-delegated embassy resources of 400,000 euro.
- 10.137 In the years 2003-2006, no HGIS culture resources were allocated to activities and/or projects in the field of the Frisian language and culture. For the evaluation of the projects submitted to the aforementioned funds, the initial assumptions formulated by the Cabinet for the spending of the HGIS culture resources remain key. In principle, applications by Frisian professional and amateur theatre companies could apply for these funds, provided they meet the criteria for international cultural policy.⁶⁷
- 10.138 The Foundation for the Production and Translation of Dutch Literature (NLPVF) plays a prominent role in promotion of Dutch literature at major international book fairs.⁶⁸ The NLPVF started attending book fairs in 1993, at the Frankfurter Buchmesse, where the Netherlands was highlighted. In the context of the presentation of Dutch literature abroad, in the years 2002-2006 various literary activities were developed, in cities including Berlin, Budapest, Copenhagen, Leipzig, Lisbon, London, New York, Paramaribo, Rabat, Salzburg, Saint Petersburg and Warsaw. No Frisian authors were involved in these activities. However, Frisian writers were included in the Dutch edition of Poetry International Web.⁶⁹ In June 2005, Tsead Bruinja appeared at the Poetry International Festival in Rotterdam, while for 15 March 2007, a Frisian evening was planned at the *Institut Néerlandais* in Paris, where Tsead Bruinja, Tsjêbbe Hettinga and Albertina Soepboer were due to appear.
- 10.139 The financial resources made available to writers and translators by the Literature Fund as well as the facilities such as those offered by the NLPVF, can partly be classified under the heading of promotion of a specific culture abroad (see section 10.64).

⁶⁶ HGIS = Homogenous Group for International Cooperation, which was given a separate budget allocation on 1 January 1997 within the central government budget. In the HGIS, the foreign activities of various ministries are bundled and viewed in context.

⁶⁷ The tasks and activities of the Fund for Amateur Art and Performing Arts within the Netherlands were examined in sections 10.80 and 10.81.

⁶⁸ The tasks and activities of the NLPVF within the Netherlands are discussed in sections 10.63 to 10.69.

⁶⁹ Tsead Bruinja, Anne Feddema and Albertina Soepboer.

- 10.140 The International Board on Books for Young People (IBBY) sets itself goals including fostering the production, promotion and distribution of high quality children's books. The international organisation based in Switzerland has over 65 different national sections including a Dutch one. The Dutch section, currently chaired by a Frisian-speaking author of children's books, includes Frisian-language books when it nominates children's books every two years for the IBBY List of Honour, and in doing this, it is advised by the *Stichting It Frysk Berneboek*, the Frisian Children's Book Foundation. In 2003 the IBBY-conference was held in Leeuwarden (see section 10.72).
- 10.141 The activities in the field of cultural policy abroad also include the relevant activities of the Fryske Akademy (see section 10.58) and the Tryater theatre company (see sections 10.31 and 12.33). These activities are paid for from the regular budget of the organisations concerned. Therefore, such activities are not funded from HGIS budgets or from contributions from the funds mentioned, except for the international theatre project of Tryater, mentioned in section 10.31. Please also refer to the paragraphs relating to Article 14 of the European Charter (see Chapter 12).
- 10.142 The State Secretary for Foreign Affairs sent a letter on 3 April 2002 to the Lower House (or House of Representatives), concerning the possibilities of strengthening the implementation of international cultural policy (ICP) at embassies in a few ICP priority countries by cooperation between embassies and Dutch scientific institutes.⁷⁰ The letter, like the aforementioned policy paper 'Koers kiezen', does not look at the agreements entered into in the Covenant on the Frisian Language and Culture (2001). In the past, Dutch embassies have carried out activities for Frisian. The Dutch embassy in Germany issued a brochure about the Frisian language in 1987.⁷¹ (52) Furthermore, the embassy in Moscow acted as an intermediary in the past in making Frisian-language literature available to the University of Kiev. In the reporting period 2002-2006, no comparable activities have been carried out by Dutch embassies.
- 10.143 **In summary**, it can be concluded that the Dutch regulations correspond to the options from Article 12 of the European Charter to which the Netherlands signed up. With regard to the observations by the Committee of Experts about Article 12(1)(e), please refer to the relevant paragraphs of this report (see sections 10.76 to 10.80). There, it is explained how central government and the Province of Fryslân interpret this provision of the Charter. The decision by central government to transfer central government grant for the Frisian language and culture to the Provinces Fund along with other specific grants for reasons of policy coherence, overlooks the State's special responsibility for the Frisian language and culture, as expressed, among other references, in the considerations of the third Covenant on the Frisian Language and Culture (2001).

⁷⁰ Parliamentary Papers II (House of Representatives) 2001-2002, 28 000 V, nr. 51.

⁷¹ Feitsma, A., W. Jappe Alberts, B. Sjölin, *Die Friesen und ihre Sprache*. Press and Culture Division of the Royal Netherlands Embassy, Bonn 1987.

Where the presentation of the Frisian language and culture abroad are concerned, Frisian bodies, which organise or support cultural activities cooperate with national cultural funds, which have the status of independent administrative bodies. These national funds actually implement Dutch foreign cultural policy - albeit with a large measure of autonomy - within the frameworks set by the Ministry of Education, Culture and Science, as long as it does not concern large-scale projects. The HGIS cultural resources allocated to the funds barely seem to benefit activities relating to Frisian language and culture. When entering into and drafting cultural treaties, Frisian does not receive structural explicit attention, although this would be possible. Likewise, for the information policy of Dutch embassies about the Dutch and Frisian culture in the Netherlands.

11 Article 13: Economic and social life

- 11.1 With the entry into force of the Act of 22 November 2001 on the introduction of the possibility of drawing up the constitutions of Frisian associations and foundations in the Frisian language (Bulletin of Acts and Decrees 2001, 574), Fryslân-based associations and foundations can henceforth participate in economic and social life through the Frisian language. The Act has made it possible for the associations and foundations concerned to draw up their constitutions and deeds of establishment in Frisian and enter them in the public Commercial Register, provided the registered offices of the associations or foundations concerned are located in the Province of Fryslân.¹
- 11.2 In 2001, the Committee of Experts considered that the Netherlands had fulfilled its undertakings under Article 13. However, one difficulty remained as regards the Chamber of Commerce, as it could not enter documents in Frisian in the relevant public registers because, at the time, the Civil Code did not permit this.²
- 11.3 In its second report, the Committee of Experts noted that the above-mentioned difficulty had been solved. Since February 2002, the Civil Code permits that deeds of constitution of associations and foundations may be registered in the relevant public registers and executed in the Frisian language without appending a Dutch translation if the association or foundation conducts all or most of its activities in the province of Fryslân. It was also noted that this possibility does not apply to public or private limited companies. In 1999, the Notaries Act was amended to allow the execution of bilingual and multilingual notarial deeds, with the exception of deeds entered in public registers for registered goods. According to the Committee of Experts, these developments are positive. It considered that the Netherlands had fulfilled its undertaking.³
- 11.4 In addition, the Covenant on the Frisian Language and Culture (2001) also seeks to implement other obligations entered into by the Netherlands under Article 13 of the European Charter, including, in particular, the position of the Frisian language in government-subsidised social care institutions whose sphere of operations include the province of Fryslân (see sections 11.38 to 11.56).
- 11.5 In Article 7.1 of the Implementation Covenant on the Frisian Language and Culture (2005), both parties agreed on the following. Should provincial government find unjustified restrictions on the use of the Frisian language in economic and social life, the Province of Fryslân could draw the obstacle to the attention of the Minister of the Interior and Kingdom Relations, who at central government level is responsible for the coordination of Frisian language policy. Then, in consultation with the Minister responsible, the possibility would be examined to what extent and how the problem could be solved.

¹ See also section 7.53.

² Council of Europe, *Report of the Committee of Experts* (2001), 101-106.

³ Council of Europe, *2nd Report of the Committee of Experts* (2004), 175-176.

Article 13(1)(a): employment contracts, instructions for use, etc.

- 11.6 On accepting the European Charter, the Netherlands undertook ‘with regard to economic and social activities [...] within the whole country:
- a to eliminate from [the] legislation any provision prohibiting or limiting without justifiable reasons the use of [the Frisian language] in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations’.
- 11.7 In 2001, the Committee of Experts considered that the Netherlands was generally fulfilling the above-mentioned undertaking. The Committee noted, however, that one problem remained as regards the Chamber of Commerce. Constitutions and deeds of establishment of associations and foundations that were drawn up in Frisian could not be registered with the Chamber of Commerce unless the Civil Code was amended.⁴ With the entry into force of the Act of 22 November 2001, this amendment has been carried out (see section 11.1).
- 11.8 In its second report, the Committee of Experts concluded that the undertaking is fulfilled.⁵
- 11.9 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that central government would investigate what constraints may exist on the use of Frisian in economic and social life and will strive to ensure any necessary amendment of legislation (Covenant 7.1). In this regard, it is worth noting that the parties also agreed that the Province of Fryslân would over the next few years give central government concrete indications of where legislation including the phrase ‘the Dutch language’ could be amended to read ‘the Dutch and the Frisian languages’. For this purpose, central government agreed to endeavour to update the 1987 study by the provincial language advisory board *Berie foar it Frysk* and the Fryske Akademy.⁶
- 11.10 During the course of 2002, the *Berie foar it Frysk* took on the task of bringing the study up to date, which resulted in a list of over a hundred acts and decrees where the words ‘Dutch’ or ‘Dutch language’ occurred. Based on the list, a selection of eleven laws was made that were eligible for the phrase ‘and/or the Frisian language’. After consultations between the Province of Fryslân and the Ministry of Justice two specific amendments to legislation have been produced in the period under review (see sections 7.2 and 7.14).
- 11.11 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that the use of Frisian on labels and in product

⁴ Council of Europe, *Report of the Committee of Experts* (2001), 101.

⁵ Council of Europe, *2nd Report of the Committee of Experts* (2004), 176.

⁶ *Berie foar it Frysk, Lykberjochting en it Frysk: momintopname fan in ûnfolsleine rjochtssteat*. Ljouwert [Leeuwarden]: *Berie foar it Frysk/Fryske Akademy* (*Berie-rapport 1*) 1987.

descriptions would not be prohibited. Central government will strive to ensure any necessary amendment of legislation (Covenant 7.2).

- 11.12 In Article 7.2 of the Implementation Covenant on the Frisian Language and Culture (2005), it was agreed that obstacles to the use of Frisian on labels and in product descriptions could be brought to the attention of the Minister of the Interior and Kingdom Relations. Subsequently, in consultation with the Minister responsible, the possibility would be examined to what extent and how the problem could be solved.
- 11.13 There are no statutory regulations on the use of language in employment contracts. In practice, employment contracts may be drawn up in Frisian. This happens on a moderate scale, particularly in the case of the bodies referred to in Article 12(1)(d) of the European Charter, and local authorities in the Province of Fryslân. In view of the fact that written and signed employment contracts may be regarded as non-notarial instruments, it is also worth referring to the paragraphs concerning Article 9(2)(b) of the European Charter in this context (see also section 7.49 onward).
- 11.14 As of 1 October 1999, the new Notaries Act (Bulletin of Acts and Decrees 1999, 190) permits the drafting of bilingual or multilingual notarial deeds. Thus, in addition to deeds executed in Frisian, notarial deeds may henceforth also be drafted in more than one language, where Frisian may be one of those languages.⁷ This has further expanded the scope for using Frisian in economic and social life. Section 42, subsection 2 of the Notaries Act does not specify which version of a bilingual or multilingual deed prevails with regard to the document's legal effect. A statutory rule on this issue was regarded as unnecessary and undesirable.⁸ Actually, the deed itself may stipulate which version prevails in the case of interpretational problems.
- 11.15 The Use of Frisian (Legal Matters) Act (Bulletin of Acts and Decrees 1996, 490) applies to the use of Frisian in deeds that must be entered in public registers. The basic rule, as explained in section 7.54 of this report, is that documents drawn up in Frisian, such as notarial deeds, require a literal translation into Dutch. This translation is then entered in the relevant register, to which the Frisian-language documents are appended (Section 8, subsections 1 and 2 of the Act). Section 8, subsection 4 of the Act allows for derogations from this basic rule in future statutory regulations. The Civil Code has already made use of the possibility under Section 8, subsection 4; the Land Registry Act has not (see sections 11.16 to 11.19).
- 11.16 Section 41 of the Land Registry Act (Bulletin of Acts and Decrees 1989, 186; *ibidem* 1996, 473) employs the above-mentioned basic rule with regard to the use of the Frisian language in deeds that are entered in public registers. When a deed – such as a deed transferring the ownership of a registered good or granting a mortgage – has not been executed in Dutch, but in Frisian for

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For further details, please refer to section 7.64.

⁸

See on this point Parliamentary Papers II (House of Representatives) 1996-1997, 23 706, nr. 12, p. 34.

example, a literal translation into Dutch that has been declared equivalent by a sworn translator is entered in the Land Registry, pursuant to Section 41 of the Land Registry Act.⁹ Accordingly, the option of entering a bilingual deed in Dutch and Frisian, as referred to in the Notaries Act (see section 11.14), does not apply to deeds that are entered in the registers of the Land Registry. This statutory limitation may be described as a limitation on the use of Frisian in economic and social life, as referred to in the relevant provision of the European Charter.

- 11.17 As stated in the previous State report,¹⁰ the failure to make use of the possibility offered by Section 8, subsection 4 of the Use of Frisian (Legal Matters) Act (see section 11.15) can be satisfactorily justified. The importance of the public interest in the smooth and orderly process of legal matters and the guarantee of legal certainty in legal matters concerning registered goods makes it necessary to prevent the Land Registry Act from offering the possibility of presenting documents in the Frisian language (or documents drafted in a foreign language) for entry [in the relevant register]. The same applies to documents that have been drafted in more than one language (documents drafted in Dutch and Frisian or documents drafted in Dutch and a foreign language).

The Netherlands therefore considers that the provisions in the Land Registry Act concerning the use of Frisian in legal matters concerning registered goods are in accordance with Articles 9(2)(b) and 13(1)(a) of the European Charter, as the latter now permits reservations of this kind.

In regard of the above, it is also worth noting that the Land Registry Act already permits the drafting and presentation for entry in the public registers for registered goods not only of notarial deeds and of declarations, but also other Frisian-language documents, provided they are accompanied by a literal translation into Dutch. The Dutch translation, which should be declared equivalent, is then entered in the relevant register. The Frisian-language documents remain in the possession of the registrar.

Finally, it is worth noting that, in relation to existing statutory regulations in this area, including those under Section 41 of the Land Registry Act, the Minister of Justice noted that there is no evidence of problems that necessitate further investigation. This statement was recorded in the Explanatory Memorandum accompanying the bill introducing the possibility of drawing up the constitutions of Frisian associations and foundations in the Frisian language (see Parliamentary Papers II (House of Representatives) 2000-2001, 27 647, no. 3), which was submitted on 26 March 2001.¹¹

⁹ For further details about the Land Registry Act, please refer to section 7.60.

¹⁰ See section 11.13 of the previous State report.

¹¹ In this context, it is interesting to note that the first entry of a Frisian-language deed in a public register, which involved the transfer of title to a house, took place in Leeuwarden as long ago as 1 February 1949, while the related transfer in the land and mortgage register took place in Heerenveen on 5 March 1949. Van der Velden wonders whether the entry of the two deeds in these public registers may have conflicted with the legislation prevailing at the time, as the deeds in question were drawn up exclusively in Frisian (see B.D. van der Velden, 'Friestalige notariële akten.

- 11.18 Section 9a of the Land Registry Reform Act I (Bulletin of Acts and Decrees 2005, 107), which deals with the further use of information and communication technology in submission of documents for entering in the public register for registered property, declares Section 9 to be applicable accordingly to documents written in a foreign language or Frisian, as referred to in Section 41, subsection 3 of the Land Registry Act.
- 11.19 The Civil Code is relevant to the use of the Frisian language in deeds intended for entry in the Commercial Register held by the Chamber of Commerce. According to the list of statutory provisions dating from 1987, as referred to in section 11.9, the use of Frisian in such deeds was not permitted at the time. This limitation applied to the deeds of incorporation of public and private limited companies as well as the deeds of establishment of associations and foundations registered as legal persons. Pursuant to the relevant provisions in the Civil Code, all these deeds had to be executed in Dutch. Frisian cultural associations and foundations repeatedly demanded the abolition of this limitation. Meanwhile, this demand has been met. As of 1 February 2002, the deeds of establishment of associations and foundations whose registered offices are located in the Province of Fryslân may be executed and registered in Frisian if desired. Public and private limited companies in the Province of Fryslân did not feel a similar need. For that reason, the scope of the relevant amendment of the Civil Code does not extend to deeds of incorporation of such companies.
- 11.20 For more information on the Act of 22 November 2001, introducing the possibility of drawing up the constitution of Frisian associations and foundations in the Frisian language (Bulletin of Acts and Decrees 2001, 574) the reader is referred to sections 7.56 to 7.58. In addition, it is also worth noting that the constitutions of foundations and associations included in notarial deeds, must mention, *inter alia*, the municipality in the Netherlands where their registered offices are located (see Article 27, paragraph 4, and Article 286, paragraph 4 of Book II of the Civil Code). In doing so, they must use the official name of the municipality, regardless of the language of the deed. Thus, if the official name of the municipality is in Dutch, that name must also be used in a deed that is otherwise drawn up entirely in Frisian. The same applies *mutatis mutandis*: if the official name of the municipality is in Frisian, that name must also be used in a deed that is otherwise drawn up entirely in Dutch. With regard to foundations, Article 286, paragraph 4 (a) of Book II of the Civil Code further stipulates that the constitution of a foundation must include the name of the foundation in question, including the word ‘stichting’ (Dutch for ‘foundation’). In Frisian-language deeds, this provision may be understood as meaning that the Frisian word *stifting* can be used in place of the Dutch word *stichting*.¹²

Over het gebruik van het Fries in notariële akten in de jaren 1945-1955’, *Pro Memorie* 3(1), 2001, 112 et seq.).

¹² See e-mail from the Ministry of Justice, dated 4 February 2002, reference DGWRR/DW to notary public E.M.W. de Lange in Leeuwarden.

- 11.21 Pursuant to Section 1 of the Use of Frisian (Legal Matters) Act (Bulletin of Acts and Decrees 1956, 242; *ididem*, 1996, 490), since 1956, anyone who is legally required to swear an oath, make a solemn affirmation or certification, is authorised instead of the legally prescribed words to use corresponding words in the Frisian language, unless the words of the oath, affirmation or certification are laid down by the Constitution or partly by the Constitution. This possibility is widely used in Frisian municipal councils and the provincial council of Fryslân (see also sections 8.70 to 8.74).¹³ At their swearing in, members of the House of Representatives or the Senate may also take the oath of office in Frisian. In the House of Representatives, this option was utilised for the first time in 1998. With the exception of the actual oath of office, which is formulated in Dutch, the first Frisian-language swearing in of a notary took place on 7 April 1999 (see second State report, section 11.17).
- 11.22 The use of the Frisian language on labels and in product descriptions is not prohibited, as far as the relevant provision only stipulates that the relevant indications and particulars should at least appear in Dutch.¹⁴ In the distant past, the Chamber of Commerce advised against the use of the Frisian language on labels and in product descriptions when the case arose. For this reason, among others, it was laid down in both the Covenant on the Frisian Language and Culture (2001) and the Implementation Covenant (2005) that central government, if necessary, will strive to ensure any necessary amendment of legislation (see sections 11.11 and 11.12).

Article 13(1)(c) and (d): additional measures

- 11.23 On accepting the European Charter, the Netherlands undertook ‘with regard to economic and social activities [...] within the whole country:
- c to oppose practices designed to discourage the use of [the Frisian language] in connection with economic or social activities;
 - d to facilitate and/or encourage the use of [the Frisian language] by means other than those specified in the above sub-paragraphs’.
- 11.24 In 2001, the Committee of Experts was of the opinion that with regard to Article 13(1)(c), the Netherlands generally fulfilled its undertaking. Concerning

¹³ Section 1, subsection 2 of the Use of Frisian (Legal Matters) Act says:
a. if an oath is sworn, the words: ‘Zoo waarlijk helpe mij God Almachtig’ (‘So help me God’) may be replaced by: ‘Sa wier helpe my God Almachtich’;
b. if an affirmation is sworn, the words: ‘Dat beloof ik’ (‘This I affirm’) may be replaced by the words: ‘Dat ûnthjit ik’, and if a certification is being sworn, the words: ‘Dat verklaar ik’ (‘I hereby certify’) may be replaced by the words: ‘Dat ferklearje ik’.

¹⁴ Article 23 of the Labelling of Foodstuffs (Commodities Act) Decree of 10 December 1991 (Bulletin of Acts and Decrees 1992, 14) stipulates that, with the exception of the name of the producer of pre-packaged foods and beverages, the indication and particulars referred to in the decree, should at least appear in Dutch. Article 16 of the European Directive on the Labelling, Presentation and Advertising of Foodstuffs 2000/13/EC, stipulates that member states shall ensure that the particulars on labels appear in a language easily understood by the consumer. In addition, member states may stipulate that these particulars be given in one or more languages from among the official languages of the Community. These provisions do not preclude labelling particulars in more than one language. Neither does European legislation preclude the use of regional or minority languages, within the meaning of the European Charter, in this regard.

Dutch Railways and Dutch Postal Services, which both refused to use the Frisian place names, the undertakings were not fulfilled. Otherwise, the Committee was of the opinion that the Netherlands met its obligations under Article 13(1)(d).¹⁵

- 11.25 In its second report, the Committee of Experts observed ‘that the problems notified previously with both Dutch Railways and Dutch Postal Services have been solved.’¹⁶ The Committee of Experts noted that the undertaking is fulfilled, and encouraged the Dutch government to continue its efforts to oppose any practices to discourage the use of the Frisian language in connection with economic or social activities.¹⁷ In this regard, the Committee of Experts referred to information it obtained concerning a ban on using the Frisian language in an internal procedure of the northern department of the national football federation.¹⁸
- 11.26 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that they would strive to ensure the use of the Frisian language is permitted in economic and social activities (Covenant 7.3).
- 11.27 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân further agreed that, if they concur that projects to strengthen the position of the Frisian language in the economic and social sector are necessary and desirable, they would contribute jointly to the costs (Covenant 7.9).
- 11.28 In Article 7.3 of the Implementation Covenant on the Frisian Language and Culture (2005), it is stated that the Province of Fryslân shall pay an annual subsidy of 7,500 euro for the organisation of the Frisian Advertising Award. The organisation, in cooperation with the Ried fan de Fryske Beweging (the Council of the Frisian Movement), Omrop Fryslân, the association Freonen fan Omrop Fryslân (the ‘Omrop Fryslân’ Audience Association), the Chamber of Commerce in Leeuwarden and the various business clubs in the Province of Fryslân, present six different awards for the most original Frisian-language commercial on radio and television. The awards have been presented annually since 1999.¹⁹
- 11.29 In Article 7.6 of the Implementation Covenant on the Frisian Language and Culture (2005), it was agreed that the Province of Fryslân, in the context of the budget agreements 2005-2008, would invite the subsidised organisations to pay due regard to the Frisian language in their activities and report annually about it. Since budget year 2004, the Province of Fryslân has requested the subsidised

¹⁵ Council of Europe, *Report of the Committee of Experts* (2001), 102 and 103.

¹⁶ Council of Europe, *2nd Report of the Committee of Experts* (2004), 177.

¹⁷ *Ibidem*, 179.

¹⁸ *Ibidem*, 178.

¹⁹ In 2001 a total of 47 radio and 25 television commercials were produced and transmitted in Frisian. Five years later the figures were 60 and 19 respectively. While in 2005, 115 Frisian advertisements were transmitted, of which 64 were for TV and 51 for radio.

institutions in the field of culture, education and language to write their reports, or at least part of them, in Frisian.²⁰ The Province intends, in due course, to ask organisations in fields other than culture, education or language to report in Frisian as well.²¹

- 11.30 In Article 7.4 of the Implementation Covenant on the Frisian Language and Culture (2005), it was agreed that, in the period up to 2007, the Province of Fryslân would contact institutions that it subsidises in the welfare sector to have an exchange of experiences and views on adopting a statute on language use by the institutions concerned.
- 11.31 The provincial language advisory board *Berie foar it Frysk* held a seminar in 2004 for stakeholders about the Childcare Act that came into effect on 1 January 2005 (Bulletin of Acts and Decrees 2004, 455). This law regulates the quality and financing of childcare, and Section 55 of the Act deals with the use of the (Dutch and Frisian) language in childcare centres. It emerged clearly that parents, managers and representatives of the authorities have a need for more information about multilingual education.²²

Article 13(2)(b): economic and social sectors (public sector)

- 11.32 On accepting the European Charter, the Netherlands undertook ‘with regard to economic and social activities [...] within territory in which [the Frisian language] is used, and as far as this is reasonably possible:
b in the economic and social sectors directly under [its] control (public sector), to organise activities to promote the use of [the Frisian language]’.
- 11.33 In 2001, the Committee of Experts noted that it could not find evidence that such activities had taken place. Therefore, the Committee could not conclude whether or not the Netherlands had met this obligation.²³
- 11.34 In its second report, the Committee of Experts noted that during the period 1999-2001, the Ministry of Economic Affairs did not carry out any activities or adopt measures focusing on the Frisian language. It further noted that this Ministry had never availed itself of the possibility provided by the General Administrative Law Act to regulate the use of the Frisian language in written documents for central government bodies, which fall under its competence. The Committee of Experts concluded that the Netherlands did not fulfil this undertaking.²⁴

²⁰ Of the 36 annual reports submitted the Province of Fryslân in 2006 by cultural, language and educational organisations in Fryslân, half were in Frisian, ten were in Dutch and two were drawn up in a regional language. Three annual reports were bilingual and three Dutch-language reports had a summary in Frisian (e-mail from the Province of Fryslân to the Fryske Akademy, 11 January 2007).

²¹ E-mail from the Province of Fryslân to the Fryske Akademy (16 January 2007).

²² *Berie foar it Frysk, Rapportazje fan de wurksumheden oer de jierren 2002-2004*. Ljouwert 2005, 11.

²³ Council of Europe, *Report of the Committee of Experts* (2001), 104.

²⁴ Council of Europe, *2nd Report of the Committee of Experts* (2004), 180 and 181.

- 11.35 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that they would strive to ensure the use of the Frisian language is permitted in economic and social activities (Covenant 7.3). In the 2001 Covenant, central government and the Province of Fryslân further agreed that, if they concur that projects to strengthen the position of the Frisian language in the economic and social sector are necessary and desirable, they would contribute jointly to the costs (Covenant 7.9).
- 11.36 The Ministry of Economic Affairs did not carry out any activities or undertake measures in the years 2002-2005 concerning the Frisian language or whose operation (even partly) considers the Frisian language. Neither did the Ministry of Economic Affairs make use of the possibilities offered by the General Administrative Law Act, Section 2:9, subsection 2 to enact rules about use of the Frisian language in written documents by parts of central government that come within the Minister's portfolio (see section 3.7.11).²⁵
- 11.37 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.²⁶

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. Annexe 8 provides an overview of the regulations for each 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.

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 13(2)(c): social care services: retirement homes, hospitals, etc.

- 11.38 On accepting the European Charter, the Netherlands undertook 'with regard to economic and social activities, [...] in so far as the authorities are competent,

²⁵ Letter dated 27 February 2002 from the Ministry of Economic Affairs to the Fryske Akademy, ref. WJZ 02008395.

²⁶ Arriva Personenvervoer Nederland BV and NoordNed Personenvervoer BV continued their business from 1 January 2006 under the name Arriva Personenvervoer Nederland BV. At any rate, the customer service of Arriva Personenvervoer Nederland BV refused to listen to a request in Frisian during a phone call from the Fryske Akademy on 7 December 2006, in contravention of Article 11 of the Provincial Concession decree for public transport for North and Southwest Fryslân. See sections 8.123, 8.124 and 11.46 for similar language-related incidents in other social and economic sectors.

within the territory in which [the Frisian language] is used, and in so far as this is reasonably possible:

- c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating persons using [the Frisian language] who are in need of care on grounds of ill-health, old age or for other reasons’.

- 11.39 In 2001, the Committee of Experts noted that there was no clear information available about the use of the Frisian language in the above-mentioned social care facilities. The Committee of Experts considered that the Netherlands had partially fulfilled its undertaking under Article 13(2)(c) of the European Charter. The Committee of Experts further noted that there was an urgent need for Frisian-speaking staff in such institutions, as well as a serious shortage of funds to provide the necessary training.²⁷
- 11.40 In its second report, the Committee of Experts noted that once again, the undertaking with regard to Article 13(2)(c) is still only partly fulfilled. The Committee of Experts encouraged the Dutch authorities to implement the plans aimed at ensuring the use of Frisian in social care facilities. It invited the Netherlands to provide further information on the implementation of these projects.²⁸
- 11.41 In 2004, the Committee of Experts further referred to the agreements in the Covenant on the Frisian Language and Culture (2001) concerning the use of Frisian in social care services, including a project aimed at ensuring that testing and therapeutic materials used in speech therapy are examined to ensure their suitability for use in the bilingual situation in Fryslân. However, the Committee noted that it has not been informed of practical measures already taken by the authorities to implement the provisions of the 2001 Covenant relating to the use of Frisian in social care services (see sections 11.42 to 11.45).²⁹ The implementation of these provisions will be discussed in sections 11.52 to 11.56.
- 11.42 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that they will strive to ensure that government-subsidised social care institutions whose sphere of operations includes the province of Fryslân pay due regard to the Frisian language (Covenant 7.4).
- 11.43 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân further agreed that they will strive to ensure that government-subsidised social care institutions whose sphere of operations include the province of Fryslân pay due regard to the Frisian language, both generally and in their annual reports (Covenant 7.4 and 7.5).

²⁷ Council of Europe, *Report of the Committee of Experts* (2001), 105-106.

²⁸ Council of Europe, *2nd Report of the Committee of Experts* (2004), 186.

²⁹ *Ibidem*, 185.

- 11.44 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân further agreed with regard to speech therapy:
- that the provincial government will strive to ensure that testing and therapeutic materials used in speech therapy are examined to ensure their suitability for use in the particular bilingual situation in Fryslân;
 - that the provincial government will strive to ensure that Frisian as well as Dutch-language testing and therapeutic materials are available for the treatment of aphasia patients and children with speech defects;
 - and that the provincial government will consult with speech therapists in Fryslân about the implementation of Frisian-language testing and therapeutic materials (Covenant 7.6).
- 11.45 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that 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). In addition, the Province will strive to ensure that interest groups in the social care sector that are active in the province of Fryslân pay due regard to the use of Frisian in their work (Covenant 7.8).
- 11.46 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.³⁰ In the years 2002-2006, at least one such request has reached the National Ombudsman in the Frisian language (see section 8.123). In addition, complaints were received to which correspondence in Frisian was attached. To the best of our knowledge, such complaints did not relate to the social care sector.³¹
- 11.47 In Article 7.5 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the Province of 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.
- 11.48 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

³⁰ 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.

³¹ Further problems regarding Frisian language use are referred to in sections 8.124 and 8.125, and in the footnote to section 11.37. In these two cases, no formal complaints were lodged.

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.

- 11.49 In Article 7.11 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the Province of Fryslân agreed that 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.
- 11.50 In Article 7.12 of the Implementation Covenant on the Frisian Language and Culture (2005), both parties agreed that 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. Under the Implementation Covenant for the period 2005-2007, it is to be examined how, and with which Ministry, further agreements can be made.
- 11.51 In Article 7.7 of the Implementation Covenant on the Frisian Language and Culture (2005), the Province of Fryslân stated that it had paid financial contributions to the following studies concerning:
- translation and editing of Utrecht communication study for use with adults suffering serious aphasia;
 - development of research tools and therapy guidelines for Friesian-speaking children between 2 1/2 and 4 1/2 years of age;
 - testing of the usability of the Reynell test for language comprehension of Frisian children;
 - F-TARSP: Frisian Language Analysis Remediation and Screening Procedure,
 - a tool that is important for coaching and development of the Frisian language in young children;
 - ANTAT: translation into and adaptation to Frisian or Dutch-language diagnostic material for adults with speech defects.
- 11.52 The first two of these studies were completed in 2004. The translation and editing of the Utrecht communication study were carried out by the Stichting Revalidatie Friesland (Convalescence Foundation in Fryslân) and the University of Groningen. At a symposium organised on 19 April 2004 by the Province of Fryslân the research results available at that time were offered to speech therapists in Fryslân.
- 11.53 In 2003, the report ‘The Reynell Test for Language Comprehension in Friesland’ was issued.³² In 2006, the results of the Frisian-language test material for

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Anna Schaafsma and Henk Iutje Spelberg, *the Reynell Test voor Taalbegrip in Friesland*. Rijksuniversiteit Groningen (Medical Pedagogy Department), Groningen 2003.

aphasia patients were presented.³³ For this purpose, two Dutch-language tests, the ‘Aken Aphasia Test’ and the Amsterdam-Nijmegen Test for Everyday Language Skills (ANTAT) were presented. Research into the working of the Frisian-language tests performed by the University of Groningen showed clearly for certain groups of Frisian aphasia patients that speech therapy in Frisian can be useful. The tests are available free for speech therapists treating Frisian-speaking aphasia patients.

- 11.54 Performance of the study into F-TARSP: the Frisian Language Analysis Remediation and Screening Procedure was carried out by the Fryske Akademy and will be delivered in early 2008 (see section 10.58).³⁴
- 11.55 During the period 2002-2005, the Ministry of Public Health, Welfare and Sport did not carry out any activities or adopt measures, directly or indirectly focusing on the use of the Frisian language. In addition, the Ministry of Public Health, Welfare and Sport did not avail itself of the possibility provided by Section 2:9 of the General Administrative Law Act to regulate the use of the Frisian language in written documents for central government bodies, which fall under its competence (see section 3.7.11).
- 11.56 In an e-mail, the Health Care Inspectorate informed the Fryske Akademy that there has not been any attention to the Frisian language in the Inspectorate’s work programme in the past. Because the Inspectorate was not informed about the existence of the Implementation Covenant on the Frisian Language and Culture (2005), no attention was paid to the Frisian language in its work plans for 2006 and 2007. The Inspectorate added that the working method of the Inspectorate and the inspection capacity available did not lead to an expectation that the language would be given high priority.³⁵
- 11.57 **In summary**, it can be concluded that the recent inventory of statutory regulations in respect of the use and restrictions on the use of the Frisian language has resulted in a number of amendments to Dutch legislation (see section 11.10). These amendments do not refer specifically to economic and social life as referred to in this Charter. However, since 2001, regulations in relation to personnel on their passive knowledge of the Frisian language have been included in the concession decrees on public transport in the Province of Fryslân (see Annexe 8).

In addition, the 2001 Covenant contains a number of agreements concluded between central government and the Province of Fryslân on the use of Frisian in economic and social life. The use of Frisian in the social care sector is a priority area for provincial policy-making based on the 2001 Covenant. Since 2003, Frisian in social care has been a specific objective in the Province of

³³ The project was carried out at the Department of Linguistics (University of Groningen) by Dr. Y.R.M. Bastiaanse, Professor Neurolinguistics, Dr. R. Jonkers, Assistant Professor, N.A. van den Bergh and J. Hurkmans. The results are available via Internet: www.rug.nl/let/frieseafasietest.

³⁴ Jelske Dijkstra, ‘It ûntwikkeljen fan in Fryske TARSP’, in: *De Pompeblêden*, 77 (2006) no. 5, 71.

³⁵ E-mail from the Health Care Inspectorate to the Fryske Akademy (9 January 2007).

Fryslân's language memorandum based on the report entitled 'Fries in de Zorg/Frysk yn de Soarch' [Frisian in the Social Care Sector] by the Coulon Research Bureau as its baseline (see section 11.47).

12 Article 14: Transfrontier exchanges

- 12.1 Op 10 May 2006 the Minister for European Affairs and the State Secretary for Education, Culture and Science issued the policy paper 'Koers Kiezen' (Choose Course) with the aim of achieving a multilingual strategy for international culture policy.¹ The policy paper indicates that in the next few years, programmes will be carried out that fall into the categories: connection between national and international policy, foreign policy priorities and sector-specific focus. The link between national and international policy highlights two factors: culture and economy and cultural diversity. In the latter case, the policy paper devotes attention to migration, cultural variety and enrichment of the Netherlands.

Earlier, the policy paper *Cultuur als confrontatie, cultural policy 2001-2004* set out the starting points for international culture policy 2001-2004. Neither in the initial assumptions for the international culture policy 2001-2004, or in the policy paper 'Koers Kiezen' (Choose Course) is there any reference to what the Netherlands signed up to in the context of Article 12(3) and Article 14 of the European Charter (see also sections 10.135-10.136).

- 12.2 The Province of Fryslân formulated its policy on international contacts in the field of bilingualism in 1987. The Province operates a grant scheme for such contacts (Provincial Bulletin 1998, 4). The purpose of the scheme is to support international exchanges between minority language areas in Europe, by means of occasional grants, in order to strengthen the position of the Frisian language.
- 12.3 In 2001, the Committee of Experts considered that the Netherlands was generally fulfilling its undertakings under Article 14 of the European Charter.²
- 12.4 According to the Covenant on the Frisian Language and Culture (2001), one of the objectives of the international cultural policy of central government and the Province of Fryslân is that the special position of Fryslân in the Netherlands should also be known abroad.³ This will require proper public information.

The Covenant goes on to note that it is important to be able to compare the situation of language minorities elsewhere in Europe with that of Frisian speakers. Within the context of the European Union, however, it is still more important that Fryslân should position itself and that areas with their own regional or minority language are given a chance to come into contact with each other. For Fryslân, relations with North and East Friesland (in Germany) are particularly important in this regard.

¹ Parliamentary Papers II (House of Representatives) 2005-2006, 28 989, nr. 34.

² Council of Europe, *Report of the Committee of Experts* (2001), 107.

³ See the introductory paragraph of Chapter 8 of the Covenant on the Frisian Language and Culture (2001).

Article 14(a): bilateral agreement between the Netherlands and Germany about the Frisian language

- 12.5 On accepting the European Charter, the Netherlands undertook ‘to apply existing bilateral or multilateral agreements which bind them with States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education’.
- 12.6 In 2001, the Committee of Experts considered that the Netherlands is generally fulfilling the above-mentioned undertaking.⁴ However, the Committee of Experts encouraged central government that in the next periodical report the Netherlands would provide the Committee with information on how central government put the promotion of Inter-Frisian cooperation into practice (this is examined in greater depth in sections 12.27 to 12.31 of this report).
- 12.7 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân agreed that, when concluding and implementing cultural treaties between the Netherlands and other member States of the Council of Europe, central government will pay particular regard to the Frisian language and culture and to the minority language or languages in the partner State (Covenant 8.3).⁵
- 12.8 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân further agreed that they would strive to ensure that sufficient resources would be provided to establish and promote cultural and educational exchanges between the Dutch Province of Fryslân and the German regions of East and North Friesland (Covenant 8.4).
- 12.9 Before considering the policy of the Netherlands and Germany on Frisian language and culture, this report provides a brief description of German government policy in this area. However, since the German *Länder* bear primary responsibility for cultural policy, this description actually focuses on Schleswig-Holstein and Lower Saxony.
- 12.10 In 2004, the *Land* of Schleswig-Holstein adopted, with reference to the Framework Convention on the Protection of National Minorities, the European Charter for Regional or Minority languages, Article 3 of the Constitution of the Federal Republic of Germany and Article 5 of the Constitution of Schleswig-Holstein, the Act to promote the Frisian language in public life (act of 13 December 2004).⁶ The law governs the use of the Frisian language in

⁴ Council of Europe, *Report of the Committee of Experts* (2001), 107.

⁵ The discussion of Article 12(3) of the European Charter also considers government policy in relation to Article 8.3 of the Covenant on the Frisian Language and Culture (2001) (see sections 10.102 and 10.117).

⁶ Article 3 of the German Constitution concerns equality before the law, equal rights for men and women and prohibits discrimination. Article 5 of the Constitution of Schleswig-Holstein concerns national minorities and ethnic groups. Article 5(2) provides that the Danish national minority and the Frisian ethnic group be entitled to support and protection.

relation to the authorities, knowledge of the Frisian language for appointments in the public sector, the use of bilingual, German and Frisian, nameplates on government buildings, the use of bilingual, German and Frisian, place name signs in the Kreis Nordfriesland and on the island of Heligoland.

- 12.11 In 1988, the *Landtag* (parliament) of Schleswig-Holstein, which is located in Kiel, established a Committee for questions relating to the Frisian population in the Land of Schleswig-Holstein. This committee consists of the President of the Landtag, one member of each of the political parties represented in it, the North-Frisian members of the *Bundestag* (the German national parliament in Berlin), the Minister-President's Commissioner for Minorities and Culture,⁷ a representative from Schleswig-Holstein's Ministry of Culture, and four members from the *Friesenrat Sektion Nord e. V.* The committee meets twice a year under the chair of the President of the Landtag of Schleswig-Holstein. The committee's activities are aimed at supporting and encouraging Frisian language and culture in North Friesland.
- 12.12 Since 1986, the government of the Land of Schleswig-Holstein has reported five times to the Landtag on the situation of minorities within Schleswig-Holstein.⁸ The position of North Frisian was first discussed in a meeting of the Landtag on 4 June 1987. Subsequently, North Frisian was included in the regular minority's reports, with traditionally also focus on the Danish minority in Schleswig-Holstein and the German minority in Danish Northern Schleswig. Following the *Landtag* meeting of 4 June 1987, Frisian was discussed in the framework of these minorities' reports at Landtag meetings on 22 January 1992, 26 January 1996, 18 November 1999, and 12 December 2002.
- 12.13 The Federal Republic of Germany signed the Framework Convention on Protection of Minorities on 11 May 1995 with regard to the protection of national minorities and ratified it on 10 September 1997. The Framework Convention applies to the Danish and Sorbian minorities in Germany, as well as the Frisians who have traditionally lived in Germany.
- 12.14 Since 1 January 1999, North Frisian has fallen under the scope of the European Charter in Schleswig-Holstein, which has endorsed 36 policy measures from Part III of the Charter in relation to North Frisian. At the same time, Lower

⁷ Formerly Commissioner for Border Areas and Minorities, since 2005 Schleswig-Holstein's Commissioner for Minorities and Culture.

⁸ Report on the work of Minorities (First Minority Report), Kiel 1986;
Report on the work of Minorities and the Frisian ethnic group for the 12th Legislative Term (1988-1992 Second Minority Report), Kiel 1992;
Minority Report - Report about the Danish minority, the German minority in North Schleswig, the Frisian ethnic group and the German Sinti and Roma for the 13th Legislative Term (1992-1996 Third Minority Report), Kiel 1996;
Minority Report - Report about the Danish minority, the German minority in North Schleswig, the Frisian ethnic group and the German Sinti and Roma for the 14th Legislative Term (1996-2000 Fourth Minority Report), Kiel 1999;
Minority and Ethnic Group Policy Schleswig-Holstein - Mid-term review, and Prospects in the 15th Legislative Term (2000-2005 Fifth Minority Report), Kiel 2003.
The President of Schleswig-Holstein's Landtag published all these five Minority Reports in German.

Saxony has endorsed 35 policy measures from Part III of the Charter in relation to Sater Frisian. In 2000, the Federal Republic of Germany submitted its first report to the Council of Europe under Article 15(1) of the European Charter for Regional or Minority Languages. Germany submitted subsequent reports in 2004 and 2007.

- 12.15 There are no cultural agreements between the Netherlands and Schleswig-Holstein and/or Lower Saxony that identify Frisian as an area of common interest. The 1961 cultural treaty between the Netherlands and Germany does not explicitly mention Frisian either, although the treaty can serve as a basis for cultural exchanges in the fields of culture, education, youth, etc., that involve Frisian language and culture.⁹ The fields of education and research, in particular, are characterised by close contacts and regular cooperation between the institutions concerned (including the Fryske Akademy in Leeuwarden, the Ostfriesische Landschaft in Aurich, the Nordfriisk Instituut in Bredstedt and the Nordic Institute of the Christian-Albrechts University in Kiel). In addition, the *Fryske Rie*, i.e. the Frisian Council, and the Frisian International Contact Youth Association (*Frysk Ynternasjonale Kontakt* or *FYK*) also play a role in promoting inter-Frisian contacts (see sections 12.27 to 12.31).

Article 14(b): facilitating and/ or promoting transfrontier co-operation

- 12.16 On accepting the European Charter, the Netherlands undertook ‘for the benefit of [the Frisian language], to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form’.
- 12.17 In 2004, the Committee of Experts stated that in the 2001 Covenant, central government and the Province of Fryslân agreed to make available sufficient resources for carrying out and promoting cultural and educational exchanges between the Dutch Province of Fryslân and the German regions of East and North Friesland (see section 12.18 of this report). The Committee, however, observed that in the absence of more detailed information it was not possible to conclude whether this undertaking was fulfilled or not. Therefore, the Committee encouraged the Dutch authorities to provide information on the implementation of the 2001 Covenant in respect of transfrontier exchanges in the next periodical report.¹⁰ This information will be provided in sections 12.18, and 12.27 to 12.31 of this report.
- 12.18 In the Covenant on the Frisian Language and Culture (2001), central government and the Province of Fryslân will endeavour to make available sufficient resources to enable and foster exchanges in the field of culture and education between the Province of Fryslân and East and North Friesland (Covenant 8.4).

⁹ As of 3 October 1990, the above-mentioned cultural treaty applies unamended to the entire territory of the Federal Republic of Germany, pursuant to the Protocol between the Kingdom of the Netherlands and the Federal Republic of Germany concerning the implications of German unification for bilateral treaty relations of 25 January 1994 (Dutch Treaty Series 1994, 81).

¹⁰ Council of Europe, *2nd Report of the Committee of Experts* (2004), 188 and 189.

- 12.19 The Covenant on the Frisian Language and Culture (2001) contains agreements on the promotion of inter-Frisian cooperation. In the Covenant, central government and the Province of Fryslân agreed that they would strive to ensure constructive cooperation between areas of member States of the Council of Europe in which regional or minority languages are spoken (Covenant 8.1).¹¹ The Province of Fryslân will further make a financial contribution to the Fryske Rie and the European Bureau for Lesser-Used Languages (Covenant 8.2).
- 12.20 In Article 8.1 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the Province of Fryslân agreed that provincial government would encourage other bilingual regions of Europe to take part in the project ‘Liet Ynternasjonaal’. Furthermore, the Province of Fryslân plans to set up constructive partnerships with other regions, where a regional or minority language is spoken.
- 12.21 In Article 8.2 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the Province of Fryslân agreed that the Province and the Ministers of Education, Culture and Science and the Interior and Kingdom Relations respectively would work to promote cultural and administrative contacts between the three Frisian regions.
- 12.22 In Article 8.4 of the Implementation Covenant on the Frisian Language and Culture (2005) central government and the Province of Fryslân agreed that the Minister of Foreign Affairs would investigate, if a cultural treaty was signed or renewed, how attention could be given on the Frisian language and culture in the treaty.
- 12.23 In Article 8.5 of the Implementation Covenant on the Frisian Language and Culture (2005) central government and the Province of Fryslân agreed that in 2005, they would consult further about a potential contribution by the Ministry of Education, Culture and Science for the inter-Frisian activities and contacts, e.g. in the context of the international cultural policy.
- 12.24 In Article 8.6 of the Implementation Covenant on the Frisian Language and Culture (2005), central government and the Province of Fryslân agreed that the Minister of Foreign Affairs would endeavour to give the Frisian language and culture a role in the information policy of the embassies, preferably by means of provision and dissemination of brochures.
- 12.25 *Liet Ynternasjonaal*, the European song festival for and in regional or minority languages, took place for the first time in 2002. The Foundation Liet 91 organized it in Fryslân. On the following two occasions, *Liet Ynternasjonaal* was once again held in Leeuwarden. It went abroad in 2006 for the first time.

¹¹ The discussion of Article 12(3) of the European Charter also considers national and provincial policy in relation to Article 8.3 of the Covenant on the Frisian Language and Culture (2001) (see sections 10.101 to 10.116).

Then the festival was held under the name Liet-Lavlut, with support partly from the Province of Fryslân, and in cooperation with the Swedish Bureau for Lesser-Used Languages, in Östersund, Sweden (see section 10.97).

- 12.26 Since 2005 central government has not entered into any new cultural treaty. Therefore, the Minister of Foreign Affairs has not been able to investigate how attention could be focused under a new cultural treaty on the Frisian language and culture.¹²
- 12.27 The *Fryske Rie* or Frisian Council foundation, which was established in 1956, aims to foster social and cultural contacts between Frisians in Fryslân, and in the regions of North and East Friesland. Since 11 September 1998, the *Fryske Rie* has participated in the *Ynterfryske Rie*, of which it is one of the founders. The *Ynterfryske Rie* is an umbrella organisation for the *Fryske Rie* in Fryslân and its two counterparts in North and East Friesland. In addition to an annual programme of exchanges in the field of Frisian language and culture, the *Ynterfryske Rie* organises an ‘*Ynterfrysk Kongres*’, where topical and common issues are discussed before a wide audience once every three years. The three organisations that participate in the *Ynterfryske Rie* take it in turns to organise this conference. In 2003, the *Fryske Rie* organised the conference, which took place in Leeuwarden. In 2006, the conference was organised by the North Frisian *Friesenrat Sektion Nord e.V.*, and held in Leck, North Friesland.
- 12.28 The Ministry of Education, Culture and Science honoured the *Fryske Rie*’s request for a grant to organise an Inter-Frisian language course in 2002 with a one-off grant of 4,537 euro.¹³
- 12.29 The *Fryske Rie* receives an annual grant from the Province of Fryslân to foster contacts with East and North Friesland by means of exchanges and the aforementioned conference. During the reporting period 2002-2005, the grant was worth some 4000 euro per year. In addition to this regular grant, the Province of Fryslân may award ad hoc grants for specific activities.
- 12.30 *Frysk Ynternasjonale Kontakt (FYK)* is an organisation for 15 to 35 year-olds that aims to raise awareness of young Frisian people regarding their own language and culture. International contacts between speakers of regional or minority languages in the member States of the Council of Europe play a key role in this regard. *FYK* does not receive structural funding for its activities from either central government or the Province of Fryslân. The Province of Fryslân, however, regularly subsidises the organisation’s activities in the framework of the provincial scheme ‘*ynternasjonale kontakten op it mêd fan twataligens*’ (international contacts in bilingualism) (see Appendix 1.2). Furthermore, *FYK* regularly and successfully uses the Youth subsidy programme of the European Commission.

¹² E-mail from the Ministry of Foreign Affairs to the *Fryske Akademy*, dated 26 October 2006.

¹³ Letter of 31 October 2001, reference FTO/TPK-2001/113414 U.

- 12.31 During the period 2002 to 2005, FYK organised different activities per year and participated in a further ten activities abroad: in Germany (3 x), Hungary, Italy (3 x), Austria, Spain and Switzerland. This involved activities specifically intended for Frisian speakers in Germany and the Netherlands, as well as meetings with representatives of other regional or minority languages, including North Frisian and Sater-Frisian.
- 12.32 From 1983, the European Bureau for Lesser-Used Languages has operated an annual programme of study visits to areas in the member States of the European Union where regional or minority languages are spoken. The Bureau has so far organised over 105 study visits for a total of 1,140 participants.¹⁴ A number of Frisians have participated in such visits, and Fryslân has served as a destination on a number of occasions. Since 2002, the programme of study visits has discontinued.
- 12.33 In 1997, the Frisian theatre company Tryater was one of the founders of ‘Offspring’, the European network of theatre companies performing in a regional or minority language. As there are no theatre companies similar to Tryater in North Friesland and the Saterland, the company’s activities involve contacts with users of different rather than similar or identical regional or minority languages. The aim of ‘Offspring’ is to stimulate young people’s interest in regional-language theatre. Approximately 40 theatre companies are associated with ‘Offspring’.
- In 2002 came the staging of ‘Salted’, a theatre production performed during the Oerol festival on the Frisian island of Terschelling (see section 10.31). The show was performed by eight actors drawn from seven theatre companies from different minority-language regions of Europe. This production was made possible by means of cultural funding under the Homogenous Budget for International Cooperation (HGIS) and by grants from the European Commission and the Province of Fryslân. Later on in 2002, the show was performed in Bautzen (Germany), Bangor and Harlech (UK). In 2004, the coordinating role of ‘Offspring’ was handed to Wales. Since, Offspring’s activities have discontinued.
- 12.34 The Foundation Netherlands Bureau for Lesser-Used Languages consists of representatives of various Frisian and Lower Saxon organisations. The Bureau is the Dutch section of the European Bureau for Lesser-Used Languages and its objective is to promote the position of the autochthonous minority languages and the associated cultures in the member States of the European Union. The Bureau is subsidised annually by the Province of Fryslân for an amount of 12,500 euro.
- 12.35 Provincial and local authorities in Fryslân are free to set up twinning arrangements with regions or towns where, like the Province of Fryslân, their own language and culture has an important role in social and cultural life. In spite of this, Frisian municipalities and the Province of Fryslân have yet to establish such links with local or regional authorities in North Friesland, East

¹⁴ <http://www.eblul.org>.

Frisian Saterland or other European regions with their own language and culture.¹⁵

- 12.36 **In summary**, it appears from the Covenant on the Frisian Language and Culture (2001) and the 2005 Implementation Covenant that Dutch policy in the areas referred to in Article 14 of the European Charter is developed in consultation with the Province of Fryslân.

¹⁵

At any rate, no such links appear in the list of twin towns on the website www.stedenbanden.nl that gives an overview of Dutch municipalities that are linked to other towns abroad through a formal town twinning agreement.

ANNEXES

Annexe 1 Statutory and other government measures relating to the Frisian language

1.1 National measures

Contains a chronological overview of the main statutory and other government measures relating to the Frisian language

| | | |
|------|----------------------------|---|
| 1937 | education | amendment to Primary Education Act 1920 (Bulletin of Acts and Decrees 1937, 323) <ul style="list-style-type: none">• Frisian is permitted as an optional subject in primary education under the classification of vernacular language (Frisian was not yet explicitly mentioned in the Act) |
| 1948 | education | amendment to the Secondary Education Act (Bulletin of Acts and Decrees 1948, 127) <ul style="list-style-type: none">• secondary schools given the opportunity, after obtaining the consent of the Minister, to provide tuition in subjects other than those listed in the Act (Frisian was not yet explicitly mentioned in the Act) |
| 1948 | education | the Minister of Education provides funding for Frisian as an optional subject at secondary schools |
| 1952 | education | Decree amending the University Statute (Bulletin of Acts and Decrees 1952, 635) <ul style="list-style-type: none">• Frisian can be chosen as a main subject in higher education (introduction of the ‘doctoraal’ (first degree) examination in Frisian) |
| 1955 | education | amendment to the Primary Education Act 1920 (Bulletin of Acts and Decrees 1955, 225) <ul style="list-style-type: none">• Frisian is explicitly mentioned as an optional subject in primary education• Frisian also permitted as language of instruction in the first years of primary school |
| 1956 | judicial/ legal matters | Act containing rules governing the use of Frisian, in particular in legal matters (Bulletin of Acts and Decrees 1956, 242) <ul style="list-style-type: none">• 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 Constitution¹• permits the use of Frisian in oral dealings with the judicial authorities in the province of Fryslân |
| 1967 | education | amendment to the Secondary Education Act 1963 (Bulletin of Acts and Decrees 1967, 386) <ul style="list-style-type: none">• Frisian allowed as an optional subject in secondary education from 1968 onwards;• Frisian becomes a permitted subject in the first year of secondary school |

¹ See also in this overview 2004 (administrative matters) on oath-related provisions.

| | | |
|------|------------------------|--|
| 1970 | education | <p>Decree regulating the leaving examinations in pre-university education (VWO), senior general secondary education (HAVO) and junior general secondary education (MAVO) (Bulletin of Acts and Decrees 1970, 151)</p> <ul style="list-style-type: none"> • Frisian permitted as an optional leaving examination subject in the senior years of secondary education (VWO, HAVO and MAVO schools)² |
| 1972 | culture | <p>establishment of central government grant for the Frisian language and culture (Proceedings II (House of Representatives) 1972, p. 127)</p> <ul style="list-style-type: none"> • amount of the grant fixed annually in the budget • the central government grant was abolished in 2006 and transferred to the Provinces Fund |
| 1974 | education | <p>amendment to the Primary Education Act 1920 (Bulletin of Acts and Decrees 1974, 271)</p> <ul style="list-style-type: none"> • Frisian taught as an ordinary subject in all primary schools in the province of Fryslân from 1980 onwards (Provincial Executive of Fryslân given the power to grant exemptions) • Frisian permitted as language of instruction in all years of primary school³ |
| 1982 | education | <p>Special Education Interim Act (ISOVSO) (Bulletin of Acts and Decrees 1982, 730)</p> <ul style="list-style-type: none"> • Frisian permitted as language of instruction in special education (primary and secondary level) |
| 1984 | administrative matters | <p>Local Government Boundary Reform (General Regulations) Act (Bulletin of Acts and Decrees 1984, 475)</p> <ul style="list-style-type: none"> • the council of a newly formed municipality may change its official name in an order redrawing the boundaries (allowing the Frisian name to be adopted as the official name, even though the Frisian language is not explicitly mentioned in the Act)⁴ |
| 1988 | education | <p>amendment to ISOVSO of 1982 (Bulletin of Acts and Decrees 1988, 559)⁵</p> <ul style="list-style-type: none"> • Frisian language and culture to be a compulsory subject in special schools • Frisian allowed as a subject in special secondary schools |

² In 1989 the regulation establishing Frisian as a leaving examinations option was incorporated in the VWO-HAVO-MAVO-VBO Leaving Examinations Decree (Bulletin of Acts and Decrees 1989, 327). See also in this overview 1997 (education) and 2000 (education).

³ Frisian's new status as a subject and as a language of instruction was incorporated in the Primary Education Act 1981 (Bulletin of Acts and Decrees 1981, 468) and the Primary Education Act 1998 (Bulletin of Acts and Decrees 1998, 228; 495).

⁴ In 1992 this power was extended to all municipalities through the inclusion of a clause to this effect in the new Municipalities Act. As a result, it is no longer necessary to include in legislation general rules regarding local government boundary reforms or similar provisions.

⁵ In 1998 the Special Education Interim Act was replaced by the Expertise Centres Act, under which special primary and secondary schools now fall.

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|------|----------------------------|---|
| 1989 | judicial/ legal matters | Land Registry Act (Bulletin of Acts and Decrees 1989, 186) <ul style="list-style-type: none"> documents may be drawn up in the Frisian language and submitted for entry in public registers, providing they are accompanied by a literal, authenticated Dutch translation, also to be included in the register. The Frisian-language documents are retained by the keeper of the register |
| 1989 | administrative matters | Elections Decree containing regulations implementing the Elections Act (Bulletin of Acts and Decrees 1989, 471) <ul style="list-style-type: none"> appellations of lists of candidates for elections to the provincial council or municipal councils in Fryslân may be in Frisian |
| 1992 | administrative matters | Municipalities Act (Bulletin of Acts and Decrees 1992, 96) <ul style="list-style-type: none"> from 1994 municipal authorities have the power to determine the names of municipalities (allowing new or existing municipalities to be given a Frisian name, or have a Frisian name added to their Dutch name, although the Frisian language is not specifically mentioned in the Act) |
| 1992 | education | amendment to the Secondary Education Act (Bulletin of Acts and Decrees 1992, 270) <ul style="list-style-type: none"> Frisian becomes an ordinary subject in basic secondary education at all schools in the province of Fryslân from 1 August 1993 Education Inspectorate given the power to grant exemptions⁶ |
| 1992 | media | amendment to the Media Decree (Bulletin of Acts and Decrees 1992, 334) <ul style="list-style-type: none"> order in council fixing the minimum percentage of Dutch-language and Frisian-language programmes on commercial television channels⁷ |
| 1992 | administrative matters | Provinces Act (Bulletin of Acts and Decrees 1992, 550) <ul style="list-style-type: none"> from 1994 provinces may determine the name of the province (under the new Provinces Act the name of Friesland was officially changed to Fryslân on 1 January 1997) |
| 1992 | education | Higher Education and Research Act (WHW) (Bulletin of Acts and Decrees 1992, 593) <ul style="list-style-type: none"> regulates the statutorily prescribed use of Dutch as the language of instruction and as the language of examinations at institutions of higher education another language may be used in a course relating to that language another language may be used, providing the competent authorities lay down a code of conduct to this effect as the Act does not specifically refer to the Frisian language as a possible language of instruction, the above exceptions also apply to the use of Frisian |

⁶ In 2006, this power to grant exemptions was transferred to the province: see 2006 (education) in this overview.

⁷ This enactment regarding commercial television was transferred from the Media Decree to the Media Act (Bulletin of Acts and Decrees 2003, 485). Moreover, an arrangement was also effected in 2003 in respect of the use of language in commercial radio broadcasting. In that regard, see 2003 (media) in this overview.

| | | |
|------|----------------------------------|--|
| 1993 | education | <p>Primary Education (Attainment Targets) Decree (Bulletin of Acts and Decrees 1993, 264)</p> <ul style="list-style-type: none"> attainment targets laid down by order in council for all subjects in primary education, including Frisian⁸ |
| 1995 | administrative matters | <p>amendment to the General Administrative Law Act (Bulletin of Acts and Decrees 1995, 302)</p> <ul style="list-style-type: none"> contains rules governing the use of Dutch and Frisian in administrative matters |
| 1995 | media | <p>amendment to the Media Act (Bulletin of Acts and Decrees 1995, 320)</p> <ul style="list-style-type: none"> regulates the minimum percentage of Dutch-language and Frisian-language programmes for broadcasting organisations that have been allocated broadcasting time on a public television channel |
| 1995 | judicial/ legal matters | <p>Use of Frisian (Legal Matters) Act (amendment to the Act of 1956) (Bulletin of Acts and Decrees 1995, 440)⁹</p> <ul style="list-style-type: none"> increases the scope for using Frisian in oral dealings with judicial authorities in the province of Fryslân written use of Frisian also permitted in legal matters |
| 1995 | education | <p>Adult and Vocational Education Act (WEB) (Bulletin of Acts and Decrees 1995, 501)</p> <ul style="list-style-type: none"> regulates the statutory use of Dutch as the language of instruction and the language of examinations at institutions which fall under this Act (including institutions for secondary vocational and adult education) another language may be used in a course relating to the language in question another language may be used, providing the competent authorities lay down a code of conduct to this effect as the Act does not specifically refer to the Frisian language as a possible language of instruction, the above exceptions also apply to the use of Frisian |
| 1996 | administrative/ legal matters | <p>amendment to the 1994 Births, Deaths and Marriages (Registration) Decree (Bulletin of Acts and Decrees 1996, 445)</p> <ul style="list-style-type: none"> certificates of births, deaths and marriages to be drawn up as bilingual documents (Dutch and Frisian) in the province of Fryslân |
| 1996 | general | <p>Act approving for the Netherlands the European Charter for Regional or Minority Languages, concluded at Strasbourg in 1992 (Bulletin of Acts and Decrees 1996, 136)</p> <ul style="list-style-type: none"> on the basis of Part III of the Charter, the Netherlands undertook to apply 48 provisions in respect of the Frisian language in education, legal and judicial affairs, administrative matters, the media, culture, economic and social life and in transfrontier contacts |

⁸ The attainment targets for Frisian were incorporated in the Primary Education (Attainment Targets) Decree 1998 (Bulletin of Acts and Decrees 1998, 354). See also in this overview 2005 (education).

⁹ Amendment of the Act of 11 May 1956 (Bulletin of Acts and Decrees 242).

| | | |
|------|----------------------------|--|
| 1997 | administrative matters | <p>amendment to the Environmental Management Act (Bulletin of Acts and Decrees 1997, 170)</p> <ul style="list-style-type: none"> • companies based in Fryslân may use the Frisian language in environmental reports intended for administrative authorities in Fryslân • a Dutch translation may be required in specific cases |
| 1997 | education | <p>amendment to the VWO-HAVO-MAVO-VBO (Organisation of Teaching) Decree and the VWO-HAVO-MAVO-VBO Leaving Examinations Decree (Bulletin of Acts and Decrees 1997, 588)</p> <ul style="list-style-type: none"> • relates to the introduction of fixed subject combinations in secondary schools • regulates the position of Frisian as an examination subject at secondary schools in the province of Fryslân |
| 1997 | administrative matters | <p>provision under the General Administrative Law Act (Government Gazette 1997, 138)</p> <ul style="list-style-type: none"> • order by the State Secretary for Finance regarding the application of the above Act in dealings between members of the public and local offices of the Tax and Customs Administration • taxpayers may submit applications or objections in Frisian to local offices based in the province of Fryslân |
| 1998 | education | <p>amendment to the Secondary Education Act (Bulletin of Acts and Decrees 1998, 512)</p> <ul style="list-style-type: none"> • regulates the statutorily prescribed use of Dutch as the language of instruction and examinations in secondary schools • another language may be used in a course relating to that language • another language may be used, providing the competent authorities lay down a code of conduct to this effect • since the Act does not specifically refer to the Frisian language as a possible language of instruction, the above exceptions also apply to the use of Frisian |
| 1998 | education | <p>Expertise Centres Act (Bulletin of Acts and Decrees 1998, 496)</p> <ul style="list-style-type: none"> • successor to the Special Education Interim Act (see 1982 and 1988) • the provisions of the Special Education Interim Act regarding Frisian in special schools (both primary and secondary) are incorporated in this new Act |
| 1999 | judicial/ legal matters | <p>Notaries Act (Bulletin of Acts and Decrees 1999, 190)</p> <ul style="list-style-type: none"> • regulates the execution of deeds in Dutch, Frisian and foreign languages • allows notarial deeds to be executed in more than one language • this Act does not regulate the entry of notarial deeds in public registers¹⁰ |
| 2000 | education | <p>amendment to the VWO-HAVO-MAVO-VBO Leaving Examinations Decree (Bulletin of Acts and Decrees 2000, 158)</p> <ul style="list-style-type: none"> • relates to the introduction of new learning pathways in junior general secondary education (MAVO) and pre-vocational education (VBO) • regulates the position of Frisian as an examination subject at |

¹⁰ See Land Registry Act (1989), Civil Code (2001).

secondary schools in the province of Fryslân

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|------|----------------------------|---|
| 2001 | judicial/ legal matters | amendment to the Civil Code (Bulletin of Acts and Decrees 2001, 574) ¹¹ <ul style="list-style-type: none">• enables the constitutions of Frisian associations and foundations to be drawn up and entered in public registers in the Frisian language |
| 2002 | administrative matters | Change of Family Names Decree (Bulletin of Acts and Decrees 2002, 531) <ul style="list-style-type: none">• opens up the opportunity to adopt one's surname in the Frisian language by means of a change of name• hereby executing Article 10, paragraph 5, of the Charter |
| 2002 | culture | Letterhoeke Joint Scheme (Government Gazette 2002, 163) <ul style="list-style-type: none">• the objective of the scheme is for the collections and archived documents held in national archive depositories in the province of Fryslân to be looked after jointly by the Provinsjale Bibliotheek in Leeuwarden and the Frysk Leterkundich Museum and Dokumintaasjesintrum (FLMD)• central government, the province of Fryslân and the board of the FLMD foundation take part in this scheme• the first occasion that a joint scheme is published bilingually in the Government Gazette (in Dutch and Frisian) |
| 2003 | media | Regulation on the Application and Comparative Assessment of Commercial Radio Broadcasting Licenses 2003 (Government Gazette 2003, 40) <ul style="list-style-type: none">• this regulation provides the first rules for the use of language in commercial radio broadcasting• regarding programme segments presented between 7 a.m. and 7 p.m., no less than 50% of these are to be presented in Dutch or Frisian |
| 2004 | education | Childcare Act (Bulletin of Acts and Decrees 2004, 455) <ul style="list-style-type: none">• Dutch is to be used as the official language for childcare in a childcare centre• Frisian is also permitted as working language |
| 2004 | administrative matters | Act Amending Ministry of the Interior and Kingdom Relations Legislation 2003 (Bulletin of Acts and Decrees 2004, 493) <ul style="list-style-type: none">• concerns changing the provincial name of Friesland to "Fryslân" in a number of statutory regulations¹²• since Frisian has been permitted as an official language since 1995, the wording of all oath-related provisions in the Municipalities Act and Provinces Act are also set down in the Frisian language¹³• consequently, the Frisian wording of the oath of exoneration in the Municipalities Act and the Provinces Act now also has a statutory basis¹⁴ |

¹¹ The official name of the Act is – in translation – the Frisian-language Constitutions of Frisian Associations and Foundations Act (Bulletin of Acts and Decrees 2001, 574).

¹² In 2002, the provincial name had been amended in this way in the Elections Act and Elections Decree (Bulletin of Acts and Decrees 2002, 98).

¹³ In 2007, some further amendments were introduced in respect of oath-related provisions in the Municipalities Act and Provinces Act (Bulletin of Acts and Decrees 2007, 124).

¹⁴ In 2007, the oath-related provisions in the Water Boards Act were amended accordingly (Bulletin of Acts and Decrees 2007, 208).

| | | |
|------|----------------------------|---|
| 2004 | culture | <p>Fixed Book Prices Act (Bulletin of Acts and Decrees 2004, 600)</p> <ul style="list-style-type: none"> • Frisian-language books also come under the protection of this statutory regulation |
| 2004 | general | <p>Act approving for the Netherlands the European Framework Convention for the Protection of National Minorities, concluded in Strasbourg in 1995 (Bulletin of Acts and Decrees 2004, 681)</p> <ul style="list-style-type: none"> • the framework convention is declared to apply to the Frisians |
| 2005 | education | <p>Renewed Primary Education (Attainment Targets) Decree (Bulletin of Acts and Decrees 2005, 551)</p> <ul style="list-style-type: none"> • the attainment targets from 1998 are to be observed for no longer than 1 August 2009 • the attainment targets for Frisian in primary education are adjusted and no longer a reflection of, i.e. the same as, the attainment targets for Dutch |
| 2006 | judicial/ legal matters | <p>Act Amending Ministry of Justice Legislation II (Bulletin of Acts and Decrees 2006, 24)</p> <ul style="list-style-type: none"> • concerns amendment of the Implementation Act on the EC regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Nr. 44/2001) • this legislative amendment secures Section 7 of the Use of the Frisian Language in Judicial Matters (when involving applications) |
| 2006 | education | <p>amendment to the Secondary Education Act (Bulletin of Acts and Decrees 2006, 281)</p> <ul style="list-style-type: none"> • includes among its provision the change of the position of Frisian in lower secondary education • granting exemptions from teaching Frisian in schools in the province of Fryslân is transferred from the Education Inspectorate to the Provincial Executive of Fryslân • statutory attainment target to be brought into being for the subject of Frisian in lower secondary education (see below) • the legislative amendment stems from the Covenant on the Frisian Language and Culture 2001 |
| 2006 | education | <p>Decree on the Attainment Targets in Lower Secondary Education (Bulletin of Acts and Decrees 2006, 316)</p> <ul style="list-style-type: none"> • new attainment targets to be brought into being for lower secondary education • attainment targets for Frisian in lower secondary education established in law for the first time • half of the attainment targets for Frisian mandatory for all students in the province of Fryslân • the other half of the attainment targets for Frisian are also mandatory, but their impact on students differs depending on whether students speak Frisian as a mother tongue or as a second language. • the school's authorities determine the category in which a student is placed |

1.2 Province of Fryslân

Contains an overview of the main provincial ordinances in the field of the Frisian language and culture

| | | |
|------|------------------------|---|
| 1969 | general | Order of the provincial council of Fryslân determining the official spelling of the Frisian language (Provincial Bulletin 1969, 116) <ul style="list-style-type: none">the power to determine the official spelling of the Frisian language is vested in the provincial council |
| 1985 | administrative matters | Ordinance relating to the written use of the Frisian and Dutch languages by administrative authorities in the province of Fryslân (Provincial Bulletin 1985, 82) |
| 1997 | culture | Ordinance on the Budget for Language and Culture in Fryslân (Provincial Bulletin 1997, 12) <ul style="list-style-type: none">contains guidelines on subsidising activities and projects relating to the Frisian language |
| 1998 | culture ¹⁵ | <i>Regeling Teater en Muzyk</i> (Provincial Bulletin 1998, 4) <ul style="list-style-type: none">theatre and music subsidy scheme; creates scope for subsidising Frisian-language performances |
| 1998 | culture | <i>Regeling befoardering Frysk Taalgebrûk</i> (Provincial Bulletin 1998, 4) <ul style="list-style-type: none">promotes the use of the Frisian language and creates scope for subsidising activities and projects relating to the Frisian language |
| 1998 | media | <i>Regeling Kulturele Mediaproduksjes</i> (Provincial Bulletin 1998, 4) <ul style="list-style-type: none">creates scope for subsidising Frisian-language media productions |
| 1998 | culture | <i>Regeling Produksje Podiumkeunsten</i> (Provincial Bulletin 1998, 4) <ul style="list-style-type: none">creates scope for subsidising Frisian-language stage performances |
| 1998 | culture | <i>Regeling koarbegelieding</i> (Provincial Bulletin 1998, 4) <ul style="list-style-type: none">creates scope for subsidising performances by choirs singing in the Frisian language |
| 1998 | culture | <i>Regeling kulturele aktiviteiten</i> (Provincial Bulletin 1998, 4) <ul style="list-style-type: none">creates scope for subsidising one-off cultural activities, including cultural activities in the Frisian language |
| 1998 | culture | <i>Regeling ynternasjonale kontakten op it mêd fan twataligens</i> (Provincial Bulletin 1998, 4) <ul style="list-style-type: none">creates scope for subsidising international contacts in the field of bilingualism |
| 1998 | culture | <i>Regeling Frysktalige boeken</i> (Provincial Bulletin 1998, 4) <ul style="list-style-type: none">creates scope for subsidising books published in the Frisian language |

¹⁵ In 1998, a number of provincial ordinances relating to the Frisian language and culture were updated. The old ordinances are not included in this overview.

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|------|------------------------|---|
| 1998 | culture | <p><i>Regeling aktiviteiten Fryske literatuer</i> (Provincial Bulletin 1998, 4)</p> <ul style="list-style-type: none"> • creates scope for subsidising activities in the field of Frisian literature |
| 2000 | administrative matters | <p>Ordinance concerning the written use of the Frisian and Dutch languages by administrative authorities of the province of Fryslân (Provincial Bulletin 2000, 75)</p> <ul style="list-style-type: none"> • allows administrative authorities of the province of Fryslân to use the Frisian language in administrative matters pursuant to the General Administrative Law Act • replaces the provincial ordinance of 1985 |
| 2003 | culture | <p><i>Oardering kultuerprizen en wittenskipspriis</i> (Provincial Bulletin 2003, 47)</p> <ul style="list-style-type: none"> • 6 provincial cultural awards connected with literature, vocal music and amateur theatre in the Frisian language come under this ordinance • the award for scholarly research in respect of Fryslân – in terms of history, linguistic and literary studies and social sciences – also comes under this ordinance • the awards are issued once every three years • this ordinance replaces the 1984 Provincial Ordinance for Frisian Literature and Studies |
| 2003 | education | <p><i>Subsidieverordening Lesuren Fries in het Voortgezet Onderwijs</i> (Provincial Bulletin 2003, 50)</p> <ul style="list-style-type: none"> • the objective of the subsidy ordinance is to encourage secondary education schools in the province of Fryslân to bring about Frisian lessons starting from the second year of study |
| 2007 | administrative matters | <p><i>Oardering wetternammen provinsje Fryslân</i> (Provincial Bulletin 2007, 23)</p> <ul style="list-style-type: none"> • this bilingual ordinance replaces the names for the majority of waterways in the province of Fryslân with their Frisian-language names • in the municipalities of Het Bildt and Ooststellingwerf and Weststellingwerf, the names are set down in the local dialect language (respectively, the Bildts or Stellingwerfs dialect) |

1.3 Municipalities in Fryslân

This overview lists only ordinances concerning the use of the Frisian language in written communications between municipal administrative authorities in Fryslân, adopted pursuant to the General Administrative Law Act (Bulletin of Acts and Decrees 1995, 302)

| | | |
|------|------------------------|--|
| 1996 | administrative matters | <i>Oardering Frysk yn it skriftlik ferkear</i> , adopted by the municipal council of Skarsterlân on 27 March 1996 |
| 1997 | administrative matters | <i>Oardering Frysk yn it skriftlik ferkear</i> , adopted by the municipal council of Menaldumadeel on 28 August 1997 |
| 1998 | administrative matters | <i>Oardering oer it brûken fan de Fryske taal yn it skriftlik ferkear fan de gemeente Boarnsterhim</i> , adopted by the municipal council of Boarnsterhim on 24 March 1998 |
| 2001 | administrative matters | <i>Oardering Frysk yn it skriftlik ferkear</i> , adopted by the municipal council of Ferwerderadiel on 17 May 2001 |
| 2001 | administrative matters | <i>Oardering oer it brûken fan de Fryske taal yn it skriftlik ferkear fan de gemeente Tytsjerksteradiel</i> , adopted by the municipal council of Tytsjerksteradiel on 31 May 2001 |
| 2001 | administrative matters | <i>Oardering oer it brûken fan de Fryske taal yn it skriftlik ferkear fan de gemeente Littenseradiel</i> , adopted by the municipal council of Littenseradiel on 10 September 2001 |
| 2001 | administrative matters | <i>Oardering oer it brûken fan de Fryske taal yn it skriftlik ferkear fan de gemeente Wûnseradiel</i> , adopted by the municipal council of Wûnseradiel on 24 September 2001 |
| 2002 | administrative matters | <i>Oardering Frysk yn it skriftlik ferkear</i> , adopted by the municipal council of Wymbritseradiel on 18 June 2002 |
| 2003 | administrative matters | <i>Oardering Frysk yn it skriftlik ferkear fan de gemeente Ljouwerteradiel</i> , adopted by the municipal council of Leeuwarderadeel on 30 January 2003 |
| 2003 | administrative matters | <i>Oardering Frysk yn it skriftlik ferkear/Verordening Fries in het schriftelijk verkeer</i> , adopted by the municipal council of Dongeradeel on 18 May 2003 |
| 2006 | administrative matters | <i>Oardering Frysk yn it skriftlik ferkear fan de gemeente Ljouwert</i> , adopted by the municipal council of Leeuwarden on 8 April 2006 |
| 2007 | administrative matters | <i>Verordening Fries in het schriftelijk verkeer</i> , adopted by the municipal council of Smallingerland on 9 January 2007 |
| 2007 | administrative matters | <i>Oardering Frysk yn it skriftlik ferkear fan de gemeente Snits</i> , adopted by the municipal council of Sneek on 17 September 2007 |

Annexe 2 Dutch Government position on the Frisian language

| | | |
|------|--|---|
| 1953 | administrative/ judicial/legal matters | government position paper of 1953 on the report of the Kingma-Boltjes Committee on the Frisian question (Parliamentary Papers II (House of Representatives) 1953-1954, 3521, no. 1) |
| 1970 | general | government position paper of 1970 on the report of the Van Ommen Committee on Frisian-language policy (Parliamentary Papers II (House of Representatives) 1969-1970, 10728, no. 1) |
| 1989 | general | first Covenant on the Frisian Language and Culture (1989) (Government Gazette 1989, 133) <ul style="list-style-type: none">• contains agreements between central government and the province of Fryslân on policy with regard to Frisian |
| 1993 | general | second Covenant on the Frisian Language and Culture (1993) (Government Gazette 1993, 237) <ul style="list-style-type: none">• contains renewed agreements |
| 2001 | general | third Covenant on the Frisian language and culture (2001) (Government Gazette 2001, 125) <ul style="list-style-type: none">• contains renewed agreements• the agreements cover all of the policy areas referred to in Parts II and III of the European Charter for Regional or Minority Languages |
| 2005 | general | Implementation Covenant on the Frisian Language and Culture 2005 (Government Gazette 2005, 58) <ul style="list-style-type: none">• hereby effecting part of the agreements in the Covenant on the Frisian Language and Culture 2001 |

Annexe 3 European and international conventions relevant to the Frisian language

| | | |
|------|---------|---|
| 1950 | general | <p>The Netherlands signs the European Convention for the Protection of Human Rights and Fundamental Freedoms, concluded in Rome in 1950 (Dutch Treaty Series 1951, 154)</p> <ul style="list-style-type: none">• contains a provision prohibiting discrimination on the basis of language |
| 1954 | general | <p>Act approving for the Netherlands the European Convention for the Protection of Human Rights and Fundamental Freedoms</p> <ul style="list-style-type: none">• instrument of ratification, 31 August 1954 (cf. Dutch Treaty Series 1954, 151) |
| 1978 | general | <p>Act approving for the Netherlands the International Covenant on Civil and Political Rights, concluded in New York in 1966 (Bulletin of Acts and Decrees 1978, 624)</p> <ul style="list-style-type: none">• instrument of ratification, 11 December 1978 (cf. Dutch Treaty Series 1978, 177) |
| 1992 | general | <p>The Netherlands signs the European Charter for Regional or Minority Languages, concluded in Strasbourg in 1992 (Dutch Treaty Series 1993, nos. 1 and 199)</p> |
| 1995 | general | <p>Signature by the Netherlands of the European Framework Convention for the protection of national minorities (Dutch Treaty Series 1995, nos. 73 and 197)</p> |
| 1996 | general | <p>Act approving for the Netherlands the European Charter for Regional or Minority Languages, concluded in Strasbourg in 1992 (Bulletin of Acts and Decrees 1995, 136)</p> <ul style="list-style-type: none">• the Netherlands undertakes to be bound by 48 provisions of Part III of the Charter regarding the Frisian language in the province of Fryslân• instrument of acceptance, 2 May 1996 (cf. Dutch Treaty Series 1998, 20) |
| 2004 | general | <p>Act approving for the Netherlands the European Framework Convention for the Protection of National Minorities, concluded in Strasbourg in 1995 (Bulletin of Acts and Decrees 2004, 681)</p> <ul style="list-style-type: none">• the framework convention is declared to apply to the Frisians• instrument of acceptance, 16 February 2005 |

Annexe 4 Reports and policy documents on the Frisian language (as of 1990)¹⁶

4.1 National reports

| | | |
|------|----------------------------|--|
| 1992 | judicial/ legal matters | <i>Rapport inzake Fries in het rechtsverkeer</i> [Report on the use of Frisian in legal matters] <ul style="list-style-type: none">• advisory report of the Frisian Language Committee• commissioned by the Minister of Justice and the State Secretary for the Interior |
| 1996 | culture | <i>Pantser of ruggengraat</i> <ul style="list-style-type: none">• policy document published by the State Secretary for Culture setting out cultural policy from 1997-2000• specifically recognises Frisian as the second official language |
| 1999 | education | <i>Fries in de basisvorming. Evaluatie van de eerste vijf jaar</i> <ul style="list-style-type: none">• Education Inspectorate report• evaluates the first five years of teaching of Frisian in lower secondary education |
| 2001 | education | <i>Het onderwijs in het Fries op de basisscholen in Friesland. De stand van zaken</i> <ul style="list-style-type: none">• Education Inspectorate report on Frisian in primary education |
| 2004 | general | <i>Handreiking voor gemeenten in Fryslân</i> <i>Hanriking foar gemeenten yn Fryslân</i> <ul style="list-style-type: none">• intended as guidance for the municipalities in Fryslân in order to shape their own language and cultural policy• contains a Frisian model ordinance in written communications for municipalities (including explanatory notes)• joint publication by the Ministry of the Interior and Kingdom Relations and the Province of Fryslân (published in Frisian and Dutch editions) |
| 2006 | education | <i>Fries op school: de kwaliteit van het vak Fries in het primair en voortgezet onderwijs in Fryslân</i> <ul style="list-style-type: none">• bilingual report by the Inspectorate for Primary and Secondary Education on the position of Frisian in education• contains a summary of the results from the survey concerning the supply and time devoted to the subject of Frisian in schools |
| 2006 | education | <i>De kwaliteit van het vak Fries in het basisonderwijs en het voortgezet onderwijs in de provincie Fryslân. Technisch rapport</i> <ul style="list-style-type: none">• report by the Inspectorate for Primary and Secondary Education concerning the quality of the subject of Frisian in education• contains a full analysis of the results from the survey |

¹⁶ For an overview of policy documents prior to 1990 see annexe 3 of the first report (1999).

4.2 Provincial reports

| | | |
|------|-----------|---|
| 1991 | general | <i>Ramtnota Taalbelied</i> (Language Policy Framework Document), policy document adopted by the provincial council of Fryslân <ul style="list-style-type: none">• provides a basis for an integral language policy for the province of Fryslân |
| 1998 | culture | <i>Provinsjale Notysje Letterebelied</i> <ul style="list-style-type: none">• policy memorandum outlining provincial policy on literature |
| 2000 | culture | <i>Kultuer yn Fryslân 20.01/04</i> <ul style="list-style-type: none">• provincial cultural policy document 2001-2004 |
| 2001 | education | <i>Project Onderwijskansen. Plan van aanpak</i> <ul style="list-style-type: none">• report by the province of Fryslân on measures to tackle educational disadvantage at primary schools in Fryslân |
| 2001 | education | <i>Plan fan oanpak Frysk yn it ûnderwiis</i> <ul style="list-style-type: none">• draft report by the province of Fryslân• drawn up to meet the obligations undertaken by the province within the framework of the Covenant on the Frisian Language and Culture 2001 to promote the position of Frisian in education |
| 2001 | media | <i>Finansjele Ympuls Omrop Fryslân</i> <ul style="list-style-type: none">• this provincial memorandum is one of the steps taken to implement provisions relating to the media in the above Covenant |
| 2003 | general | <i>Tot zijn recht komen: de vanzelfsprekende plaats van het Fries</i> <ul style="list-style-type: none">• provincial memorandum on language policy for 2003-2007• greater emphasis on bilingual information• 3 objectives: language policy in municipalities, in care and in education |
| 2004 | general | <i>Evaluatie doelstellingen taalnota</i> <ul style="list-style-type: none">• interim evaluation of the memorandum on language policy• intended for the Provincial Council of Fryslân |
| 2005 | education | <i>Op weg naar integraal taalbeleid in het Friese onderwijs</i> <ul style="list-style-type: none">• provincial education memorandum• this education memorandum will be implemented on the basis of the ‘Boppeslach’ memorandum: see 2006 (education) in this overview |
| 2005 | education | <i>Plan fan oanpak Frysk yn it ûnderwiis, útfieringsnotysje 2005-2007</i> <ul style="list-style-type: none">• in this plan of campaign, the province complied specifically with the spending of money from the specific grant for Frisian in education for 2005-2007 in accordance with the Covenant• this specific grant has now been transferred to the Provinces Fund |

| | | |
|------|-----------|--|
| 2006 | education | <p><i>Herzienening doelstellingen Fries in het PO</i></p> <ul style="list-style-type: none"> • in this provincial memorandum, guidance is given to schools to effect a language policy plan in primary education • contains further detail on differentiation of pupils according to their linguistic background regarding the subject of Frisian • differentiation arises from the renewed attainment targets for Frisian in primary education laid down in 2005 |
| 2006 | culture | <p><i>Sels dwaan? Cultuurnota 2006 – 2008</i></p> <ul style="list-style-type: none"> • provincial cultural memorandum 2006-2008 • strengthening the cultural production climate • clarification of grant relationships • strengthening the relationship between culture and the economy |
| 2006 | media | <p><i>Notysje Frysk skreaune media 2007-2010</i></p> <ul style="list-style-type: none"> • contains an evaluation of existing policy regarding the use of Frisian in the written media • the journals eligible for provincial subsidies in the period 2007-2010 are decided on that basis |
| 2006 | education | <p><i>Boppeslach</i></p> <ul style="list-style-type: none"> • provincial education memorandum for 2007-2010 with the following objectives: • improving the teaching quality of education in Fryslân • introduction of an integrated language policy in Frisian education targeting a heterogeneous student population in terms of language |
| 2006 | general | <p><i>Frysk yn Fryslân: better sichtber mear fertroud</i></p> <ul style="list-style-type: none"> • provincial policy memorandum • contains principles for new provincial language policy in 2007-2010 • quantitative objectives are also stated for the first time relating to the command of Frisian among the residents of Fryslân |

Annexe 5 Authorities and organisations consulted

For the purpose of this report information was obtained from:

1. Ministry of Education, Culture & Science
2. Ministry of the Interior & Kingdom Relations
3. Ministry of Justice
4. Ministry of Health, Welfare & Sport
5. Ministry of Transport, Public Works & Water Management
6. Ministry of Finance
7. Ministry of Economic Affairs
8. Ministry of Social Affairs & Employment
9. Ministry of Agriculture, Nature Management & Fisheries
10. Provincial Authorities of Fryslân, Leeuwarden
11. Consultatief Orgaan Friese Taal (Consultative Committee on the Frisian Language)
12. Frisian municipal authorities
13. President of Leeuwarden District Court
14. President of Leeuwarden Court of Appeal
15. National Ombudsman, The Hague
16. The Netherlands Health Care Inspectorate, Utrecht
17. Police Region of Fryslân, Leeuwarden
18. University of Amsterdam
19. University of Groningen
20. University of Leiden
21. Fryske Akademy, Leeuwarden
22. Noordelijke Hogeschool, Leeuwarden (college of higher professional education)
23. Christelijke Hogeschool Nederland, Leeuwarden (college of higher professional education)
24. Van Hall Institute, Leeuwarden (college of higher professional education)
25. National Institute for Educational Measurement (CITO), Arnhem
26. Friese Poort, Leeuwarden (Regional Training Centre)
27. Friesland College, Leeuwarden (Regional Training Centre)
28. Omrop Fryslân, Leeuwarden (regional broadcaster)
29. Tryater, Leeuwarden (Frisian theatre foundation)
30. Afûk, Leeuwarden (institute for Frisian-language learning materials and adult courses)
31. Dutch Cultural Broadcasting Promotion Fund, Amsterdam
32. Literary Fund, Amsterdam
33. Dutch Literary Production and Translation Fund (NLPVF), Amsterdam
34. Fund for Amateur Art and Performing Arts, The Hague
35. The Netherlands Film Fund, Amsterdam
36. Foundation for the Promotion of Reading, Amsterdam
37. Stichting Fryske Rie, Leeuwarden (The Frisian Council Foundation)
38. Frisian International Contact Youth Association FYK, Leeuwarden
39. Stichting Keunstwurk, Leeuwarden
40. Stichting Partoer CMO Fryslân, Leeuwarden (provincial support organisation for care and welfare)
41. Stichting Revalidatie Friesland, Leeuwarden (convalescence foundation)

The following submitted additions/corrections after reading the first draft of the report:

- Ministry of the Interior & Kingdom Relations
- Ministry of Education, Culture & Science
- Ministry of Health, Welfare & Sport
- Ministry of Justice
- Province of Fryslân
- Consultative Committee on the Frisian Language

Annexe 6 Duly constituted bodies and associations legally established in the Netherlands for the object of protecting and developing the Frisian language

Overview as referred to in part I, No. 2 of the Outline for three-yearly periodical reports on the European Charter for Regional or Minority Languages of the Council of Europe, 7 February 2002 (MIN-LANG (2002) 1)

1 General

1.1 Consultatief Orgaan Friese Taal

name: Consultatief Orgaan Friese Taal
translation: Advisory body for matters pertaining to the Frisian language policy under the European Charter for Regional or Minority Languages
address: c/o Provinsjehûs
Postbus 20120
8900 HM Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2925878
fax: + 31-58-2925125
email: berie.frysk@fryslan.nl
website:
type of organisation: advisory committee on the Frisian language, instituted on 15 January 1998 by the State Secretary for the Interior, pursuant to Art. 7, paragraph 4 of the Charter; remodeled in 2002
references: 3.7.3; 4.8; 5.14

1.2 Berie foar it Frysk

name: Berie foar it Frysk
translation: Frisian Language Board
address: c/o Provinsjehûs
Postbus 20120
8900 HM Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2925878
fax: + 31-58-2925125
email: berie.frysk @ fryslan.nl
website: http://www.berie.nl
type of organisation: advisory committee on the Frisian language, instituted by the provincial council of Fryslân; remodeled in 1990
references: 3.3.2; 3.4.5; 3.7.3; 4.9; 5.15; 6.157; 6.184; 8.17-8,18; 8.68; 11.7; 11.9-11.10; 11.31

1.3 Nederlânske Kommisje fan it Europeesk Buro foar Lytse Talen

name: Nederlânske Kommisje fan it Europeesk Buro foar Lytse Talen (EBLT)
translation: Netherlands' Member State Committee of the European Bureau for Lesser Used Languages
address: Postbus 54
8900 AB Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2343027
fax: + 31-58-2131409
email: akeizer@fa.knaw.nl
website:
type of organisation: umbrella organisation (voluntary organisation)
references: 12.19; 12.32; 12.34

1.4
name: **Ried fan de Fryske Beweging**
translation: Ried fan de Fryske Beweging
address: Council of the Frisian Movement
Keetwâltsje 1
8921 EV Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2138913
fax: + 31-58-2138913
email: info@fryskebeweging.nl
website: http://www.fryskebeweging.nl
type of organisation: umbrella organisation (voluntary organisation)
references: 3.6.9; 6.81n; 11.28

1.5
name: **Federaasje fan Fryske Studinteferienings**
translation: Federaasje fan Fryske Studinteferienings
address: Federation of Frisian Student Associations
Tuinstraat 22
9711 VD Groningen
The Netherlands
telephone: + 31-50-3121147
fax:
email: federaasje@krystkongres.nl
website: http://www.krystkongres.nl/federaasje/index.html
type of organisation: umbrella organisation (voluntary organisation)
references:

2 Education (Article 8 of the Charter)

2.1 Cedin / Taalsintrum Frysk

name: Cedin / Taalsintrum Frysk
translation: Cedin Centre for Educational Advice / Department for Frisian
address: Sixmastrjitte 2
8932 PA Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2843434
fax: + 31-58-2880585
email: frysk@cedin.nl
website: <http://www.taalsintrumfrysk.nl>
type of organisation: education support service
references: 6.89; 6.91; 6.93; 6.95; 6.107; 6.113; 6.138; 6.191; 6.194; 6.219; 6.317; 6.345

2.2 Fryske Akademy

name: Fryske Akademy
translation: Frisian Academy
address: Postbus 54
8900 AB Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2131414
fax: + 31-58-2131409
email: fa@fa.knaw.nl
website: <http://www.fa.knaw.nl>
type of organisation: research institute
references: 1; 2.8; 2.19; 3.6.4; 4.7; 5.16; 6.130; 6.133; 6.138; 6.146; 6.268-6.270; 7.51; 8.59; 9.33; 10.7; 10.20; 10.46-10.59; 10.72; 10.106; 10.141; 11.9; 11.54; 12.15

2.3 Afûk

name: Algemeine Fryske Underrjocht Kommissje (Afûk)
translation: Institute for Frisian Learning Material and Frisian Adult Courses
address: Postbus 53
8900 AB Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2343070
fax: + 31-58-2159475
email: ynfo@afuk.nl
website: <http://www.afuk.nl>
type of organisation: institute of higher education (Frisian language courses), educational publisher (foundation)
references: 3.6.5; 6.75n; 6.279; 6.281; 6.301-6.302; 6.317-6.318; 6.355; 6.379; 7.25; 7.27; 7.29; 8.55n; 8.56-8.57; 8.115; 8.119; 8.122; 9.8n; 10.45n; 10.68; 10.72n; 10.103; 10.114; 10.121

2.4 Fryske Folkshegeskoalle Schylgeralân
name: Fryske Folkshegeskoalle Schylgeralân
translation: Frisian Centre for Residential Adult Education 'Schylgeralân'
address: Badwei 71
8896 JB Hoarne/Hoorn
Skylge/Terschelling
The Netherlands
telephone: + 31-562-448954
fax: + 31-562-448268
email: info@folkshegeskoalle.nl
website: http://www.folkshegeskoalle.nl
type of organisation: centre for residential adult education, conference centre
references:

2.5 Sintrum Frysktalige Berne-opfang
name: Sintrum Frysktalige Berne-opfang
translation: Centre for Frisian-medium Nurseries
address: Postbus 2549
8901 AA Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2161699
fax:
email: ynfo@sfbo.nl
website:
type of organisation: umbrella organisation for Frisian playgroups and nurseries
references: 6.70-6.71

2.6 Feriening Frysktalige Berne-opfang
name: Feriening Frysktalige Berne-opfang
translation: Frisian Nurseries Association
address: Mr. R. Valk PhD
secretary
Hempenserweg 8
8935 BC Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2883259
fax:
email: rw- Valk@zonnet.nl
website:
type of organisation: interest organisation
references: 6.67; 6.71

2.7 Feriening foar Frysk Underwiis
name: Feriening foar Frysk Underwiis (FFU)
translation: Association for Frisian Language Education
address: c/o Mr. S.T Hiemstra
secretary
G. Sondermanstrjitte 29
9203 PT Drachten
The Netherlands
telephone: + 31-512-518927
fax:
email: ffupost@hotmail.com
website:
type of organisation: interest organisation
references: 6.81n

2.8

Vereniging van Leraren in Levende Talen / sectie Fries
name: Vereniging van Leraren in Levende Talen / sectie Fries
translation: Association for Teachers of Modern Languages / Frisian section
address: c/o Ms B.A Gezelle Meerburg
president
Jislumerdyk 2
9111 HC Burdaard
The Netherlands
telephone: + 31-519-332890
fax:
email: gezellem@iec.nhl.nl
website: <http://www.levendetalen.nl>
type of organisation: interest organisation
references:

3 Public administration (Article 10 of the Charter)

3.1 Topografyske Wurkgroep Fryslân
name: Topografyske Wurkgroep Fryslân
translation: Committee for Topographic Names in Fryslân
address: c/o Mr. Cor Jousma
Klysterstrjitte 5
9269 NR Feanwâlden/Veenwouden
The Netherlands
telephone: + 31-511-473766
fax:
email: c.jousma@tele2.nl
website:
type of organisation: expert committee
references: 8.88

4 Media (Article 11 of the Charter)

4.1 Stichting Omrop Fryslân
name: Stichting Omrop Fryslân
translation: Radio and TV Fryslân
address: Postbus 7600
8903 JP Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2997799
fax: + 31-58-2997778
email: direksje@omropfryslan.nl
website: <http://www.omropfryslan.nl>
type of organisation: regional radio and television broadcasting organisation
references: 3.7.16; 6.75; 6.194; 9.3; 9.6; 9.10-9.13; 9.15; 9.20-9.31; 9.45; 9.47; 9.50; 10.15; 10.72n; 10.124; 11.28

4.2 Feriening Freonen fan Omrop Fryslân
name: Feriening Freonen fan Omrop Fryslân
translation: The 'Omrop Fryslân' Audience Association
address: Postbus 7600
8903 JP Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2153375
fax: + 31-58-2997778
email: freonen@omrop.fryslan.nl
website: <http://www.omropfryslan.nl>
type of organisation: association/support group
references: 11.28

5 Culture (Article 12 of the Charter)¹⁷

- 5.1 Tresoar**
name: Tresoar – Fries Historisch en Letterkundig Centrum
translation: Tresoar – Frisian Historical and Literary Centre
address: Postbus 2637
8901 AC Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-7890789
fax: + 31-58-7890777
email: info@tresoar.nl
website: http://www.tresoar.nl
type of organisation: joint scheme Letterhoeke 2002 (central government / provincial government / FLMD board): public archives, provincial library, Frisian literary museum and documentation centre, regional heritage
references: 6.312; 6.317; 6.319; 10.10; 10.20; 10.33-10.45; 10.65; 10.72n; 10.93
- 5.2 It Skriuwersboun**
name: It Skriuwersboun
translation: Association of Frisian Authors
address: Postbus 1311
8900 CH Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2343090
fax:
email: skriuwersboun@hotmail.com
website: http://skriuwersboun.nl
type of organisation: interest organisation
references: 10.68
- 5.3 Stichting It Fryske Boek**
name: Stichting It Fryske Boek
translation: The Frisian Book Foundation
address: Postbus 1311
8900 CH Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2343090
fax: + 31-58-2131866
email: ynfo@fryskeboek.nl
website: http://www.fryskeboek.nl
type of organisation: foundation
references: 10.65; 10.68; 10.73; 10.90

¹⁷ Institutions, organisations and associations that operate specifically in the field of international contacts are listed in part 6 of this annexe.

- 5.4 Stichting It Frysk Berneboek**
name: Stichting It Frysk Berneboek
translation: The Frisian Children's Book Foundation
address: Postbus 1311
8900 CH Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2343090
fax: + 31-58-2131866
email: ynfo@fryskeboek.nl
website: http://www.fryskeboek.nl
type of organisation: foundation
references: 10.73; 10.140
- 5.5 Tryater**
name: Fryske Toaniel Stifting Tryater
translation: The Frisian Theatre Foundation Tryater
address: Eastersingel 70
8921 GB Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2882335
fax: + 31-58-2886824
email: info@tryater.nl
website: http://www.tryater.nl
type of organisation: professional Frisian-language theatre company
references: 10.7; 10.10; 10.14-10.15; 10.21-10.32; 10.141; 12.33
- 5.6 Stichting Amateuroaniel Fryslân**
name: Stichting Amateuroaniel Fryslân
translation: Frisian Amateur Theatre Groups Foundation
address: c/o Ms A. Stolte
Wissedwinger 1
8911 ER Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2343449
fax:
email: a.stolte@keunstwurk.nl
website: http://www.staf-fryslan.nl
type of organisation: umbrella organisation for Frisian-language amateur theatre groups
references:
- 5.7 Stichting It Fryske Amateur Toaniel**
name: Stichting It Fryske Amateur Toaniel
translation: Foundation Frisian Amateur Theatre
address: c/o Mr. K. Kuipers
Willem Loadewykstrjitte 115
8933 BL Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2125383
fax:
email:
website:
type of organisation: umbrella organisation of Frisian organisations (incl. 5.6 and 5.8) to promote Frisian-language amateur theatre
references:

5.8 **It Frysk Boun om Utens**
name: It Frysk Boun om Utens
translation: Federation for Frisians living outside the province of Fryslân
address: c/o Mr. H.J. Weijer
 Witterweg 29
 9421 PE Bovensmilde
 The Netherlands
telephone: + 31-592-412165
fax:
email: skriuwerfbou@fryskbutenfryslan.nl
website: http://www.fryskbutenfryslan.nl
type of organisation: umbrella organisation of voluntary associations
references: 10.120; 10.122-10.124

5.9 **Feriening Eftrije**
name: Feriening Eftrije
translation: Youth Organisation for Frisian language and culture
address: c/o Mr S.S. Posthumus
 Douwe Sikke Bangmastrjitte 25
 9008 TJ Reduzum
 The Netherlands
telephone: + 31-566-602928
fax:
email: sybrenposthumus@hotmail.com
website:
type of organisation: voluntary organisation
references: 7.42 n.

5.10 **Stichting Fryske Klub Ljouwert**
name: Stichting Fryske Klub Ljouwert
translation: Frisian Club Ljouwert Foundation
address: c/o Mr. S.S. Posthumus
 Douwe Sikke Bangmastrjitte 25
 9008 TJ Reduzum
 The Netherlands
telephone: + 31-566-602928
fax:
email: info@fryskeklub.net
website: http://www.fryskeklub.net
type of organisation: voluntary organisation
references:

6 International exchanges (Article 12, paragraph 2, and Article 14 of the Charter)

6.1 Fryske Rie

name: Fryske Rie
translation: Frisian Council
address: Troelstrapark 3
8918 MA Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2670876
fax:
email:
website: <http://www.ynterfryskerie.nl>
type of organisation: voluntary organisation
references: 12.15; 12.19; 12.27-12.29

6.2 FYK

name: Jongereinferiening Frysk Ynternasjonaal Kontakt (FYK)
translation: Frisian International Contact Youth Association
address: Postbus 2548
8901 AA Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-519-589674 (Arjen Dykstra)
fax:
email: ynfo@fyk.nl
website: <http://www.fyk.nl>
type of organisation: voluntary organisation
references: 12.15; 12.30-12.31

6.3 Mercator-Education

name: Mercator-Education
translation: Mercator-Education
address: Postbus 54
8900 AB Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2131414
fax: + 31-58-2131409
email: mercator@fa.knaw.nl
website: <http://www.mercator-education.org>
type of organisation: information network (part of the Fryske Akademy; see this annexe under 2.2)
references: 10.58

Annexe 7 List of abbreviations

| | |
|--------------------|---|
| AFUK | Algemeine Fryske Underrjocht Kommisje (Institute for Frisian Learning Material and Frisian Adult Courses) |
| AOC | Agricultural Training Centre |
| BA/MA | Bachelor's/Master's |
| CHN | Christelijke Hogeschool Nederland |
| ETS | European Treaties Series (Council of Europe) |
| FBO | Frisian Nurseries Association |
| FLD | Lytse Doarpen Association |
| FLMD | Frisian Literary Museum and Documentation Centre |
| GCO <i>fryslân</i> | Joint School Advisory Services Centre in Fryslân |
| HAVO | senior general secondary education |
| HBO | higher professional education |
| HGIS | Homogeneous Budget for International Cooperation |
| IBBY | International Board on Books for Young People |
| ISOVSO | Special Education Interim Act |
| IVBO | individualised pre-vocational education |
| KNAW | Royal Netherlands Academy of Arts and Sciences |
| LOM | learning and behavioural difficulties |
| MAVO | junior general secondary education |
| MBO | secondary vocational education |
| MLK | children with learning difficulties |
| NEN | Netherlands Standardisation Institute |
| NHL | Noordelijke Hogeschool Leeuwarden |
| NLPVF | Netherlands Literary Production and Translation Fund |
| OSG | public-authority combined school |
| OU | Open University |
| ROC | Regional Training Centre |
| TMT | Twa Minute-Toets (two-minute test) |
| VBO | pre-vocational education |
| VMBO | pre-vocational secondary education |
| VWO | pre-university education |
| WBO | Primary Education Act 1981 |
| WEB | Adult and Vocational Education Act |
| WEC | Expertise Centres Act |
| WHW | Higher Education and Research Act |
| WO | university education |
| WPO | Primary Education Act 1998 |
| WVO | Secondary Education Act |
| ZMLK | children with severe learning difficulties |

Annexe 8 Concession decrees on public transport in the Province of Fryslân

At present, the Province of Fryslân has granted 10 different concessions for public transport operations within the province. Regulations on the use of the Frisian language have been included in all of these concessions. An overview of the regulations for each of these concessions is provided below.

The regulations have been included in the Schedule of Requirements and/or the specifications for public tenders that form part of the concessions from the time of being awarded.

1. Regional rail transport (two concessions, one for the railway lines from Leeuwarden to Harlingen and Stavoren and one for the Frisian part of the railway line from Leeuwarden to Groningen – the duration of both concessions is from 11 December 2005 to December 2020).
Included under A6.1 of the specifications in relation to both concessions is the fact that ‘the personnel should have a passive command of the Frisian language’.
2. Concession for North and Southwest Fryslân - duration from 10 December 2006 to December 2012.
Requirement number 222 in the specifications includes the following passage: ‘Personnel who have direct contact with passengers should have a passive command of the Frisian, English and German languages. This means that the personnel should comprehend and understand these languages.’
3. Concession for Leeuwarden public transport – duration from 1 January 2008 to December 2012.
Paragraph 9.4 of the Schedule of Requirements includes in requirement number 43 the fact that ‘personnel should understand Frisian, English and German’. This requirement is repeated once more in the specifications as requirement 46 in paragraph 9.1.
4. Concession for Frisian part of line 315 (Groningen – Heerenveen – Lemmer – Lelystad) – duration from 1 July 2005 to 30 June 2011 inclusive.
Included under point 8 of paragraph 5.2.5 of the specifications is the fact that ‘personnel should have a command of the Dutch language and, on the Frisian section of the route, should have a passive command of the Frisian language within 6 months of commencing the concession’.
5. Concession for Southeast Fryslân – duration from 1 September 2002 to December 2008.
Paragraph 5.5 of the Schedule of Requirements includes under it the fact that ‘personnel should have at least a passive command of the Frisian language’. This is repeated once more in requirement 2 in paragraph 2.5 of the specifications.
6. Concessions for the Frisian Islands (four separate concessions for the islands of Vlieland, Terschelling, Ameland and Schiermonnikoog respectively – duration from 1 January 2002 to 1 March 2008).
Included under point 2 of paragraph 3.7.1 of the combined specifications for these four concessions is the fact that ‘it is necessary for personnel to be able to speak, understand and write the Dutch language and to understand the Frisian, German and English languages’.

Ministry of the Interior and Kingdom Relations
Schedeldoekshaven 200
Postbus 20011
2500 EA Den Haag (The Hague)
The Netherlands