



Strasbourg, 20 September 2001

ECRML (2001)1

European Charter for Regional or Minority Languages

APPLICATION OF THE CHARTER IN THE NETHERLANDS

- A. Report of the Committee of Experts on the Charter**
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by the Netherlands**

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making Recommendations for improvements in its legislation, policy and practices. The central element of this procedure is the Committee of Experts, established in accordance with Article 17 of the Charter. Its principal purpose is to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of the regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15.1, an outline for the initial periodical report that a Party is required to submit to the Secretary General. The report should be made public by the State. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under its Part II and in more precise terms all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee's first task is therefore to examine the information contained in the initial periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee's role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee gathers information from the respective authorities and from independent sources within the State, so as to attempt to obtain a just and fair overview of the real language situation. After a preliminary examination of an initial periodical report, the Committee submits, if necessary, a number of questions to each Party to procure supplementary information from the authorities on matters it considers insufficiently developed in the report itself. This written procedure is usually followed up by an "on-the-spot visit" of a delegation of the Committee to the respective State. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention. This information-gathering process is designed to enable the Committee to better evaluate the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers together with suggestions for recommendations that the latter could decide to address to one or more Parties as may be required.

CONTENTS

A.	Report of the Committee of Experts on the application of the Charter in the Netherlands	5
	Chapter I: Background information	7
	Chapter II: The Committee's evaluation in respect of Part II and Part III of the Charter	10
	Chapter III: Findings of the Committee	27
	Appendix I: Instrument of Acceptance	29
	Appendix II: Comments of the Dutch authorities	31
B.	Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter in the Netherlands	33



Strasbourg, 9 February 2001

European Charter for Regional or Minority Languages

A. Report of the Committee of Experts on the application of the Charter

presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

THE NETHERLANDS

CONTENTS

Chapter 1 Background information

- 1.1 The work of the Committee of Experts
- 1.2 Presentation of the regional or minority language situation in the Netherlands
- 1.3 Particular issues arising in the evaluation of the application of the Charter in the Netherlands

Chapter 2 The Committee's evaluation in respect of Part II and Part III of the Charter

- 2.1 The evaluation in respect of Part II of the Charter
- 2.2 The evaluation in respect of Part III of the Charter

Chapter 3 Findings

Appendix I: Instrument of Acceptance

Appendix II: Comments of the Dutch authorities

Chapter 1 Background information

1. The Kingdom of the Netherlands signed the European Charter for Regional or Minority Languages (hereafter referred to as the Charter) on 5 November 1992 and deposited its instrument of acceptance on 2 May 1996. On 19 March 1997, a supplementary declaration was submitted in a Note Verbale to the Council of Europe, by the Permanent Representation of the Netherlands (attached in Appendix I). The Charter entered into force for the Netherlands on 1 March 1998. The Dutch authorities published the text of the Charter in the Dutch Treaty Series in 1993, No. 1 (in English and French) and No. 199 (in the Dutch language).

2. In accordance with Article 15.1 of the Charter, the Netherlands presented its initial periodical report to the Secretary General of the Council of Europe in January 1999. It should be noted that the Dutch initial periodical report was not prepared in accordance with the outline for periodical reports adopted by the Committee of Ministers. The reason for this is that the Dutch authorities had already prepared a report on the situation of the Frisian language before the Committee of Ministers adopted the outline. The Committee of Experts decided to accept the report in its existing form but requested further information on the situation of the languages covered by Part II of the Charter. The Dutch authorities published their initial periodical report in accordance with the requirement in Article 15.2, by making it available through the Ministry of the Interior and by sending a copy of the report to the representatives of the Frisian language. Three Addenda to this report were sent to the Committee. Addendum 3 contains information on the Lower Saxon, Limburger, Roma and Sinti and Yiddish languages. The Committee has not been informed whether the three Addenda have been made public by the authorities in the same way as the initial periodical report, but it noted that the representatives of the associations it met in the Netherlands during its on-the-spot visit had received a copy of the reports prior to the meetings.

3. The present report was adopted by the Committee of Experts on 7 February 2001.

1.1 The work of the Committee of Experts

4. Taking into consideration the unusual situation of the presentation of the Dutch report, the Committee, after its preliminary examination of the report, submitted a questionnaire to the authorities of the Netherlands. The answers provided by the latter made good the lack of elements required in the original report. A delegation of the Committee of Experts then undertook an "on-the-spot visit" to the Netherlands. During this visit, the delegation invited representatives of all the Part II languages and met representatives of Frisian, Lower Saxon, Limburger and Yiddish. The representatives of the Roma and Sinti languages did not attend the meeting with the Committee. The delegation also met the provincial authorities of Friesland and other representatives of the Frisian language, and finally consulted with the Dutch central authorities. On the basis of the information gathered from the initial periodical report, the questionnaires and the "on-the-spot visit", and from correspondence with various groups representing the Frisian-speakers, the Committee of Experts was able to prepare its evaluation of the application of the Charter in the Netherlands.

5. The Committee has established a list of proposals for the preparation of recommendations of the Committee of Ministers to the Netherlands, as required by Article 16.4 of the Charter (see Chapter 3.2 of this report). Furthermore, where necessary, the Committee has made in the body of the report more detailed observations which it encourages the authorities of the Netherlands to take into consideration when developing their policy with regard to regional or minority languages.

6. This report is based on the political and legal situation at the time when the Charter was accepted by the Netherlands and at the time when the latter presented its initial periodical report to the Council of Europe. It is based on the information that the Committee was able to obtain through the sources mentioned above.

1.2. Presentation of the regional or minority language situation in the Kingdom of the Netherlands

7. Frisian is the second official language in the Province of Friesland. The existing Covenants on the Frisian Language and Culture play a major part in the preservation and development of Frisian as a regional or minority language in the province of Friesland. These Covenants are agreements between the provincial government and the State and have been implemented where necessary by specific laws. The Covenants are concluded periodically between the Province of Friesland and the central government. They set the objectives and policies of the two parties with regard to Frisian language and culture. The first Covenant was concluded in 1989, the second in 1993 and the third one is currently under preparation. According to the provisions of the 1993 Covenant, the State Secretary of Home Affairs in the Netherlands is required to present a detailed report to Parliament on the implementation of the Covenant indicating the measures that have been taken with regard to the Frisian language. Specific legislation has been adopted applying to the use of the Frisian language in the Province of Friesland in the spheres of education, the courts and legal transactions, public administration and the media.

8. The Frisian language is also protected under Part III and the instrument of acceptance identifies the relevant provisions that have been chosen to apply to that language. It furthermore identifies the Lower Saxon and Limburger languages as territorial languages protected under Part II, as well as the Roma and Sinti and Yiddish languages as non-territorial languages in accordance with Article 7.5. As stated above, the initial periodical report of the Netherlands did not give any information on the languages covered only by Part II. At a later stage, the Committee requested and received information on how the Dutch authorities protect these languages. Their principal answers are contained in Addendum 3 to the initial periodical report.

9. The initial periodical report indicates the number of speakers of Frisian, concluding that 71% of the inhabitants of Friesland consider themselves as Frisian-speaking, of whom 94% can understand the language, 74% can speak it, 65% can read it and 17 % write the language. This information has been based on an unofficial survey from 1994 and should be considered only as an indication of the use of the Frisian language.

10. There are no official figures of the number of speakers of Roma and Sinti languages and of Yiddish in the Netherlands. The authorities confirmed that

there are most likely a few hundred speakers of Yiddish but they could not give an indication of the exact number of Roma and Sinti language speakers. The Limburger language is spoken in the province of Limburg. Three main variants of the language exist respectively in northern Limburg, central and southern Limburg, and in the south-eastern area of the Province. It is estimated that 70% of the residents of the province (approximately 770.000) can understand and speak the language. According to the government's estimation, there are about 1,800,000 speakers of Lower Saxon languages. They are concentrated in the Provinces of Groningen, Drenthe and Overijssel, in the municipalities of Ooststellingwerf and Weststellingwerf in the south-eastern part of the Province of Friesland, and in the regions of Achterhoek and Veluwe in the Province of Gelderland.

1.3. Particular issues arising in the evaluation of the application of the Charter in the Kingdom of the Netherlands

11. The instrument of acceptance submitted by the Netherlands to the Council of Europe identifies the provisions. At the time of the presentation of the initial periodical report to the Council of Europe, the following legal acts and decrees were relevant to the application of the Charter as regards Frisian:

Education:

- 1981 Primary Education Act
- Teaching Qualifications Decree (1985, the last amended being from 1996)
- Special Education Act (1982, amended in 1988)
- Secondary Education Act (1963, the last amendment being from 1998)
- Adult and Vocational Education Act (1995)
- Higher Education and Research Act (1992)
- Primary Education Key Objectives Order (1993).

Judicial matters:

- Use of Frisian (judicial matters) Act (1997)
- Births, marriages and deaths (Registration) Decree (1994)
- Notaries Act (1999)

Administrative matters:

- General administrative Law Act (1995)
- Province Act (1992)
- Municipalities Act (1992)
- Elections decree (1989 and amended in 1997)
- Birth, marriages and deaths (registration) decree 1994

Media

- Media Act (1987, amended on numerous occasions)
- Media Decree (1987, amended on numerous occasions)

12. As regards the languages only covered by Part II of the Charter, there seem to be no specific acts, decrees or provisions applicable to the different languages. Their situation is the result of the implementation of different policy measures adopted by the authorities and bodies concerned by the use of each of the languages. In this context, the acceptance of the Charter could be considered as the first legally binding attempt to give to the Limburger, Lower

Saxon, Sinti, Roma and Yiddish languages a status deriving from respect for the objectives and principles set out in Article 7 of the Charter.

Chapter 2. The Committee's evaluation in respect of Part II and Part III of the Charter

13. The text of the Charter, when read in conjunction with the instrument of acceptance, indicates the exact undertakings that apply in respect of the Frisian language in the Province of Friesland, in the fields covered by Part III of the Charter. The Committee has evaluated how the State has fulfilled each undertaking in Article 7 for all the languages protected under the Charter. As for the Frisian language, to which both Part II and Part III of the Charter apply, the Committee has also examined the paragraphs and sub-paragraphs of Part III (Articles 8-14) of the Charter specified in the instrument of acceptance.

2.1. The evaluation in respect of Part II of the Charter

14. Part II of the Charter sets out a number of general objectives and principles that a Party is obliged to apply to all the regional or minority languages on its territory. In the Netherlands, Article 7 of the Charter therefore applies to the Frisian, Roma and Sinti, Yiddish, Lower Saxon and Limburger languages.

Article 7 - Objectives and principles

"In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

- a. the recognition of the regional or minority languages as an expression of cultural wealth;"*

15. This undertaking concerns the recognition of the existence of the Frisian, Lower Saxon, Limburger, Yiddish and Roma and Sinti languages and of the legitimacy of their use. Admitting the existence of these languages is therefore a precondition for taking their specific features and needs into consideration and for taking action on their behalf. Furthermore, with the explicit inclusion of these languages within the scope of the Charter, the Netherlands fully recognises their importance as an expression of cultural wealth.

- "b. the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;"*

16. This undertaking is not relevant to the Roma and Sinti and the Yiddish languages since they lack a territorial basis. The Committee considers this undertaking fulfilled for the Frisian, Limburger and Lower Saxon languages with the possible exception of Gelderland. The situation in this province is dealt with below in paragraph 19.

- "c. the need for resolute action to promote regional or minority languages in order to safeguard them;"*

17. The Dutch authorities are aware of the need to protect the Frisian language. They have collaborated substantially in various ways to preserve and promote the language, notably by the adoption of the Covenants on the use of the Frisian language and by providing the Province of Friesland with financial

support which it may allocate to various activities aimed at preserving the Frisian language and culture. These actions will be considered in more detailed terms in the second part of this chapter.

18. As concerns the Yiddish, Roma and Sinti, Limburger and Lower Saxon languages, the Committee concludes from the information obtained that, although some action has been taken, the level of resolute action is not yet satisfactory. Moreover, in respect of the Lower Saxon and Limburger languages, the local authorities do not sufficiently support their real use through concrete action without any specific encouragement from the central authorities. The Committee was informed that in particular the users of Lower Saxon in Gelderland do not receive the same recognition as in the other provinces and they do not have the same possibilities to receive public funding.

19. The Committee therefore considers that the Netherlands have not yet satisfactorily fulfilled this undertaking in respect of the Roma and Sinti, Yiddish, Limburger and Lower Saxon languages.

“d. the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;”

20. The action that has been taken to facilitate and/or encourage the use of Frisian in speech and writing, in public and private life will be dealt with in the second part of this chapter on the application of Part III of the Charter.

21. The use of the Lower Saxon languages is allowed in public and private life. In public administration the language is accepted in the sense that interpreters are provided upon the request of a party to proceedings and the oral use of the Lower Saxon languages is allowed in local and regional assemblies. There are possibilities of using the languages in the provinces concerned, but again this depends on the will of the region itself. There is no overall strategy adopted at State or regional level to attain a coherent policy that would encourage or facilitate the use of the language. Such a strategy would harmonise the efforts that are presently being made and would enhance activities and co-operation between the various provinces that use the Lower Saxon languages with the support of the central authorities. Financial support is provided for publications or other works in the Lower Saxon languages, which is an important element in maintaining the languages in those provinces where they are used. The Committee therefore concludes that the State authorities have little direct influence, since this encouragement or facilitation is in the hands of the provinces. The provinces should be encouraged by the State to pursue an active policy to facilitate and promote the use of the Lower Saxon languages.

22. The Limburger language is supported to a certain extent at local level by the Province of Limburg. Various organisations in the Province are involved in language-related cultural activities, but only one organisation (Veldeke) has been granted financial support by the provincial authorities.

23. The Roma and Sinti languages have not received any direct support from the Dutch authorities.

24. The Yiddish language is mainly used in private life, that is in the home and not in the outside community. No specific courses are provided by the authorities to teach the language. There are however a number of private

institutes that pursue various activities promoting the language and which have been supported by the Dutch authorities through various funding schemes.

“e. the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;”

25. This undertaking is fulfilled for all languages covered by Part II of the Charter. Nevertheless, as concerns Lower Saxon, the Committee observes that the administrative division of the provinces where these languages are spoken results in an obstacle to the links between the communities, especially as regards cable television.

“f. the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;”

26. The provision of means of teaching and study of Frisian will be dealt with in the second part of this chapter on the application of Part III of the Charter.

27. The Primary Education Act contains a provision that a living regional language may be used as a medium of instruction in schools. This is, however, exclusively under the competence and decision of the province. Teaching of Lower Saxon at pre-school, primary and secondary school level is organised only in the municipalities of Ooststellingwerf and Weststellingwerf. It was stated by the representatives of the Lower Saxon languages during the “on-the-spot visit” of the Committee of Experts that owing to the inferior social status of the languages a serious psychological barrier exists, and that the teaching of the language is considered unnecessary and “bad” for the children. The provincial governments allow the teaching of the language but are not taking any initiatives to try to promote it within the education field. There exist no teaching materials that can meet Dutch education standards, and there is a lack of teacher training and more importantly a lack of teachers that can teach the Lower Saxon languages. Lower Saxon can be studied at the University of Groningen.

28. For the Limburger language no provision is made for appropriate forms and means of its teaching. This is entirely left to the province, which has taken no initiatives to teach the language at any level of education. No teachers or teaching materials are available. The attitude in the education system seems to be very much to the detriment of the language.

29. There is little provision made of appropriate forms and means for the teaching and study of the Roma and Sinti languages.

30. The authorities have not made any specific provision for the teaching and study of Yiddish at all appropriate stages. At present private organisations provide teaching of Yiddish at primary and secondary level in Amsterdam.

The Committee encourages the Netherlands to adopt a coherent strategy for the teaching and study of the Roma and Sinti, Limburger and Lower Saxon languages.

“g. the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;”

31. The facilities provided to enable non-speakers of Frisian to learn this language will be evaluated in the second part of this chapter on the application of Part III of the Charter.

32. The local authorities do provide funding for the teaching of Lower Saxon languages, but the initiatives are of a private nature.

33. The authorities have not made any direct provisions enabling non-speakers of the Limburger language to learn the language. Private initiatives have been undertaken.

34. There is no provision of facilities enabling non-speakers of Roma and Sinti languages to learn them.

35. The University of Amsterdam offers courses for the teaching of Yiddish. However, there is little interest from the public to attend the courses, and they have therefore been discontinued. Private organisations have organised courses in Yiddish.

“h. the promotion of study and research on regional or minority languages at universities or equivalent institutions;”

36. The measures undertaken to promote the study of, and research on, the Frisian language will be evaluated in the second part of this chapter on the application of Part III of the Charter.

37. The Lower Saxon languages are studied and researched to some extent at the Meertens Institute in Amsterdam. The Limburger language is studied and researched at the University of Nijmegen.

38. There is no study of or research on the Roma and Sinti language in the Netherlands within the meaning of this undertaking.

39. The Yiddish language is studied and researched at the University of Amsterdam and in other equivalent institutions.

“i. the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.”

40. The measures undertaken to promote transnational exchanges that concern the Frisian language will be evaluated in the second part of this chapter on the application of Part III of the Charter.

41. Transnational exchanges exist for the Lower Saxon languages between the Netherlands and Germany.

42. Substantial transnational exchanges exist between the Netherlands and Belgium for the Limburger language in the field of culture, education and media.

43. Owing to lack of information, the Committee cannot conclude whether this undertaking is fulfilled in respect of the Roma and Sinti languages.

44. The Jewish community organises transnational exchanges through initiatives which are of a private nature and without any direct State support.

“Paragraph 2

The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages 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.”

45. The Committee considers that in general the Dutch authorities fulfil this undertaking. The sole difficulty is with the Limburger language, which, at an international level, while recognised as a language under the Charter, is in fact not recognised as a language within the Dutch Language Union (Taalunie). The Committee suggests that the Netherlands Government state its position on the Limburger language in relation to the stance adopted by the Secretary General of this official body.

“Paragraph 3

The Parties undertake 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.”

46. The general purpose of this undertaking is to develop understanding for a situation of language plurality within a State. The development of this spirit of tolerance and receptiveness through the education system and the media would be an important factor in the practical preservation of all the regional or minority languages in the Netherlands.

47. According to the information obtained by the Committee there is no clear evidence, apart from some efforts concerning Frisian (see Media), that initiatives of the kind described in article 7, paragraph 3 have been undertaken.

“Paragraph 4

In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.”

48. The provincial authorities in Friesland and the Fryske Akademy of Arts and Sciences were consulted prior to acceptance as well as during the preparation of the initial periodical report.

49. The provincial authorities of the territories where the Lower Saxon languages are used were consulted at the time when the Bill to accept the Charter was debated. Bodies and associations that promote the Lower Saxon languages were not consulted directly. However, at the time when the Dutch report on the Lower Saxon language was drafted, an umbrella organisation of the Lower Saxon language was consulted.

50. The association Veldeke Limburg was consulted at the time when the report on the Limburger language was prepared. This organisation has a somewhat privileged relationship with the authorities of the province of Limburg. Other organisations were not consulted at any stage.

51. No consultation has taken place with groups which use the Roma and Sinti languages.

52. Representatives of the Yiddish language were consulted before the signature and acceptance of the Charter and also during the preparation of the report on the Yiddish language.

“Paragraph 5

The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.”

53. The Roma and Sinti languages and Yiddish are relevant to this undertaking and the measures that have been undertaken by the authorities have been listed above.

2.2 . The evaluation in respect of Part III of the Charter

54. The Committee of Experts examined in more detail the existing protection of the Frisian language, which is specified under the protection mechanism of Part III of the Charter. The territory of application of the relevant provisions of Part III has been identified in the initial Periodical Report of the Netherlands as the Province of Friesland. Having examined the report, the Committee visited the Netherlands, where it met both representatives of the Frisian linguistic minority and government officials. It now presents its findings in respect of each undertaking. The paragraphs and sub-paragraphs that are quoted in bold italics are the specific obligations chosen by the Netherlands.

Article 8 - Education

56. The Netherlands has chosen nine options or obligations of Article 8 of the Charter. It must be noted that education is a complex, wide-ranging and, within the Frisian speaking community, highly sensitive policy field. The Committee recognises the important efforts made by the Government in this respect and understands that the implementation of these provisions is subject to an ongoing process of consultation in which the Covenant between the Dutch Government and the Province of Friesland on the Frisian language and culture plays an important part.

“Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

Pre-school education

a. ii. to make available a substantial part of pre-school education in the relevant regional or minority languages;”

57. In the Netherlands, pre-school education is not within the competence of the Ministry of Education, Culture and Science and is therefore formally not part of the Dutch educational system. Pre-school education in the Netherlands covers the age-group 2 to 4. It falls within the competence of the Ministry of Health, Welfare and Sports and is organised and supervised by the municipal authorities.

58. No statutory measures have been taken to ensure the use of Frisian at pre-school level. Furthermore, the Committee has received information that out of 225 playgroups in Friesland only 7 operate in Frisian. There is insufficient teaching material in Frisian and no adequate training of playgroup teachers in Frisian.

59. The Committee considers therefore that this undertaking is not fulfilled.

The Committee encourages the government to make available a substantial part of pre-school education in Frisian.

Primary education

“b.ii. to make available a substantial part of primary education in the relevant regional or minority languages;”

60. As the most recent Educational Inspectorate survey with regard to Frisian as a medium of instruction at primary school level dates back to 1988/1989, it is difficult to determine whether this undertaking is fulfilled. According to government spokesmen, a new investigation into this question has been agreed upon. The Committee looks forward to receiving updated information on the situation of primary education in Frisian.

61. Although there is a legal framework and the authorities have adopted key objectives for Frisian at primary school level, there is much doubt whether these objectives can be achieved in practice. According to the information given to the Committee during the “on-the-spot visit”, few primary schools teach in Frisian and, if they do, it is only one lesson per week, which cannot be interpreted as a “substantial part of primary education”.

62. The Committee considers that this undertaking is not fulfilled.

The Committee invites the Government to make available a substantial part of primary education in Frisian.

Secondary education

“c. iii. to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;”

63. In the Netherlands secondary education initially follows a programme of “basic education” before leading up to the second stage of secondary education, which is divided into three general education programmes and pre-vocational programmes. “Basic education”, seen as a kind of orientation period, can last between 2 and 4 years, depending on the student's abilities. According to existing school legislation, the teaching of Frisian is obligatory in “basic education”, whereas it is only an optional subject in the last grade of secondary education.

64. According to the information received by the Committee, Frisian is only taught for one year at the level of “basic education”. This makes it impossible to achieve the key objectives, which happen to be identical with the objectives for the Dutch language. Furthermore, a large gap is created between the study of Frisian in “basic education” and the last grade of upper secondary education, which often prevents students from taking Frisian as an optional subject in the last grade of upper secondary education. In 1996/97 only 14 students chose Frisian as an optional subject for their leaving exam. Other reasons are the low quality of teaching, lack of interest on the part of teachers, parents and the students themselves and insufficient teaching materials.

65. The Committee considers that this undertaking is not fulfilled.

The Committee encourages the government to take the necessary steps to improve the present situation of Frisian in secondary education by defining clear key objectives for Frisian and ensuring that the quality and the continuity of the educational process are improved so that these objectives can be met. This would certainly make Frisian a more attractive choice for students in upper secondary education.

University and higher education

“e.iii. to provide facilities for the study of these languages as university and higher education subjects.”

66. Three colleges of higher vocational training are situated in the province of Friesland. Frisian is included in teacher training courses aimed at primary and secondary school teachers at two colleges. There is no evidence available that Frisian is taught at the third college, the “Van Hall Institute”, specialising in nutritional, environmental and agricultural careers. Furthermore, Frisian language and literature can be studied at the Universities of Groningen and Amsterdam.

67. However, according to the information received by the Committee, there is no adequate funding to ensure a satisfactory level of teaching of Frisian at the colleges mentioned above. This also accounts partly for the fact that there are no additional general courses of Frisian at these colleges.

68. The Committee considers that this undertaking is partially fulfilled.

The Committee encourages the Government to pursue a more active approach with respect to the provision of facilities for the study of the Frisian language as a higher education subject.

Continuing education

“f.i. to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages;”

69. Although there exists a legal basis for the provision of adult and continuing education that is taught mainly or wholly in Frisian, there is no evidence that such teaching exists in practice apart from private initiatives like the “AFUK”. According to government sources, adult and continuing education lies within the responsibility of local authorities. The Committee considers this provision not fulfilled.

The Committee encourages the Government to arrange for the provision of adult and continuing education courses in Frisian.

Teaching of history and culture

“g. to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;”

70. No statutory measures have been taken to guarantee this undertaking. Frisian history and culture are thought to be part of Dutch history and culture. According to the information the Committee received, there is, with the exception of primary school teaching, very little done in this field. There is, in particular, virtually no such teaching at secondary school level, mainly owing to the lack of teaching material and adequate funding. The Committee considers that this undertaking is not fulfilled.

Teachers training

“h. to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;”

71. So far no statutory measures have been taken for the provision of Frisian in the basic and further training of teachers in pre-school and adult education. Furthermore, from the information the Committee received, it appears that in practice the implementation of this provision at other levels is not satisfactory either, mainly owing to the lack of adequate funding. Government representatives stated that a special advisory body was looking into this matter. The Committee considers that this undertaking is not fulfilled.

The Committee encourages the Government to ensure the fulfilment of this undertaking for all the teachers required to implement the provisions of paragraphs a to g accepted by the Netherlands when ratifying the Charter.

Advisory body

“i. to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.”

72. The Education Inspectorate acts as a supervisory body in education matters. According to government sources, the Education Inspectorate and a research institute are presently carrying out a survey evaluating the use of Frisian in primary education. The Committee considers that this undertaking is fulfilled. The Committee looks forward to receiving the information based on this survey and trusts that the Education Inspectorate will ensure the drawing up of periodical reports at all levels of education.

“Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.”

73. There is some teaching of Frisian outside the Province of Friesland, at primary school level and in university and adult education. The Committee therefore considers this undertaking fulfilled.

Article 9 - Judicial authorities

“Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

in criminal proceedings:

- a.ii. to guarantee the accused the right to use his/her regional or minority language; and/or***
- a.iii. to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language;”***

74. There is a legal framework that guarantees the use of Frisian in criminal proceedings. These rights, however, are seldom made use of in practice. According to the information received by the Committee during its “on-the-spot visit”, this is mainly due to lack of information.

75. Although this undertaking is legally fulfilled, there is a need to inform the speakers of their right to use Frisian in proceedings before the judicial authorities. Furthermore, there is a need for a dictionary specialising in terms used within the judicial system.

76. In addition, government representatives acknowledged that there is still a lack of staff competent to use Frisian.

77. The Committee considers that these undertakings are formally fulfilled, the problem being their implementation.

in civil proceedings:

“b.iii. to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;”

78. This undertaking is formally fulfilled; however, it is rarely put into practice owing to the difficulties mentioned above.

in proceedings before courts concerning administrative matters:

“c.ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

c.iii. to allow documents and evidence to be produced in the regional or minority languages;”

79. Again, this undertaking is formally fulfilled; however, there is a problem of implementation for the reasons mentioned above.

“Paragraph 2

The Parties undertake:

b. not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language, and to provide that they can be invoked against interested third parties who are not users of these languages on condition that the contents of the document are made known to them by the person(s) who invoke(s) it;”

80. Documents drawn up in Frisian are generally legally valid. However, notaries have difficulties in drawing up model contracts due to the lack of specialised vocabulary. According to government sources, the Ministry of Economic Affairs has initiated a project to create a dictionary specialising in this kind of vocabulary.

81. The Committee considers that this undertaking is formally fulfilled.

Article 10 - Administrative authorities and public services

State authorities

“Paragraph 1

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

a.v. to ensure that users of regional or minority languages may validly submit a document in these languages;”

82. The Committee considers that this undertaking is fulfilled.

“c. to allow the administrative authorities to draft documents in a regional or minority language.”

83. The legislation is in keeping with the above undertaking. However, it has not been put into practice yet. According to the General Administrative Law Act (section 2:9) ministries must draw up a model ordinance governing the use of Frisian. This is not done: government agencies established in Friesland cannot use Frisian in outgoing correspondence. The Committee does not consider the undertaking to be fulfilled.

The Committee encourages the authorities to implement the General Administrative Law Act (section 2 :9) by drawing up model ordinances covering the use of Frisian.

Local and regional authorities

“Paragraph 2

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

- a. the use of regional or minority languages within the framework of the regional or local authority;***
- b. the possibility for users of regional or minority languages to submit oral or written applications in these languages;***
- c. the publication by regional authorities of their official documents also in the relevant regional or minority languages;***
- d. the publication by local authorities of their official documents also in the relevant regional or minority languages;***
- e. the use by regional authorities of regional or minority languages 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 regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;”***

84. According to the information provided in the initial periodical report, Frisian is used in accordance with the requirements in the above undertakings. Thus, the Committee considers these undertakings to be fulfilled.

“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 regional or minority languages.”

85. The legislation is in keeping with the above undertaking, although full implementation is still lacking. It is, for example, not compulsory to provide bilingual street, village and municipality signs. The decision is left to the municipality concerned. The Committee considers that this undertaking is partially fulfilled. The Government should encourage the relevant municipal authorities to introduce bilingual signs.

Implementation measures

“Paragraph 4

With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of 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 a regional or minority language to be appointed in the territory in which that language is used.”***

86. The Committee considers that these undertakings are fulfilled.

Family names

“Paragraph 5

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.”

87. People are allowed to change their family names into Frisian in their private lives. However, in official correspondence only the official name is allowed. Under the 1997 Change of Family Name Order and the Municipal Database an application for such a change of a family name is not automatically granted, nor has such a change been considered desirable by the Dutch Government. However, the Committee was told by government officials that the authorities were looking into “widening” the possibility of using Frisian family names in official documents. The Committee considers this undertaking not fulfilled.

The Committee encourages the Government to take the necessary measures to permit the use of family names in Frisian in official documents.

Article 11 - Media

“Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, 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:

- a. to the extent that radio and television carry out a public service mission:***
 - a.iii. to make adequate provision so that broadcasters offer programmes in the regional or minority languages;”***

88. Omrop Fryslan produces radio and television programmes in Frisian for regional public-mission broadcasts in the province of Friesland. There is one hour per day of regional television broadcasting in Frisian, and an 8-hour

regional radio programme in Frisian. The Netherlands Broadcasting Foundation (NOS) broadcasts programmes in Frisian on one of the national television channels during 31 hours a year. These programmes are produced by Omrop Fryslan.

89. Omrop Fryslan receives exactly the same funding for its programmes as broadcasters in other regions in the Netherlands, all of whose programmes are in Dutch. As it is more costly to produce programmes in Frisian, there is an evident need for special, earmarked support for Omrop Fryslan in order to take account of its special task.

90. Although the Committee considers the undertaking fulfilled, it nevertheless points out the necessity of special funding for programmes in Frisian.

The Committee encourages the Government to take into account the special needs of broadcasting in Frisian and to consider increasing its financial support.

“b ii. to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;

c ii. to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;”

91. As for private broadcasting, there is no special policy to promote programmes in Frisian since the Dutch Media Act only requires that at least 40% of the programmes are in either Dutch or Frisian. The Committee has received no information indicating that there exist private radio or television broadcasts in Frisian. The Committee is not aware of any specific measures that have been taken to encourage and/or facilitate the broadcasting of such radio and/or television programmes. Thus the Committee considers this undertaking not fulfilled.

The Committee encourages the Government to take further steps to promote the use of Frisian in private broadcasting.

“f.ii. to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;”

92. There is a national Fund for the Promotion of Cultural Broadcasting. Although the Fund is directed at organisations that have obtained broadcasting time for national transmissions, Omrop successfully applied to it in 1996. However, since the Fund is generally not made accessible to regional broadcasting organisations and Omrop, as a small broadcasting company, has to compete with big national organisations, there is not much chance of a more frequent access to this source of financing.

93. The Committee considers that this undertaking is formally fulfilled. However, since practice shows it to be very difficult for Frisian productions to obtain funding through this scheme, the Committee encourages the Government to take special measures in order to facilitate the practical implementation of this undertaking.

“Paragraph 2

The Parties undertake 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. They further undertake to ensure that no restrictions will 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. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

94. In light of the EU regulation dealing with transfrontier television, and the obligations it imposes on the Netherlands, the Committee considers this undertaking fulfilled.

Article 12 - Cultural activities and facilities

“Paragraph 1

With regard to 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 - the Parties undertake, within the territory in which such languages are 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 regional or minority languages and foster the different means of access to works produced in these languages;*
- b. *to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- c. *to foster access in regional or minority languages to works produced in other languages 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 regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;”*

95. The Committee considers these undertakings fulfilled.

- 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 regional or minority language concerned, as well as of the language(s) of the rest of the population;”*

96. According to the Government, it is the policy to encourage national cultural organisations to recruit at least one member of staff who can act as a link with the Frisian-speaking community, and it recommends that this should be taken into account in their recruitment policy. However, this has little effect in

practice, as is also suggested in the initial periodical report, which states that “the measure referred to under sub-paragraph e is not clearly recognisable in government policy”. In the view of the Committee, the public authorities have a role to play in this field and the Committee observes that the encouragement mentioned above has had little effect in practice. On this basis, the Committee must conclude that the undertaking is not fulfilled. It therefore encourages the Government to promote measures ensuring that the bodies in question have at their disposal staff with a good working knowledge of Frisian.

“f. to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;”

97. The Committee has been informed that users of Frisian are represented on various bodies, such as the Fryske Akademy, but the information is scarce.

“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 regional or minority languages;

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 each regional or minority language.”

98. The Committee considers these provisions fulfilled.

“Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.”

99. The Committee considers this undertaking fulfilled.

“Paragraph 3

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.”

100. The Frisian culture and language have been presented alongside the Dutch culture and language at various international events. The Committee therefore concludes that this undertaking is fulfilled.

Article 13 - Economic and social life

“Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

a. to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages 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;

101. The Committee considers that this undertaking is generally fulfilled. There remains, however, one difficulty as regards the Chamber of Commerce. Deeds

of associations and foundations cannot be entered into the registers of the Chamber of Commerce unless the Civil Code is amended. The Government has expressed its wish to make this possible soon.

“c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;”

102. The Committee considers that this undertaking is generally fulfilled. However, the Dutch Postal Services, in which the State is a major share-holder and the railways have repeatedly refused to use Frisian names. In relation to these specific services, the Committee considers the undertaking not fulfilled.

“d. to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.”

103. The initial periodical report mentioned many initiatives that have been taken by the authorities, and the Committee therefore considers this undertaking fulfilled.

“Paragraph 2

With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:

b. in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;”

104. There is no evidence that activities have taken place that correspond to this undertaking. The Committee cannot, therefore, conclude that this undertaking is fulfilled.

“c. to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;”

105. There is no clear information available about the use of Frisian in social care facilities as mentioned in this provision. However the Committee received information to the effect that there was an urgent need for Frisian-speaking staff in such institutions but that there was a serious lack of funds to provide the necessary training. A project is presently being initiated to meet this need.

106. The Committee concludes that this undertaking is partially fulfilled.

Article 14 - Transfrontier exchanges

“The Parties undertake:

a. to apply existing bilateral and multilateral agreements which bind them with the 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;

- b for the benefit of regional or minority languages, 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.”*

107. These undertakings are generally fulfilled. It must, however, be said that exchange programmes ceased to be subsidised by the State at the time when the Netherlands signed the Charter in 1996. The Frisian Council is presently trying to put into practice a similar initiative, but has so far been unsuccessful owing to a complete lack of government funding. The Committee encourages the Government to provide the Committee in its next periodical report with information on how it intends to further promote transfrontier exchanges.

Chapter 3 Findings

The Committee hereby presents its general findings on the application of the undertakings of the Charter in the Netherlands.

A. Dutch legislation on the protection of Frisian is quite elaborate and reflects the high status of Frisian within the Frisian-speaking community. From correspondence and the response from interested parties during the Committee's on-the-spot visit, it has become evident that many Frisian-speakers not only identify with the language but also take a keen interest in its protection and promotion. The existence of institutions such as the Fryske Akademy (Frisian Academy of Arts and Sciences) is further evidence of this commitment. Furthermore, the Committee considers that the Covenants have proved a useful instrument of the national and the provincial authorities for the promotion and protection of the Frisian language and culture.

B. In the case of Frisian, education is a particularly sensitive and important policy field in which the Committee believes there is still considerable room for improvement. As regards the courts, there is also a discrepancy between the legal framework and the actual implementation of the existing provisions on the right to use Frisian in relation to judicial authorities. To a lesser extent the Committee found similar problems regarding administrative authorities. As for the media, Frisian radio and television are put on an equal footing with the Dutch language radio and television in other regions of the Netherlands. The extra cost of broadcasting in Frisian is not therefore taken into account in the allocation of subsidies.

C. Part II of the Charter applies to the Lower Saxon, Limburger, Roma and Sinti and Yiddish languages. However, there is no clear national language policy as regards these languages. So far, there has been no specific legal framework adopted for their protection and promotion.

D. At the provincial level, the degree of protection of the Lower Saxon languages differs considerably from one province to another. For example, in Friesland (Ooststellingwerf and Weststellingwerf) measures to protect these languages are much more elaborate than in Gelderland. There is no coherent policy as to the protection of the Lower Saxon languages.

E. There seems to be uncertainty as regards the position of the Limburger language. It is recognised as a language under the Charter by the Dutch

authorities, but is not so far recognised by the Dutch Language Union (Taalunie). The Committee considers that this in no way affects the obligations of the Dutch Government under Part II of the Charter.

F. The Committee did not succeed in establishing contact with the representatives of the speakers of the Roma and Sinti languages and is therefore aware of the difficulties in getting to know their wishes and needs with regard to Part II of the Charter. However, further efforts should be made to procure the necessary information.

The Dutch government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to the Netherlands. At the same time it emphasised the need for the Dutch authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 765th meeting on 19 September 2001, the Committee of Ministers adopted its Recommendation addressed to the Netherlands, which is set out in Part B of this document.

APPENDIX I

INSTRUMENT OF ACCEPTANCE



Netherlands :

Declaration contained in the instrument of acceptance, deposited on 2 May 1996 - Or. Engl.

The Kingdom of the Netherlands accepts the said Charter for the Kingdom in Europe.

Period covered: 01/03/98 -

The preceding statement concerns Article(s): -

Declarations contained in a Note Verbale handed over by the Permanent Representative of the Netherlands at the time of deposit of the instrument of acceptance, on 2 May 1996 - Or. Engl.

The Kingdom of the Netherlands declares, in accordance with Article 2, paragraph 2, and Article 3, paragraph 1, of the European Charter for Regional or Minority Languages, that it will apply to the Frisian language in the province of Friesland the following provisions of Part III of the Charter:

In Article 8:

Paragraph 1, sub-paragraphs a (ii), b (ii), c (iii), e (ii), f (i), g, h, i.
Paragraph 2.

In Article 9:

Paragraph 1, sub-paragraphs a (ii), a (iii), b (iii), c (ii), c (iii).
Paragraph 2, sub-paragraph b.

In Article 10:

Paragraph 1, sub-paragraphs a (v), c.
Paragraph 2, sub-paragraphs a, b, c, d, e, f, g.
Paragraph 4, sub-paragraphs a, c.
Paragraph 5.

In Article 11:

Paragraph 1, sub-paragraphs a (iii), b (ii), c (ii), f (ii).
Paragraph 2.

In Article 12:

Paragraph 1, sub-paragraphs a, b, d, e, f, g, h.
Paragraph 2.
Paragraph 3.

In Article 13:

Paragraph 1, sub-paragraphs a, c, d.
Paragraph 2, sub-paragraphs b, c.

In Article 14:

Paragraph a.
Paragraph b.

The Kingdom of the Netherlands further declares that the principles enumerated in Part II of the Charter will be applied to the Lower-Saxon languages used in the Netherlands, and, in accordance with Article 7, paragraph 5, to Yiddish and the Romanes languages.

Period covered: 01/03/98 -

The preceding statement concerns Article(s): 10, 11, 12, 13, 14, 2, 3, 7, 8, 9

Declaration contained in a Note Verbale from the Permanent Representation of the Netherlands, dated 18 March 1997, registered at the Secretariat General on 19 March 1997 - Or. Engl.

The Kingdom of the Netherlands declares, in accordance with Article 2, paragraph 1, of the European Charter for Regional or Minority Languages of 5 November 1992, that the principles enumerated in Part II of the Charter will be applied to the Limburger language used in the Netherlands.

Period covered: 01/03/98 -

The preceding statement concerns Article(s): 2

APPENDIX II

Comments of the Dutch authorities

The Report of the Committee of Experts on the application by the Netherlands of the European Charter for Regional or Minority Languages has been submitted to the relevant government ministries. In general, it can be said that the Government of the Netherlands appreciates the quality of the report. On behalf of the Government, I have a number of – primarily factual – observations to make.

Correction of certain factual points in the draft report:

Paragraph 1: In the last sentence, replace the words “No. 199” with:

“1993, No. 199 and 1998, No. 20”

As a result, the second half of that sentence would read as follows:

“...and 1993, No. 199 and 1998, No. 20 (in the Dutch language).”

Paragraph 27 states: "The primary education act contains a provision that a living regional language may be used as a medium of instruction in schools. This is, however, exclusively under the competence and decision of the province." It is not the case that this is a matter for the provincial authorities. It is in fact within the powers of the school board (section 9, subsection 8 of the Primary Education Act).

Paragraph 80: Replace the words “Ministry of Economic Affairs” with:

“the Ministry of Justice and the Ministry of the Interior and Kingdom Relations”.

For your information, it might be interesting to note that the dictionary was published in December 2000.

Paragraph 88: As from 2000, the NOS has been broadcasting 37 (i.e. not 31) hours of Frisian-language programmes on national television.

Paragraph 92: Following an amendment to the Media Act in September 2000, regional broadcasting as well as national public broadcasting may draw on the Fund to promote Dutch cultural radio and television broadcasting productions.

Observations prompted by the report:

Paragraph 67 states that “there is no adequate funding to ensure a satisfactory level of teaching of Frisian at the colleges mentioned above.” This is incorrect. There are no statutory obstacles preventing colleges of higher professional education from providing courses in Frisian; provision is funded on the basis of the number of students. In fact, the problem lies in students’ lack of interest, as is the case with other language courses. On 31 October 2000, the Minister of Education, Culture and Science promised the House of Representatives that he would consult the province of Friesland and the relevant colleges as to what could be done about this issue.

Paragraph 89 states that it is more expensive to produce programmes in Frisian. However, there is nothing in the report to support this assertion and I believe it to be incorrect.

Paragraph 91: this paragraph criticises the Government on the grounds that it does not take measures to promote commercial broadcasting in Frisian. However, article 11 of the Charter explicitly states that the government should act "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." In this connection it should be noted that Dutch government policy as a matter of principle does not seek in any way to promote commercial broadcasting. The fund mentioned above, for example, exists solely to subsidise public broadcasting.

Paragraph 102: Since the report on the Frisian language was published in 1999, the problems mentioned in this paragraph with the Dutch Postal Services and the railways were solved. As from the 2000-2001 railway timetable, in all cases the official placenames are being used. As a result, the Frisian-language names of the railway stations in Hurdegaryp and Grou-Jirnsum are fully respected. As from the 1999 edition of the so-called "Postcodeboek" (the Post Code Directory), the Frisian-languages place-names are included in the directory in those cases where these names have an official status. This is the case in the four Frisian municipalities of Ferwerderadiel, Tytsjerksteradiel, Boarnsterhim and Littenseradiel. For the time being, the Dutch-language versions of these place-names figure in the Postal Code Directory as well.



European Charter for Regional or Minority Languages

B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by the Netherlands

(adopted on 19 September 2001 at the 765th meeting
of the Ministers' Deputies)

COUNCIL OF EUROPE
COMMITTEE OF MINISTERS

Recommendation RecChL(2001)1
on the application of the European Charter for Regional or Minority
Languages by the Netherlands

*(Adopted by the Committee of Ministers
on 19 September 2001
at the 765th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Bearing in mind the instrument of acceptance submitted by the Kingdom of the Netherlands on 2 May 1996;

Having taken note of the evaluation made by the Committee of Experts of the Charter with respect to the application of the Charter by the Kingdom of the Netherlands;

Having taken note of the comments submitted by the Dutch authorities on the content of the report of the Committee of Experts;

Bearing in mind that this evaluation is based on information submitted by the Netherlands in its initial periodical report, supplementary information given by the Dutch authorities, information submitted by bodies and associations legally established in this country and information obtained by the Committee of Experts during its on-the-spot visit,

Recommends that the Netherlands take account of all the observations of the Committee of Experts and, as a matter of priority:

1. take the necessary steps to ensure that a substantial part of pre-school and primary education is available in Frisian. In order to achieve the objectives fixed by the authorities in respect of Frisian, the quality and the continuity of the teaching of Frisian throughout the education process, and in particular in secondary education, should be improved. Further efforts should be made to ensure and improve the necessary basic and further teacher training;
2. ensure the practical implementation of the existing legal provisions as regards the use of Frisian in relation to the judicial and administrative authorities;
3. take into account the special needs of broadcasting in Frisian and consider increasing its financial support;
4. develop a general national language policy for those languages covered only by Part II of the Charter, based on the objectives and principles outlined therein.