

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 21 February 2024

MIN-LANG (2024) IRIA 1

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

Information Document
on the implementation of the
Recommendations for Immediate Action
based on the 7th monitoring cycle

Submitted by the Netherlands

The Netherlands' response to the seventh evaluation report on the Netherlands of the Committee of Experts of the European Charter for Regional or Minority Languages

Following its on-the-spot visit in June 2022, the Committee of Experts made nine recommendations for immediate action to protect and promote the regional and minority languages in the Netherlands. A response to these recommendations is provided below for each recognised language.

1. Frisian

a. Continue to strengthen the teaching in and of Frisian at all levels of education and its use in preschool education, and ensure that there is a full-time professorship that carries out study and research in and of Frisian.

The central government guarantees that the law allows Frisian to be offered in day-care centres and playgroups, thereby permitting the use of Frisian as a language of communication in addition to Dutch. Children in childcare in Fryslân benefit from getting familiar with the Frisian language, as it allows them to participate in Frisian society and ensures a continuous learning pathway towards primary education. This helps children in Fryslân to take on an active role in the Frisian-Dutch community they are part of.

In late 2022, the Cabinet made available additional funds to promote Frisian in primary and secondary education. These funds involved a one-off contribution of €200,000 for the curriculum revision in 2023 and a structural amount of €1.4 million for teachers as from 2024. In the run-up to the new *Bestjoersôfspraak Fryske taal en kultuer 2024-2028* (Administrative Agreement on the Frisian Language and Culture 2024-2028; "BFTK"), the central government is making arrangements with the province of Fryslân about the details and spending of these structural funds. The focus is on recruiting, motivating, educating, training and coaching teachers. The central government uses these funds to strengthen Frisian in primary and secondary education, while also contributing to the objectives of *Taalplan Frysk 2030* (Frisian Language Plan 2030) of the province of Fryslân. Part of *Taalplan Frysk* is the goal that all schools in the province of Fryslân will offer the learning standards for the field of learning 'Frisian language and culture' by 2030 and that no full or partial exemptions will be needed by that time. Another objective is to offer the 'Frisian language and culture' field of learning to the maximum extent permitted by law, i.e. at all levels of secondary education and in all years.

As regards senior secondary vocational education, institutions in Fryslân offer Frisian as an optional subject to allow students to develop their proficiency in Frisian. In addition, the previous administrative agreement included the aim to expand the number of senior secondary vocational education programmes that offer Frisian as an optional subject and to achieve this during the term of the administrative agreement. In the new administrative agreement, too, the provincial authorities *and* the central government expressed their intention to prepare students in senior secondary vocational education for the local labour market and a multilingual professional context by paying ample attention to regional language conditions and Frisian language skills during their training. On 16 January, during the debate on the 2024 budget of the Ministry of Education, Culture and Science, an amendment was also submitted to make available an annual amount to create an occupational skills development group that will address multilingualism and literacy during the term of the new administrative agreement. The House of Representative has adopted this amendment on 15 February 2024.

As regards higher education, the law provides that universities of applied sciences and research universities themselves decide on their education and research. For this purpose, the educational institutions receive a lump-sum central government grant from the Ministry of Education, Culture and Science. *NHL Stenden hogeschool* offers Frisian in the teacher-training study programmes, which prepare students for teaching in both primary and secondary education. The University of Groningen has now appointed an interim Professor for Frisian Language and Culture. During the budget debate of the Ministry of Education, Culture and Science, PvdA/GL also submitted an amendment to permanently make €340,000 available for Frisian at the university. The Minister of Education, Culture and Science supported this amendment, which is adopted by The House of Representative on 15 February.

b. Take measures to guarantee the accused the right to use Frisian in criminal proceedings and ensure the assistance of a qualified interpreter.

First of all, the Dutch authorities would like to refer to the remarks they made earlier this year regarding the European Charter for Regional or Minority Languages.

Furthermore, the Noord-Nederland District Court and the Arnhem-Leeuwarden Court of Appeal¹ have created an overview of how they implement the statutory provisions concerning the Frisian language. The District Court and the Court of Appeal have supplemented this overview by setting out their current and future efforts aimed at facilitating the use of Frisian in judicial matters. These include offering Frisian language courses to employees of the District Court and the Court of Appeal, measures to emphasise the right to use Frisian in criminal proceedings and other legal proceedings, and periodic consultations with *DINGtiid*² to examine how the use of Frisian during hearings can be further facilitated or how awareness can be raised of this issue. The complete overview will be added to section 3.1 of the Administrative Agreement on the Frisian Language and Culture 2024-2028 as an annex.

The main aim is to use judges, court clerks and public prosecutors with a passive command of the Frisian language to comply with the statutory provisions on the Frisian language in criminal proceedings and other proceedings. An interpreter is needed if anyone participating in the proceedings is unable to properly understand Frisian during the hearing. An interpreter can assist a participant who wants to speak Frisian during the hearing, but can also allow participants who do not have a sufficient command of Frisian to follow the hearing whenever Frisian is spoken.

As regards Frisian interpreters, the Dutch authorities are currently implementing the public procurement contract for the use of interpreters by the Public Prosecution Service and the judiciary. The tendering procedure supports the system of interpretation and translation services, which includes a minimum rate for interpreters and the option to negotiate rates. The tendering procedure for the Public Prosecution Service and the Dutch criminal courts also provides for additional conditions, such as a higher minimum rate for parties who wish to submit tenders. The aim is to guarantee higher rates for interpreters who provide interpretation services in legal proceedings. The contract is expected to be fully implemented by February 2024.

c. Include representatives of Frisian speakers in the negotiation process on the administrative agreement on the Frisian language and culture 2024-2028.

Acting as *Taalskipper*, the province of Fryslân is constantly liaising with the Frisian community about wishes and concerns people have in respect of the Frisian language and culture. In preparation for the new BFTK 2024-2028, the Fryslân provincial authorities have had dozens of meetings with representatives of Frisian speakers and organisations, such as representatives from the fields of Frisian education, culture, literature, media and history, the academic community, the judiciary and the district court, local authorities, and interest and promotional organisations. Their needs and their vision of the Frisian language and culture in the short and long terms were discussed during the meetings. In addition, a number of parties were involved in writing the draft texts of the BFTK in their respective areas of expertise.

2. Limburgish and Low Saxon

a. Prepare a strategy to ensure the teaching and study of Limburgish and Low Saxon as a subject at all levels of education and promote the use of both languages in preschool education.

The educational laws of primary and secondary education do not preclude schools from paying attention to regional and minority languages, including Limburgish and Low Saxon. As schools have the freedom to make their own choices here, they cannot be required by law to teach regional and minority languages. However, the provinces are making efforts to emphasise the importance of

¹ The Arnhem-Leeuwarden Court of Appeal is partly located in the province of Fryslân.

² *DINGtiid* is the legal advisory body responsible for promoting this equal position of the Frisian language and the Dutch language in the province of Fryslân, in accordance with the Cabinet's policy.

teaching in the dialect. The Ministry of Education, Culture and Science supports them in this and advises them of existing grants.

b. Set up a body responsible for representing the interests of Limburgish and Low Saxon speakers at national level.

To reflect the shared government vision of the value and position of Low Saxon and Limburgish, the Minister of the Interior and Kingdom Relations has concluded both the Covenant on Low Saxon and the Covenant on Limburgish, which form the basis for the collaboration between the central government and the local authorities involved. The details of the collaboration are determined in meetings held between the parties involved. Along with this response, I am sending this House the evaluation of the Covenant on Limburgish (see Annex 5). This evaluation pertains to the implementation of the statements made in the Covenant and provides an overview of the efforts made, and activities carried out, by the Covenant partners in respect of Limburgish. The evaluation of the Covenant on Low Saxon is expected in 2024.

Language policy in the Netherlands is designed in such a way that primary responsibility lies with subnational authorities, such as provincial and municipal authorities. Local authorities have a better picture of the wishes and needs of speakers of the relevant regional or minority language. Moreover, for Low Saxon and Limburgish, dialects may vary from one region to another. In addition, municipal and provincial authorities are closer to practice than the central government is. *Hoes veur 't Limburgs* is the centre of knowledge and expertise for Limburgish. Acting as a linchpin, *'t Hoes* has a wide network in the areas of the Limburgish language, culture and community, develops educational products and maintains an overview of materials about and in Limburgish. Contributions from the central government and the province of Limburg guarantee its continued existence. For Low Saxon, such centres of knowledge and expertise also exist in the various provinces, including *Oaverieselakademie* and *Centrum Groninger Taal en Cultuur* (the Groningen Language and Culture Centre).

3. Romanes

a. Set up a body responsible for representing the interests of Romanes speakers at national level.

Although Romanes is recognised in Part II of the Charter and, as such, is recognised as a non-territorial language in the Netherlands, so far no Romanes representation at national level has been set up. Roma and Sinti are very diverse communities in the Netherlands, each having its own history and dominant language.³

Part of the Ministry of Social Affairs and Employment, the National Roma and Sinti Contact Point is a place where Roma and Sinti communities and local authorities meet directly. The Contact Point organises dialogues with Roma and Sinti communities and the ministries involved about themes that are important to the communities, for example about the communities' experiences with antiziganism, statelessness or the availability of pitches.

b. Raise awareness about culture and history of Romanes speakers in the general curriculum.

Setting up good civic and history education involves making difficult choices about the cultural and historical topics to be addressed. Nationally established learning standards dictate what each school in primary education and secondary education (specifically the lower years of secondary education) is required to include in its curriculum. Schools are free to shape their education as they see fit, with teachers and experts on the subject considering the strict minimum requirements set for each pupil's knowledge and skills. This is no easy feat, as history education is practically infinite. For instance, Roma and Sinti are not expressly addressed in the curriculum of primary and secondary education, but in practice they are discussed in history lessons and history teaching

³ In addition to Roma and Sinti who settled in the Netherlands, in some cases long before World War II, three main groups can be distinguished that arrived later. These are Roma and Sinti (and their descendants) who settled in the Netherlands in the 1960s and 1970s after leaving then communist Eastern Europe. They obtained residence permits in 1978 under a General Pardon Scheme created by the government at the time. The 'Balkans' Roma and Sinti (and their descendants) fled from the Balkans in the 1990s and the 'new' Roma and Sinti (and their descendants) came to the Netherlands after the EU expansion with Eastern European Member States in the first decade of the 21st century.

methods about World War II and the Holocaust. The curriculum gives teachers a lot of discretion to tailor their education to their specific pupil population. This means that raising awareness about the culture and history of Romanes speakers currently mostly has a place in a school's own curriculum. The learning standards are currently being updated. Learning standards are also being phrased for the 'civic education' field of learning, which includes learning about diversity and inclusion. These standards will give schools more tools to incorporate the discussion of diverse communities into their education.

4. Yiddish

a. Ensure the continuity of support for the teaching of Yiddish at primary and secondary level.

The Dutch government allows Jewish schools in the Netherlands to teach pupils Yiddish in the unallocated teaching time of the curriculum. The Dutch government gives Cheider the option to teach pupils Yiddish in the unallocated teaching time of the curriculum. Hours spent on teaching Yiddish are regarded as teaching time, and Cheider may conclude Yiddish with a school examination. The mark obtained for Yiddish is shown on the list of marks. This means that there are no impediments to offering Yiddish and promoting the use of the language.

Moreover, Cheider is recognised as an exception school within the meaning of the *Beleidsregel uitzonderingsscholen vo 2013* (Policy Rule on Exception Schools in Secondary Education 2013; Government Gazette 2012, 22626). This Policy Rule is in effect for schools consistently having such a low number of pupils that closure is warranted, but which are kept open because they serve an interest with the education they offer. A school can be an exception school on either of two grounds:

- because of its geographic location; or
- the provision of education serves a Dutch interest of an economic or cultural/historical nature.

The two Jewish secondary education schools in Amsterdam – Cheider and Maimonides – are recognised exception schools, as their education serves a Dutch interest of a cultural/historical nature. As a result, they are exempt from closure and receive special additional funding. Cheider, which provides secondary education to 38 students, annually receives additional funding amounting to 5.5 times the fixed amount granted to the main establishment. If this is converted back into an amount per pupil, this additional funding is €35,900 per pupil, which comes on top of the basic per-pupil funding that regular secondary schools receive (approx. €8,560 per pupil in general secondary education). Cheider also has a primary school, which receives additional funding on top of the basic funding granted to all primary schools, including the small-school allowance. Cheider receives approximately 57% additional funding for each primary school pupil.

Given Cheider's exceptional status and funding and the discretion it has to offer Yiddish, to regard this as teaching time and to conclude the subject with a school examination, I believe that the Netherlands is complying with the Charter's obligations and that Cheider has the discretion and the financial resources to provide education in Yiddish, if Cheider so desires.

b. Set up a body responsible for representing the interests of Yiddish speakers at national level.

No arrangements have currently been laid down for Yiddish, either, to promote or encourage the language. As far as we are aware, no such desire has been expressed by interest groups or communities committed to promoting and encouraging the Yiddish language in the Netherlands.