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European Charter for Regional or Minority Languages

APPLICATION OF THE CHARTER IN THE NETHERLANDS

2nd monitoring cycle

- 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 examine the real situation of the regional or minority languages in the State, to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers has adopted, in accordance with Article 15.1, an outline for the periodical reports that a Party is required to submit to the Secretary General. The report should be made public by the government concerned. 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 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, with a view to obtaining a just and fair overview of the real language situation. After a preliminary examination of a periodical report, the Committee submits, if necessary, a number of questions to the Party concerned on matters it considers unclear or 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.

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 the Party concerned.

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A. 2nd Report of the Committee of Experts on the application of the Charter in the Netherlands

adopted by the Committee of Experts on 18 June 2004
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Chapter 1 - Background information

1.1 *Introductory remarks*

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 accepted it 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. Article 15, paragraph 1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers¹. The Dutch authorities presented their second periodical report to the Secretary General of the Council of Europe on 26 May 2003.

3. In its initial evaluation report on the Netherlands (ECRML (2001) 1), the Committee of Experts of the Charter (hereafter referred to as “the Committee of Experts”) outlined particular areas where legal framework, policy and practice could be improved. The Committee of Ministers took note of the report presented by the Committee of Experts and adopted recommendations (RecChL (2001) 1), which were addressed to the Dutch authorities.

4. At the request of the Ministry of the Interior and Kingdom Relations, the part of the second periodical report devoted to the Frisian language was prepared by the *Fryske Akademy*. The provincial authorities of Fryslân were also consulted. The provinces and municipalities where the Low-Saxon language is spoken were consulted by the Dutch authorities when the second periodical report was drafted. The Committee of Experts was not informed whether non-governmental organisations had been consulted. As regards the Limburger language, *Raod veur't Limburgs*, involving the participation of *Veldeke*, *DOL* and *AGL* associations, was consulted.

1.2 *The work of the Committee of Experts*

5. The second evaluation report is based on the information the Committee of Experts obtained through the second periodical report of the Netherlands and through interviews held with representatives of the regional and minority languages in the Netherlands and the Dutch authorities during the Committee of Experts’ “on-the-spot” visit, which took place on 9-11 February 2004. The Committee of Experts received a number of comments from bodies and associations legally established in the Netherlands, submitted pursuant to Article 16, paragraph 2 of the Charter.

6. With reference to the second periodical report of the Netherlands (Volume III, Roma and Sinti languages in the Netherlands, §1.6), the Committee of Experts would like to specify that representatives of the Romanes speakers had been invited to meet the Committee of Experts during its first visit to the Netherlands in February 2000. They had therefore been given the opportunity to exchange views with the Committee but declined the invitation. The Committee of Experts is pleased to have met a representative of the Sinti community in the Netherlands for the first time in February 2004.

¹ MIN-LANG (2002) 1, Outline for three-yearly periodical reports as adopted by the Committee of Ministers of the Council of Europe.

7. The present report focuses on the issues raised and on the related observations made by the Committee of Experts in its first evaluation report as well as on measures taken by the Dutch authorities to respond to the findings of the Committee of Experts and to the recommendations addressed to the Dutch Government by the Committee of Ministers. This report also highlights new issues, which the Committee of Experts considers to be of particular importance in the context of this second monitoring cycle.

8. The Committee of Experts has in the present report presented detailed observations which the Dutch authorities are urged to take into account when developing their policy on regional or minority languages. On the basis of these detailed observations, the Committee of Experts has also established a list of general proposals for the preparation of a second set of recommendations of the Committee of Experts to the Netherlands, as provided in Article 16, paragraph 4 of the Charter (see Chapter 4.3 of this report).

9. The general approach of the Committee of Experts in its evaluation reports is to base the report on the political and legal situation at the time when the Committee of Experts carries out its “on-the-spot” visit. The Committee of Experts carried out its second “on-the-spot” visit in February 2004. However, the Dutch second periodical report is based on the situation of regional or minority languages as at 1 March 2002, which corresponds to the fourth year of entry into force of the Charter in respect of the Netherlands, and covers the period March 1999 - March 2002. During its “on-the-spot” visit, the Committee of Experts obtained up-dated information through interviews with the representatives of the regional or minority languages in the Netherlands and of the Dutch provincial and central authorities. The available information gathered during the “on-the-spot” visit is nevertheless not complete enough to allow the Committee of Experts to evaluate the situation of regional or minority languages at the time of its visit to the Netherlands. The present report of the Committee of Experts is therefore an evaluation of the application of the Charter in the Netherlands during the period March 1999 - March 2002, with reference, where relevant, to up-dated information gathered during the “on-the-spot” visit which complements the information outlined in the second periodical report.

1.3. General and specific issues arising from the evaluation of the periodical report

10. On 5 June 2001, the third Covenant on the Frisian Language and Culture was adopted by the central government and the province of Fryslân. The provisions of the Charter which the Netherlands have undertaken to apply with respect to the Frisian language form the basis of the 2001 Covenant. The implementation of the 2001 Covenant is divided into three periods: 2001-2004, 2004-2007 and 2007-2010. An official interministerial committee will be established to prepare the report on the implementation of the 2001 Covenant. In addition, consultations will take place every three years between central government and the province of Fryslân concerning the implementation of activities in the framework of the Covenant. Central government and the province of Fryslân will then conclude implementation covenants for the above-mentioned periods that include agreements on the funding.

11. The Committee of Experts acknowledges the efforts made by the Dutch authorities to protect and promote the Frisian language and considers that the 2001 Covenant is an interesting model of co-operation between central government and the provincial authorities. However, the lack of quantifiable targets and of a clear time-table for the implementation of the 2001 Covenant objectives, especially in the field of education, presents a serious risk of weakening the position of the Frisian language in the coming years.

12. The overall approach of the Dutch government is to delegate powers to the level of the devolved governments. This has many advantages in the field of regional or minority language protection and promotion. Their closeness to the languages means measures can be tailor-made to reflect the actual situation of each language in a way that may be more difficult for remoter authorities. However, the situation of the Dutch regional or minority languages differs considerably from one province to another. This is particularly true for the Low-Saxon language. The central authorities do not feel responsible for this discrepancy, as they consider the implementation of certain obligations to be the responsibility of the provinces. The Dutch Government is nonetheless responsible for ensuring fulfilment of the chosen undertakings.

13. The present report was adopted by the Committee of Experts on 18 June 2004.

Chapter 2 - Presentation of the regional or minority language situation in the Netherlands: an up-date

2.1. Territorial languages in the Netherlands

14. The territorial languages covered by the Charter in the territory of the Kingdom of the Netherlands in Europe are Frisian, Low-Saxon and Limburger.

15. The Frisian language is the second official language in the province of Fryslân. According to the information provided by the Dutch authorities in their second periodical report, the position of the Frisian language in the province of Fryslân is relatively stable (Volume I, §3.6.5). A survey conducted in 1995 indicates that 94% of the Frisian population can understand Frisian, 74% are able to speak Frisian, 65% can read Frisian and only 17% can write it.

16. The Low-Saxon linguistic area encompasses the provinces of Groningen, Drenthe, Overijssel, Fryslân (municipalities of Ooststellingwerf and Weststellingwerf) and Gelderland (regions of Achterhoek and Veluwe). Several variants of the Low-Saxon language are spoken throughout this area. According to a survey conducted in 2002-2003 by the umbrella organisation *SONT*, around 60 % of the inhabitants of the area can speak the Low-Saxon language. The figures vary greatly from one province to another: the lowest percentage is in the region of Veluwe where 49% of the inhabitants are able to speak Low-Saxon, and the highest percentage is in the province of Groningen with 78% of speakers. According to the Government's estimation, there are about 1 800 000 speakers of the Low-Saxon language in the Low-Saxon area of the Netherlands.

17. 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 70-75% of the inhabitants of the province (approximately 770 000 persons) can understand and speak the language.

2.2. Non-territorial languages in the Netherlands

18. The non-territorial languages in the Netherlands are Romanes, spoken by the Sinti and Roma people, and Yiddish.

19. The authorities estimate that around 4 500 persons in the Netherlands can be classified as Sinti and 750 persons as Roma.

20. Most of the Sinti live in the provinces of North Brabant and Limburg. No figures of the number of speakers of the Romanes language have been provided by the Dutch authorities. During its second "on-the-spot" visit, the Committee of Experts was informed by the *National Organisation for Sinti in the Netherlands* that more than 90% of Sinti speak Romanes.

21. As regards the Roma group, the figures provided by the Dutch authorities in their second periodical report are probably lower than the actual number of Roma persons in the Netherlands. During the last decade a number of Roma persons emigrated from Eastern Europe to the Netherlands. The Committee of Experts was informed that the Roma group in the Netherlands would most probably represent around 6 000 persons. This difference of estimation can be partly explained by the reluctance of the Roma persons to declare themselves as belonging to the Roma community for fear of being discriminated against. Furthermore, the Committee of Experts received no precise information on the use of Romanes by Roma people.

22. The Dutch instrument of acceptance of the Charter identifies the "Romanes language" only, whereas the periodical reports submitted to the Committee of Experts refer to the "Sinti and Roma languages". In the present report, "Romanes" will be used.

23. The Committee of Experts encourages the Dutch Government to clarify the number of Romanes speakers and the terms used to identify their language.

24. The Yiddish language is spoken by a few hundred people in the Netherlands, most of whom live in the Amsterdam area and some in The Hague.

2.3. *General legal framework*

25. Since the first evaluation report of the Committee of Experts, the following legal acts or amendments to existing acts, relevant to the application of the Charter, have been adopted:

- 1999 Notaries Act;
- 2001 amendments to the Civil Code enabling the constitutions of Frisian associations and foundations to be drawn up and entered in public registers in the Frisian language;
- 2002 Decree on family names allowing a Dutch family name to be changed to a Frisian name or to adapt or change the Dutch spelling of a Frisian family name to the Frisian spelling of that name.

26. During the period covered by the second periodical report of the Netherlands, the province of Fryslân has also adopted some acts relevant to the use of the Frisian language, in particular the 2000 Ordinance concerning the use of the Frisian and Dutch languages by administrative authorities of the province of Fryslân.

27. As regards the languages only covered by Part II of the Charter, the acceptance of the Charter could be considered as the first legally binding attempt to give the Limburger, Lower Saxon, Romanes and Yiddish languages a status deriving from respect for the objectives and principles set out in Article 7 of the Charter.

Chapter 3 - The Committee of Experts' evaluation of Parts II and III of the Charter

3.1. *General remarks*

28. The Committee of Experts would like to underline the continued excellent level of co-operation with the Dutch authorities.

29. The Committee of Experts will focus its evaluation on the provisions of Parts II and III of the Charter which were specifically outlined as problematic in the Committee's previous evaluation report. The Committee of Experts will evaluate in particular how the Dutch authorities have reacted to its observations and to the recommendations addressed to the Netherlands by the Committee of Ministers of the Council of Europe. The Committee of Experts will also examine and take into consideration any new information that has been supplied during this second monitoring round which has had an impact on the application of the Charter.

30. The Committee of Experts will not comment on provisions where no major issues have been raised in the first evaluation report and for which the Committee of Experts has not received any new elements requiring it to reassess or to present differently the implementation of the Charter. The same will also apply to provisions which the Committee of Experts has previously considered fulfilled; if no changes have occurred, the Committee of Experts will not make reference to that specific undertaking. In the present evaluation report, the Committee of Experts will not comment on the following provisions:

- Article 7, paragraph 2
- Article 8, paragraph 2
- Article 10, paragraph 1, a (v)
- Article 10, paragraph 4, a
- Article 11, paragraph 2
- Article 12, paragraph 1, a, b, d, h
- Article 12, paragraph 2
- Article 13, paragraph 1, d
- Article 14, a.

31. The Committee of Experts does however reserve the right to carry out at a later stage a new comprehensive evaluation of the implementation of Parts II and III of the Charter.

3.2. *The Committee of Experts' evaluation of the application of Part II of the Charter*

32. In the paragraphs presented in this Section, the Committee of Experts will examine the provisions of Part II of the Charter (Article 7), presented in bold letters and italics. The Committee of Experts will not comment again on paragraph 2 of Article 7 as, in the light of its general conclusions in the first evaluation report, no major issues arise in this area.

33. In the Netherlands, Article 7 of the Charter applies to the Frisian, Romanes, Yiddish, Low-Saxon and Limburger languages. As the Frisian language is covered by both Part II and Part III of the Charter, some of the observations concerning Frisian will be further developed under Section 3.3 of the present report. The Yiddish and the Romanes languages will be examined under Article 7, paragraph 5.

Article 7 - Objectives and principles

“Paragraph 1

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;”*

34. In their instrument of acceptance, the Netherlands have identified the Frisian, Low-Saxon, Limburger, Romanes and Yiddish languages. However, during its second monitoring round, the Committee of Experts has noted that the status of Limburger as a language is still questioned, with reference to the position taken by the Dutch Language Union (*Taalunie*). The Committee of Experts is concerned that an unclear status of Limburger could have a negative effect on its protection and promotion. The Committee of Experts invites the Dutch authorities to indicate in their next periodical report what steps have been taken domestically to ensure the recognition of Limburger as a regional or minority language requiring protection and promotion.

“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;”*

35. The commitment of the Dutch Government to respect the administrative unit of the province of Fryslân has been reiterated in the 2001 Covenant on the Frisian language and culture. As regards the situation of the province of Gelderland, the Committee of Experts has not been informed of any initiative which would constitute an obstacle to the promotion of the Low-Saxon language.

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

Frisian

36. In its previous evaluation report, the Committee of Experts noted the Dutch authorities’ awareness of the need to protect the Frisian language. By adopting the 2001 Covenant on the Frisian language and culture, the Dutch Government again showed its willingness to seek to implement the commitments undertaken under Part III of the Charter. These actions will be considered in more detail in Section 3.3.

Limburger and Low-Saxon languages

37. The Committee of Ministers recommended the Dutch authorities to develop a general national language policy for the languages covered by Part II of the Charter (recommendation no. 4). As regards the Limburger and Low-Saxon languages, the Dutch authorities replied in their second periodical report that the Government’s policy consists of making local and regional authorities primarily responsible for developing policy on these languages in accordance with the obligations entered into under the Charter (see Volume II, §1.11 and §1.12). With regard to the Limburger language, the central authorities explain their absence of action by the fact that the Limburger language was included in the instrument of acceptance of the Charter at the request of the province of Limburg, which, in their view, is therefore responsible for implementing the relevant provisions of the Charter.

38. *Limburger language:* Major steps have been undertaken by the province of Limburg to promote the Limburger language, in particular with the appointment of a Regional Language Officer in March 2001. The province of Limburg has also adopted a plan for the period 2001-2004, drawn up by the Regional Language Officer and the *Raad veur’t Limburgs* (province’s advisory body on the Limburger language). This plan contains a series of projects related to the promotion of the Limburger language, e.g. the creation of a website, campaigns for schools, etc. All these activities are financed by the provincial authorities.

39. *Low-Saxon language:* The second periodical report of the Netherlands contains a list of initiatives and actions taken by the provinces and municipalities of the Low-Saxon area to promote the Low-Saxon language. The Committee of Experts is particularly pleased to note that a number of new positive developments have taken place

in the province of Gelderland, and in particular the province's financial support for the production of a dictionary of the Low-Saxon variants.

40. During its meeting with representatives of the Low-Saxon and Limburger languages, the attention of the Committee of Experts was drawn to the absence of a clear national language policy and consequently to the lack of financial support from the central authorities. In respect of the Low-Saxon and Limburger languages, the Committee of Experts considers that the Dutch authorities have not taken the necessary measures to respond to the Committee of Ministers' recommendation no. 4.

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

Limburger

41. In its previous evaluation report, the Committee of Experts noted that the province of Limburg supports the Limburger language to a certain extent and subsidises the organisation *Veldeke* (see para. 22). In their second periodical report, the Dutch authorities informed the Committee of Experts that members of the provincial executive use Limburger freely in the media and during meetings. Moreover, the newly appointed Regional Language Officer speaks and writes Limburger wherever the language is understood.

Low-Saxon

42. In its previous evaluation report, the Committee of Experts underlined the absence of an overall strategy adopted at State or local level to attain a coherent policy that would encourage and facilitate the use of the Low-Saxon language (see para. 21).

43. In their second periodical report, the Netherlands mentioned the growing tendency to use the Low-Saxon language in cultural activities and cultural events. The Dutch authorities also informed the Committee of Experts that regional cultural programmes are broadcast in the Low-Saxon language one to five hours per week by the publicly-funded provincial and local broadcasting companies. Low-Saxon is also used in newspapers with a cultural content. In addition, 50 books are published every year in one of the variants of Low-Saxon.

44. The second periodical report of the Netherlands also contains a list of initiatives taken by the provinces of the Low-Saxon area in order to stimulate the use of Low-Saxon in public and private life. However, the second periodical report underlined that the emphasis and intensity of policies varies from one province or municipality to another, depending on the situation of the language (Volume II, §1.11).

45. During its “on-the-spot” visit, the Committee of Experts was informed that Low-Saxon is used orally before administration and local authorities, but very little in the written form.

“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;”

46. In its previous evaluation report, the Committee of Experts observed that the administrative division of the provinces where the Low-Saxon language is spoken is an obstacle to links between the communities (see para. 25). During its “on-the-spot” visit, the Committee of Experts was informed that discussions were underway between the local authorities concerned to develop a common linguistic policy. The Committee of Experts considers this to be a positive development. However, the Committee of Experts has not received any information on the State's efforts to promote links between speakers of different languages.

47. The European Bureau for Lesser Used Languages (EBLUL) has a national committee in the Netherlands and two of the regional or minority languages (Frisian and Low-Saxon) are represented on this committee.

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

48. In its previous evaluation report, the Committee of Experts encouraged the Netherlands to adopt a coherent strategy for the teaching and study of the Limburger and Low-Saxon languages (see para. 30).

Limburger

49. In its previous evaluation report, the Committee of Experts noted that the provision of appropriate forms and means of teaching was left to the province of Limburg, which had not taken any initiative to teach the language at any level of education (see para. 28).

50. During its “on-the-spot” visit, the representatives of the Limburger speakers informed the Committee of Experts that the speakers did not want the Limburger language to be included in the compulsory part of the national curriculum. A curriculum on the Limburger language and culture to be used in primary and secondary schools has been developed and should be published in 2004. (This curriculum has not been included in the compulsory part of the national curriculum in conformity with the wish of the speakers.) The Committee of Experts considers this to be a positive development and encourages the Dutch authorities to provide further information in their next periodical report. On the other hand, a negative development pointed out to the Committee of Experts was the abandonment of an interesting project initiated between the Dutch and Belgian provinces of Limburg to establish a course on the Limburger language in schools.

Low-Saxon

51. As already noted in the previous evaluation report of the Committee of Experts, the Stellingwerf variety of the Low-Saxon language is taught as a regular part of the primary school curriculum in the municipalities of Ooststellingwerf and Weststellingwerf (province of Fryslân). During its “on-the-spot” visit, the Committee of Experts was informed that the Low-Saxon language is also taught in schools in the province of Groningen but did not receive more precise information. Local associations and institutes organise the teaching of the Low-Saxon language in primary schools, for example in the province of Drenthe and in the region of Twente. Some of these associations and institutes also offer a module on the Low-Saxon language in the training courses for primary-school teachers.

52. However, the level of teaching of the Low-Saxon language is still insufficient. As there is still no coherent language policy, there is a lack of co-operation between provinces, regions and municipalities of the Low-Saxon area. As noted by the Committee of Experts in its previous evaluation report, the teaching of the Low-Saxon language is still considered to have a negative effect on the linguistic development of children. There seems to be an urgent need for information on bilingualism and bilingual language development among parents and educational staff at all levels of the education system.

The Committee of Experts encourages the Dutch government to co-ordinate and strengthen efforts made by the local and regional authorities of the Low-Saxon area in the field of education.

“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;”

Limburger

53. Courses of the Limburger language are provided in the province of Limburg by branches of the *Veldeke* association and are open to non-speakers. Advanced reading and writing courses have been available since 2001.

Low-Saxon

54. Facilities to enable non-speakers to learn Low-Saxon are run by private-sector organisations subsidised by the provinces and the municipalities of the Low-Saxon area.

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

Limburger

55. As already noted in the previous evaluation report, the Limburger language is studied and researched at the University of Nijmegen.

Low-Saxon

56. The Gronings variety of the Low-Saxon language is taught at the University of Groningen. During its “on-the-spot” visit, the Committee of Experts was informed that the University of Twente carries out research on the Low-Saxon language in co-operation with the Van Deirse Institute.

“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.”

Limburger

57. During its “on-the-spot” visit, the Committee of Experts was informed that over the last two years there has been only a little co-operation with the Belgian province where the Limburger language is spoken due to the fact that Belgium at present focuses on the three official languages (Flemish, French and German). As regards co-operation with Germany, contacts exist but a common linguistic policy is difficult to establish as the Limburger variant spoken in Germany differs greatly from the one spoken in the Netherlands.

Low-Saxon

58. Transnational exchanges exist with Germany.

“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.”

59. In its previous evaluation report, the Committee of Experts pointed out that with the exception of Frisian, there was no clear evidence that initiatives of the kind described in this paragraph had been undertaken (see para. 47). The second periodical report of the Netherlands mentions only the holding of a workshop in 1999 on integration issues and Frisian and the subsequent report and consultations on this issue (see Volume I, §5.12). The Committee of Experts underlines the importance of promoting mutual understanding and tolerance between all the linguistic groups and welcomes the initiatives of the Dutch authorities in this field. The Committee of Experts looks forward to receiving further information in the next periodical report.

“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.”

60. In the first evaluation report, the Committee of Experts acknowledged the consultations which took place between the central authorities, the Province of Fryslân and the representatives of Frisian speakers and led to the adoption in 2001 of the third Covenant on the Frisian language and culture. The Committee of Experts has however noted that for the Low-Saxon and Limburger languages, such consultations seem to be carried out only at the local and regional levels.

“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.”

Yiddish

61. From 2000 to 2002, the Ministry of Health, Welfare and Sports subsidised the production of a Yiddish course book and of teaching materials for the *Cheider* school in Amsterdam. During its “on-the-spot” visit, the Committee of Experts met a representative of *Cheider*, who pointed out that the development of these teaching materials and the grants received from the Government constitute a major step forward in strengthening the position of Yiddish as the teaching of the language is becoming more professional. The Committee of Experts considers this to be a positive development.

62. According to the information received by the Committee of Experts, there are 250 children attending the *Cheider* school and many of them do not speak Yiddish when they start school. At *Cheider*, the national curriculum is respected and the Yiddish language is therefore taught outside the regular school hours. As was pointed out to the Committee of Experts, the teaching of Yiddish would benefit from being included as a part of “Cultural Development”, which is a compulsory subject, but this is not allowed at the moment. The Committee of Experts encourages the authorities to consider including the Yiddish language in the curriculum as a part of “Cultural Development”.

63. A Yiddish course is available at the University of Leiden and an important number of studies and research projects related to Yiddish are conducted at universities and research institutes. The production of a Yiddish textbook and the Yiddish course given at the University of Leiden should facilitate the teaching of the Yiddish language to non-speakers.

64. As previously noted by the Committee of Experts in its first evaluation report, the promotion of the Yiddish language has been mainly carried out by private-sector organisations. However, cultural activities and the recent production of a Yiddish textbook have been subsidised by the Dutch authorities.

65. The Jewish community organises transnational exchanges through private initiatives, with no direct support from the State. The Yiddish language is frequently used as a common language during these exchanges, notably by young people.

The Committee of Experts encourages the Dutch authorities to allow Yiddish to be taught as an optional part of the national curriculum.

Romanes

66. The second periodical report refers to measures taken “in the past” by the Dutch Government to promote the Romanes language, e.g. a school video subsidised a few years ago by the Dutch authorities. As these measures were already mentioned in the initial periodical report, the Committee of Experts concludes that no new measures have been taken to promote this language since its first evaluation report. Furthermore, the Committee of Experts notes that no measures have been taken by the Dutch government to encourage Roma and Sinti to maintain links with Romanes speakers abroad.

67. The *National Organisation for Sinti in the Netherlands* informed the Committee of Experts of various initiatives in the field of education. A particularly interesting proposal is to develop the presence of Sinti/Roma advisers in schools attended by Sinti/Roma children, following the example of a primary school in Amsterdam (see second periodical report of the Netherlands, Volume III, Roma and Sinti Languages in the Netherlands, §2.3). Indeed, experience has shown that the existence of classes where the Sinti/Roma languages are taught improve the school attendance of Sinti/Roma children.

68. The authorities informed the Committee of Experts that schools with Romanes-speaking children have the possibility to take special measures and receive additional funds for this purpose. However, as the educational system in general does not sufficiently take into account the specific needs of the Roma/Sinti children, they do not attend classes. The Committee of Experts therefore welcomes the abovementioned initiative to introduce Roma/Sinti advisers in schools.

69. There are no facilities to enable non-speakers of Romanes to learn the language. Within the Sinti community, the language is seen as a protection and the prevailing rule is that Romanes should not be taught to outsiders. Romanes is therefore not written, which reduces the chances for persons outside the Sinti/Roma community to learn the language. There is currently no study or research in the Romanes language at Dutch universities or equivalent institutions.

70. During the discussions with the Dutch authorities, the Committee of Experts noted that there was a significant lack of communication between the Dutch authorities and the Romanes-speaking community and a lack of interest for the needs of the Romanes speakers. The Committee of Experts was also informed that the funds allocated to the *National Organisation for Sinti in the Netherlands* will regrettably be reduced, in accordance with the new policy on subsidies to non-governmental organisations.

71. In the light of this information, the Committee of Experts concludes that the level of action is far from satisfactory. The Committee of Experts encourages the authorities to adopt a more pro-active attitude, in particular by establishing contacts with the Sinti/Roma groups, and to be open to support any educational initiatives that may be proposed by the Sinti/Roma organisations.

The Committee of Experts encourages the Dutch authorities to adopt a more pro-active attitude towards promoting the Romanes language, in dialogue with the speakers, in particular in the field of education.

3.3. *The Committee of Experts' evaluation of the application of Part III of the Charter:
Frisian language*

Article 8 - Education

Preliminary remarks

72. In accordance with the 2001 Covenant on the Frisian language and culture, the province of Fryslân receives an annual specific-purpose grant from the Ministry of Education, Culture and Science to safeguard and improve the position of Frisian in education at all levels.

73. It was pointed out to the Committee of Experts during its “on-the-spot visit” that the use of Frisian in families as well as in pre-school education is hampered by a lack of knowledge of bilingual child development and the benefits of bilingualism for the individual child. With an increasing number of bilingual marriages, there is also need for advice on how to deal with a bilingual family situation.

74. The Committee of Experts was also informed by the speakers of Frisian about the government’s efforts to implement a method developed by CITO, a central institution for the development of educational tests, to overcome language difficulties among immigrant children, which could have a negative effect on the use of Frisian in pre-school as well as in school. The method includes testing young children in Dutch and has, according to the information received by the Committee of Experts, resulted in Frisian-speaking parents receiving explicit advice from teachers to speak Dutch to their children at home. Some teachers who used to speak Frisian to their pupils were also reported to have been urged to speak only Dutch in class.

“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;”***

75. The Committee of Experts considered in its previous evaluation report that this undertaking was not fulfilled (see para. 59) and encouraged the Government to make available a substantial part of pre-school education in the Frisian language.

76. When adopting the 2001 Covenant on the Frisian language and culture, the central government undertook to consult the province of Fryslân on the position of Frisian in pre-school education whenever legislation was to be enacted on quality objectives for this part of the education system (see second periodical report of the Netherlands, Volume I, §6.24). The central government and the province of Fryslân also agreed that, by 2004, each party would provide an exceptional grant of 240 000 NLG (approx. 110 000 euros) for the development of Frisian-language educational materials to be used in playgroups and childcare centres (see second periodical report of the Netherlands, Volume I, §6.26). In addition, the central government and the province of Fryslân agreed to work towards the improvement of the position of Frisian in playgroups by encouraging municipalities to include Frisian in local ordinances on playgroups (see second periodical report of the Netherlands, Volume I, §6.27). The Committee of Experts considers these developments positive.

77. In November 2001, the province of Fryslân adopted an “Action Plan on Frisian in Education” aiming at increasing the number of Frisian-language or bilingual pre-school education facilities by ten playgroups and/or childcare centres per year. In 2004, there are 4 Frisian-speaking or bilingual childcare centres in Fryslân. The first bilingual childcare centre (*Bernestate*) was opened in December 2001 in Leeuwarden. The number of Frisian-speaking or bilingual playgroups in Fryslân increased from 7 in 2001 to 15 in 2004, out of a total of 225 playgroups. Two of these playgroups are bilingual.

78. As most childcare workers receive no formal education in the Frisian language, the proportion of childcare workers with a Frisian-language background is likely to decline in the future (see second periodical report of the Netherlands, Volume I, §6.35). The introduction of Frisian in the ordinary training of playgroup and childcare workers is urgently needed in the province of Fryslân.

79. Pre-school and childcare centres come under the responsibility of municipalities, but in practice pre-school education is left to private-sector organisations which receive public funds to carry out their task. One concern expressed by the Frisian speakers during the “on-the-spot” visit was that organisations in charge of pre-school education are not required to develop a language policy taking into account the bilingual situation of the province of Fryslân. According to the Frisian speakers, it is necessary to introduce language policy requirements in Dutch legislation.

80. The authorities informed the Committee of Experts that Article 3 of the draft Basic Childcare Provision Act, currently under discussion in Parliament, provides that in areas where the Frisian language is spoken as a majority language, the prescribed language used in daycare centres can be Frisian. The Committee of Experts has not yet been informed if this new Act has been adopted.

81. Although some minor progress has been made, the overall situation is still the same as observed during the first monitoring round. The Committee of Experts considers that the commitment of the Dutch authorities to make available a substantial part of pre-school education in the Frisian language is not fulfilled.

The Committee of Experts encourages the Dutch 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;”

82. The Committee of Experts considered in its previous evaluation report that this undertaking was not fulfilled (see para. 62) and invited the Government to make available a substantial part of primary education in the Frisian language.

83. In the 2001 Covenant on the Frisian language and culture, the central government and the province of Fryslân agreed to strengthen the position of Frisian in primary education by encouraging primary schools which include Frisian in their syllabus and use it as a language of instruction to implement “quality assurances policies” in this respect (see second periodical report of the Netherlands, Volume I, §6.45). They also agreed to encourage primary schools to include classroom and educational skills relating to the Frisian language and culture activities in their plans for in-service training activities for their teaching staff, if their quality assurance policy revealed the need for such action.

84. According to the 1998 Primary Education Act, all primary schools in Fryslân have to teach Frisian as a compulsory subject, unless the province of Fryslân has granted an exemption. The percentage of exemptions granted has significantly decreased during the last decade and was at 2% in 2000-2001 (see second periodical report of the Netherlands, Volume I, §6.51). Attainment targets have been set for all compulsory subjects, including Frisian, taught in primary schools in Fryslân (see second periodical report of the Netherlands, Volume I, §6.52).

85. In 2001, the Education Inspectorate published a report on Frisian-language education in primary schools. The report indicates that the use of Frisian as a language of instruction has declined slightly since 1988 (see second periodical report of the Netherlands, Volume I, §53). Furthermore, schools for children with severe learning difficulties and for children with physical, visual or other disabilities rarely use Frisian as a language of instruction, even if the 1998 Expertise Centres Act allow them to do so.

86. The Education Inspectorate’s report also indicates that the average time dedicated to the teaching of the Frisian language in primary schools is 25 minutes per week, which is insufficient for achieving the attainment targets (see second periodical report of the Netherlands, Volume I, §6.62 and §6.70). The authorities explain this low amount of time by the lack of qualified teachers in the Frisian language. Moreover, the Education

Inspectorate's report concludes that the quality of the teaching was insufficient in 71% of the Frisian lessons evaluated and that only 26% of primary schools possessed teaching materials that complied with the attainment targets (see second periodical report of the Netherlands, Volume I, §6.63).

87. The authorities informed the Committee of Experts that a new policy on attainment targets was currently being discussed by the Ministry of Education and the Province of Fryslân with a view to lowering these attainment targets for some schools in order to enhance long-term progress in the teaching of the Frisian language. In January 2002, the Committee on Attainment Targets in Primary Education issued an advisory report which distinguishes a core component, consisting of compulsory subjects, from a differentiated component, which enables each school to make an individual selection from the national curriculum. This Committee recommended placing Frisian in the differentiated component, but with the proviso that it does not tamper with the established requirements regarding the teaching of Frisian in Fryslân (see second periodical report of the Netherlands, Volume I, §6.4). The implementation of this recommendation will constitute a step backwards compared to the existing objective of equality between the Dutch and Frisian languages. As reported by the Frisian speakers, there are still many elementary schools where the Frisian language as a school subject is not taken seriously and the recommendations of the Committee on Attainment Targets in Primary Education could further weaken the position of Frisian in individual schools.

88. The Committee of Experts has not been informed of any positive development with regard to the teaching of Frisian in primary education. On the contrary, the implementation of the proposals contained in the abovementioned report of the Committee on Attainment Targets in Primary Education would have negative effects on the teaching of Frisian. The Committee of Experts therefore maintains its previous conclusion that the undertaking is not fulfilled.

The Committee of Experts urges the Dutch 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;”

89. The Committee of Experts considered in its previous evaluation report that this undertaking was not fulfilled (see para. 65) and encouraged the Government to take the necessary steps to improve the 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. In addition, the Committee of Experts underlined that this would certainly make Frisian a more attractive choice for students in upper secondary education.

90. In the province of Fryslân, Frisian is a compulsory subject in basic secondary education but no statutory attainment targets have been established. However, guidelines were published by the Ministry of Education and correspond to the attainment targets for the Dutch language (see second periodical report of the Netherlands, Volume I, §6.88). In the 2001 Covenant on the Frisian language and culture, the central government agreed to include attainment targets for Frisian in the Basic Secondary Education Decree. However, the Committee of Experts has been informed that such attainment targets have not been established so far. The Committee of Experts encourages the Dutch government to establish such targets to strengthen the situation of Frisian in secondary education.

91. In Fryslân, 37.5% of secondary schools are exempted from teaching the Frisian language (see second periodical report of the Netherlands, Volume I, §6.85). The Education Inspectorate and the *Berie foar it Frysk* both recommended that the responsibility to grant these exemptions be transferred from inspectors to the provincial executive, as is already the case for primary education (see second periodical report of the Netherlands, Volume I, §6.86).

92. A report issued in 1999 by the Education Inspectorate on Frisian in basic secondary education concluded that the limited amount of time dedicated to the teaching of Frisian was an obstacle to the development of fluency in and knowledge of the Frisian language. The report also pointed out the poor quality of

the teaching of Frisian, mainly due to the lack of qualified teachers and to the lenient attitude towards the Frisian-language syllabus (see second periodical report of the Netherlands, Volume I, §6.91).

93. As regards the second stage of secondary education, Frisian is an optional subject that pupils may choose for their school-leaving examination. The number of pupils taking the Frisian school-leaving examination has been growing gradually since 1996, but remains very low (70 pupils in 2001).

94. The Ministry of Education is evaluating basic secondary education and plans to place the teaching of the Frisian language in the optional part of the curriculum. The Frisian speakers met by the Committee of Experts during its “on-the-spot” visit expressed their grave concern for this project. The Committee of Experts considers that placing the teaching of Frisian as an optional subject in basic secondary education, as is already the case for the second stage of secondary education, is not compatible with the commitment undertaken by the Netherlands under the Charter to provide the teaching of Frisian as an integral part of the curriculum.

95. The approach taken by the Dutch government lacks legally binding minimum standards for Frisian and a prescribed minimum number of teaching hours for Frisian in secondary education. Furthermore, Frisian in the upper grades of secondary education is still an optional subject and not an integral part of the curriculum. Moreover, there is a need for a sufficiently developed long-term approach to education in Frisian from primary school to the end of secondary education.

96. The Committee of Experts must therefore conclude as it did in the first monitoring round, that the undertaking is not fulfilled.

The Committee of Experts urges the Dutch government to improve the situation of the teaching of Frisian in secondary education.

University and higher education

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

97. The Committee of Experts considered in its previous evaluation report that this undertaking was partly fulfilled (see para. 68) and encouraged the Government to pursue a more active approach with respect to the provision of facilities for the study of the Frisian language as a higher education subject.

98. There are facilities for the teaching of Frisian at the universities of Leiden, Groningen and Amsterdam. However, at the University of Amsterdam, the Master course “Frisian language and literature” has been abandoned and Frisian is now studied as a part of the Master “Linguistics and Literary Studies”.

99. In the 2001 Covenant on the Frisian language and culture, the central government agreed to “guarantee a basic level of funding for the study of Frisian language and literature at university. In concrete terms, this will mean the continued existence, at the University of Groningen, of a department offering a first-degree course.” (see second periodical report of the Netherlands, Volume I, §6.115). If a second first-degree course is established, the 2001 Covenant provides that it will be subsidised, wholly or partly, by the province of Fryslân. This means that the Dutch government only guarantees the funding of the first-degree course at the University of Groningen.

100. The three colleges of higher professional education located in the province of Fryslân have adopted their own linguistic codes, as requested by the 1992 Higher Education and Research Act (see second periodical report of the Netherlands, Volume I, §6.128). Frisian is only taught as a part of the training courses for primary and secondary schools teachers. The CHN and NHL colleges both receive an annual grant of 34 000 euros to maintain the existing teaching of Frisian in their teacher training courses.

101. The Committee of Experts considers that the undertaking is fulfilled but encourages the Dutch government to secure and strengthen the position of Frisian in university and higher education.

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;”

102. The Committee of Experts considered in its previous evaluation report that this undertaking was not fulfilled (see para. 69) and encouraged the Government to arrange for the provision of adult and continuing education courses in Frisian.

103. The 2001 Covenant contains no specific agreements on adult and continuing education, but the central government and the province of Fryslân have undertaken to improve the status of Frisian in the two regional training centres located in the province of Fryslân (*Frieze Poort* and *Friesland College*). These two centres have not adopted a linguistic code of conduct regarding the use of Frisian in adult and vocational education and, therefore, cannot offer courses taught mainly or wholly in Frisian in the various education programmes, except where the teaching of Frisian is concerned (see second periodical report of the Netherlands, Volume I, §6.145). In its Action Plan of November 2001, the province of Fryslân recommended these two centres to formulate language policies regulating the use of Frisian within two years. They replied that there should first of all be a demand for Frisian speakers in the marketplace.

104. Since 1995, the private-sector organisation AFÛK has played an important role in providing Frisian-language courses for Frisian-speaking and non-Frisian-speaking adults and developing teaching and course materials. AFÛK receives an annual grant from the central government and the province (500.000 euros in 2001) and municipalities' funds.

105. During the period 2000-2004, AFÛK organised courses for over 1.000 adults per year, published about 30 books a year, developed a learning programme in pre-school playgroups, published magazines for parents with playgroup children, translated internet websites for local governments, etc.

106. While considering that this undertaking is fulfilled, the Committee of Experts encourages the Dutch government to ensure that the two regional training centres follow the recommendation contained in the 2001 Action Plan of the Province of Fryslân and develop a linguistic policy as regards 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;”

107. The Committee of Experts considered in its previous evaluation report that this undertaking was not fulfilled (see para. 70).

108. No mention is made of the teaching of history and culture either in the 2001 Covenant on the Frisian language and culture or in the 2001 Action Plan of the province of Fryslân. Despite this absence of explicit attention, efforts are being made to develop Frisian language materials for subjects such as environmental studies, history and cultural education.

109. According to the information received, the 2001 Covenant on Frisian language and culture provides that the province of Fryslân will also devote attention to the interaction between cultural education and Frisian in primary and secondary education and in adult and vocational education (see second periodical report of the Netherlands, Volume I, §6.156). However, the Committee of Experts has so far received no information on any concrete measures taken to implement the above provision. The Committee of Experts is therefore not in a position to conclude on the fulfilment of this undertaking and invites the Dutch authorities to provide the Committee of Experts with further information in their next periodical report.

Teacher 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;”

110. The Committee of Experts considered in its previous evaluation report that this undertaking was not fulfilled (see para. 71) and encouraged the Government to ensure the fulfilment of this undertaking for all teachers required to implement the provisions of paragraphs a to g accepted by the Netherlands when ratifying the Charter. In its recommendation no. 1, the Committee of Ministers underlined that further efforts should be made to ensure and improve the necessary basic and further teacher training.

111. The 2001 Covenant on the Frisian language and culture contains provisions aiming at implementing the recommendation of the Committee of Experts at all levels of education.

112. Playgroup and childcare workers and primary school teaching assistants are trained at one of the two above-mentioned regional training centres. As regards the training of playgroup and childcare workers, one of these two centres introduced a module of bilingual education in 2001, which devotes attention to Frisian, but there is a general tendency is not to pay any attention to active Frisian-language skills.

113. As Frisian is a compulsory subject in primary schools in the province of Fryslân, it is also a compulsory module in the initial training courses offered to primary school teachers at the two Frisian colleges of higher professional education (see second periodical report of the Netherlands, Volume I, §6.169). However, primary school trainees are not obliged to obtain an endorsement for Frisian on their diplomas. This has implications for the command of Frisian among primary school teachers. Indeed, the 2001 Education Inspectorate's report on Frisian-language education in primary schools indicates that over one third of teachers are not qualified to teach Frisian.

114. Secondary school teachers are trained in Frisian at colleges of higher professional education and universities. Only one college (NHL) and one university (Groningen) offer courses for Frisian teachers. Further respective training is also offered by NHL. The Dutch authorities informed the Committee of Experts that secondary schools have their own in-service training budgets. However, the figures provided by the Dutch authorities in their second periodical report and gathered by the Committee of Experts during its “on-the-spot” visit show the very low attendance of these courses.

115. The initial training of Frisian teachers at universities and other institutions of higher education takes place at universities where Frisian is taught. Frisian teachers in adult general secondary education receive the same training as secondary school teachers.

116. In its previous evaluation report, the Committee of Experts noted a lack of adequate funding of the continuing education of teachers in Frisian (see para. 71). In their second periodical report, the Dutch authorities informed the Committee of Experts that an annual specific-purpose grant for Frisian in education is given by the Ministry of Education to the province of Fryslân. In addition, the province of Fryslân subsidises the institutions (e.g. NHL) involved in the basic and further training of Frisian teachers in primary and secondary schools.

117. As pointed out to the Committee of Expert during its “on-the spot-visit”, teacher training in bilingualism and bilingual didactics would promote the teaching in and of Frisian and make it more efficient. Apart from the bilingual module in the training of pre-school personnel mentioned above, no information on such training was given to the Committee. The Committee of Experts would welcome more information in this area in the next periodical report.

118. The Committee of Experts acknowledges that some efforts have been made in the field of teacher training. However, the Committee of Experts is of the opinion that the measures taken are not sufficient to facilitate the fulfilment of the undertakings chosen under paragraph 1 a to g. The Committee of Experts regards teacher training as essential to the fulfilment of the undertakings chosen in the field of education. The Committee of Experts considers the undertaking partly fulfilled.

The Committee of Experts urges the Dutch authorities to take active measures to provide the necessary basic and further training for teachers of Frisian.

Supervisory 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.”***

119. The Committee of Experts considered this undertaking fulfilled in its previous evaluation report (see para. 72). The Committee of Experts requested more information on the results of a survey evaluating the use of Frisian in primary education and expressed its trust that the Education Inspectorate would ensure the drawing up of periodical reports at all levels of education.

120. The 2001 Covenant on the Frisian language and culture provides that the Education Inspectorate will report on the position of Frisian in various education sectors every three years. During its “on-the-spot” visit, the representatives of the Frisian speakers informed the Committee of Experts about various difficulties concerning the way in which the Education Inspectorate carries out its duties. It was also pointed out to the Committee of Experts that the scaling up of the Inspectorate and its moving outside the province of Fryslân has meant that supervision in terms of the Frisian language and bilingual education has diminished. Moreover, the requirements of the Education Inspectorate with regard to the teaching of Frisian are not strict enough.

121. According to the 2001 Covenant, the Education Council – the Government’s advisory body on education matters – will be involved in the development of policies on the Frisian language and culture in education when the central government considers it appropriate.

122. In 1999, the Education Inspectorate issued a report on secondary education and in 2001 on primary education. In the 2001 Covenant on the Frisian language and culture, the central government and the province of Fryslân agreed that the Education Inspectorate would issue three-yearly bulletins on bilingual and multilingual education in the province of Fryslân (see second periodical report of the Netherlands, Volume I, §6.187).

123. The Committee of Experts considers that the undertaking is fulfilled and looks forward to receiving the Education Inspectorate’s next reports on Frisian at all levels of education.

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;”***

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;”***

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;”

124. The Committee of Experts concluded in finding (B) of the previous evaluation report that there is 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. This deficiency was also the object of the Committee of Ministers’ recommendation no. 2. In its evaluation report, the Committee of Experts noted in particular the lack of information to speakers on their right to use their language before courts (see para. 74), the need for a dictionary specialising in terms used in the judicial system (see para. 75) and the lack of Frisian-speaking staff in courts (see para. 76).

125. Since November 2001, a sign displaying the text “You have the right to speak Frisian during the hearing”, written in Dutch and Frisian, is placed outside the entrance to every courtroom in the province of Fryslân (see second periodical report of the Netherlands, Volume I, §7.13). However, during its “on-the-spot” visit, the Committee of Experts was informed that, so far, the Frisian language is not frequently used in civil and criminal proceedings. The need for interpretation therefore hardly ever occurs. Moreover, the court of first instance has never received a legal document written in Frisian.

126. In the public prosecutor office, Frisians are also informed of their right to speak Frisian. However, an inquiry made by the public prosecutor in Leeuwarden indicates that the limited use being made of this right might be attributed to a certain reluctance to use the Frisian language in formal circumstances.

127. The Committee of Experts was pleased to learn of the publication in December 2000 of a Dutch-Frisian legal dictionary (see second periodical report of the Netherlands, Volume I, §7.3).

128. In 2002, training courses in the Frisian language were organised for new court employees, including judges, in the district court of Leeuwarden. The courses, offered on a voluntary basis, were given in-house during working hours and paid for by the court. Despite these facilities, the attendance of these courses remained low. It has therefore been decided as of 2004 to make Frisian language training courses a compulsory part of the standard introductory programme for new staff, including judges. These Frisian language training courses are given 2 hours per week over a period of a few months with an examination at the end. They are given during working hours and paid for by the court. Further Frisian language courses are offered on a voluntary basis but have a low attendance.

129. The Committee of Experts acknowledges the efforts and progress made to facilitate the use of Frisian before courts and suggests that the authorities consider new ways to encourage the effective use of the Frisian language, for instance by encouraging Frisian-speaking judges to work at the courts in Fryslân.

130. The Committee of Experts considers that the undertaking is fulfilled and encourages the Dutch authorities to continue their efforts with a view to ensuring the use of the Frisian language before courts.

“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;”**

131. In its previous evaluation report, the Committee of Experts considered that these undertakings were formally fulfilled (para 81). The Committee of Experts observed that documents drawn up in Frisian are generally legally valid, but also that notaries have difficulties in drawing up model contracts due to the lack of specialised vocabulary (see the first evaluation report of the Committee of Experts, para. 80).

132. The authorities informed the Committee of Experts that, in October 2001, the *Fryske Akademy* started to translate a book of model contracts for legal practice and to update the existing Frisian language model for contracts for the notarial profession (see second periodical report of the Netherlands, Volume I, §7.38), and that

a Dutch-Frisian legal dictionary was launched in December 2001 (see above para. 127). In addition, a new Act entered into force in February 2002 introducing the possibility of drawing up the constitutions of Frisian associations and foundations in the Frisian language and of entering them in the relevant public registers without appending Dutch translation if the association or foundation conducts all or most of its activities in the province of Fryslân (see second periodical report, Volume, §7.42). As a consequence, a number of other Acts were amended.

133. These developments are positive and the Committee of Experts considers that the undertaking is 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:

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

134. In its first evaluation report, the Committee of Experts considered that this undertaking was not fulfilled and encouraged the authorities to implement the General Administrative Law Act (section 2:9) by drawing up model regulations covering the use of Frisian (see para. 83).

135. The 2001 Covenant on the Frisian language and culture provides that ministries with agencies in the province of Fryslân will introduce, by 2004, regulations on the use of Frisian by these agencies. In their second periodical report, the Dutch authorities informed the Committee of Experts that a model regulation on the use of Frisian in administrative matters had been drawn up by the central government and sent to the relevant ministries (Volume I, §8.20).

136. None of the ministries concerned have so far adopted such regulations, which means that their agencies located in the province of Fryslân cannot use Frisian in their outgoing correspondence.

137. The Committee of Experts acknowledges the important initiative undertaken by the Dutch authorities regarding the implementation of this undertaking. The Committee of Experts considers that this undertaking is not, at the time of its evaluation, fulfilled but looks forwards to receiving more information on the adoption by the ministries concerned of regulations on 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;”*

138. In its previous evaluation report, the Committee of Experts considered these undertakings fulfilled (see para. 84).

139. In October 2000, the province of Fryslân adopted at its own initiative an ordinance on the written use of the Frisian and Dutch languages by administrative authorities in the province, thereby implementing section 2:9 of the General Administrative Law Act (see above under paragraph 1 c). During its “on-the-spot” visit, the Committee of Experts was informed that, in 2003, nine municipalities in the province of Fryslân had also adopted such ordinances, which provide a legal basis to the use of Frisian in written documents. The Committee of Experts acknowledges the efforts made by the provincial authorities.

140. The Committee of Experts considers that these undertakings are 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.”*

141. In its previous evaluation report, the Committee of Experts observed that the full implementation of the existing legislation was lacking and therefore concluded that the undertaking was partly fulfilled (see para. 85). The Committee of Experts suggested that the Government encourage the relevant municipal authorities to introduce bilingual signs.

142. Almost all municipalities in the Frisian language area of the province of Fryslân have placed bilingual signs at the outer limits of built-up areas (see second periodical report of the Netherlands, Volume I, §8.64). However, when local authorities decide to adopt two official names, one in Frisian and one in Dutch, the central government and its administrative authorities exclusively use the Dutch name (see second periodical report of the Netherlands, Volume I, §8.58).

143. The Committee of Experts was informed by the authorities during its “on-the-spot” visit that the executive of the province of Fryslân approved an ordinance regarding the use of the Frisian or Low-Saxon names of waterways. 26 municipalities out of 27 have accepted this ordinance and its implementation will last one or two years.

144. The Committee of Experts considers that this undertaking is fulfilled.

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:

- 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.”*

145. The Committee of Experts has received no information with regards to this undertaking and is therefore not in a position to conclude whether this undertaking is fulfilled or not. The Committee of Experts looks forward to receiving information in the next periodical report.

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.”

146. In its first evaluation report, the Committee of Experts considered that this undertaking was not fulfilled and encouraged the Government to take the necessary measures to permit the use of family names in Frisian in official documents (see para. 87). The Committee of Experts noted in particular that the 1997 Decree on change of family names and municipal databases was too restrictive in that respect.

147. The 2001 Covenant on the Frisian language and culture provides that the central government will draft a statutory provision on changes to family names in municipal personal records databases (see second periodical report of the Netherlands, Volume I, §8.3). The Committee of Experts was furthermore informed by the authorities during its “on-the-spot” visit of the entry into force on 1st January 2003 of a new decree on family names permitting the change of a Dutch family name to a Frisian name or the adaptation or change of the Dutch spelling of a Frisian family name to the Frisian spelling of that name. This decree amends the previous 1997 decree on change of family names and municipal database.

148. The Committee of Experts considers the undertaking fulfilled.

Article 11 - Media

149. In its finding B, the Committee of Experts observed that Frisian radio and television are put on an equal footing with the Dutch language radio and television in other regions of the Netherlands and that the extra cost of broadcasting in Frisian is not taken into account in the allocation of subsidies. The Committee of Experts and the Committee of Ministers (recommendation no. 3) therefore recommended to the Netherlands to take into account the special needs of broadcasting in Frisian and to consider increasing its financial support.

“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;”

150. In its previous evaluation report, the Committee of Experts considered this undertaking fulfilled but pointed out the necessity of special funding for programmes in Frisian (see para. 90).

151. Since the first evaluation report of the Committee of Experts, the number of hours of Frisian-language television programmes broadcast annually on national television channels has increased (see second periodical report of the Netherlands, Volume I, §9.10). Out of the 37 hours of programmes currently broadcast by *Omrop Fryslân* on the national channel, 16 are allocated to Frisian-language school television programmes.

152. In 1999, an agreement was reached regarding an increase in the number of hours of broadcasting time allocated to public regional broadcasting (see second periodical report of the Netherlands, Volume I, §9.21). In 2002, *Omrop Fryslân* broadcast 118 hours of radio programmes per week and a daily television programme of one and a half hours in the province of Fryslân. During its meeting with the Committee of Experts, *Omrop Fryslân* expressed its wish to extend the regional broadcasting time on television to two hours, to develop Internet activities and to create a radio channel for young people.

153. The Media Act provides that regional broadcasting organisations are only allocated time if the relevant provincial authorities declare that they are willing to take responsibility for funding them. In 1999, the province of Fryslân made such a declaration to *Omrop Fryslân*. The resources that the province of Fryslân makes available to *Omrop Fryslân* derive from the central government (through the Provinces Fund and the Media Authority) and from the province’s own resources.

154. In 2001, the province of Fryslân decided to grant additional funding to *Omrop Fryslân* from 2001 to 2003 to improve the existing range and quality of Frisian-language television and radio programmes (see second periodical report of the Netherlands, Volume I, §9.24). During its “on-the-spot” visit, the Committee of Experts was informed that the province of Fryslân would maintain this additional funding in 2004 and 2005.

155. In its second periodical report, the Dutch authorities stated that the central government grants funds for *Omrop Fryslân* in the same manner as for other regional broadcasting organisations, which means that no additional funding or subsidies are provided with a view to taking into account the situation of Frisian as a second national language in the Netherlands (see Volume I, §9.23). However, in the 2001 Covenant on the Frisian language and culture, the central government and the province of Fryslân agreed that “in view of the fact that Frisian is the second national language, central government will strive to ensure that the regional public television broadcasting organisation (Omrop Fryslân TV) has sufficient funds to achieve a full and varied range of programmes” (section 5.1).

156. Since 2002, the additional funding provided by the province of Fryslân to *Omrop Fryslân* is no longer complemented by a similar grant from the Media Authority’s matching fund (see second periodical report of the Netherlands, Volume I, §9.25).

157. The Committee of Experts has noted the latest changes in the funding base which may put the broadcasting in Frisian at risk, but has not, at this stage, been aware of any negative effects. The Committee of Experts does not at present see any reason to change its previous conclusion on fulfilment. The Committee of Experts considers that this undertaking is fulfilled but encourages the Dutch authorities to provide earmarked funds to Frisian broadcasting.

“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;”

158. The Committee of Experts considered, in its previous evaluation report, that this undertaking was not fulfilled and encouraged the Government to take further steps to promote the use of Frisian in private broadcasting (see para. 91).

159. The Dutch authorities disagreed with this conclusion of the Committee of Experts and underlined that it had deliberately opted to refrain from placing further requirements on commercial broadcasting organisations other than the requirement that at least 40% of their programmes are conducted in either Dutch or Frisian (see second periodical report of the Netherlands, Volume I, §9.31).

160. The Committee of Experts acknowledges the authorities for including Frisian in the quota. However, the experience of the Committee of Experts has shown that in this type of so-called equality between majority and minority languages, the minority language always loses. The Committee of Experts has received no information on private broadcasting in Frisian. Based on the Dutch authorities’ statement, the Committee of Experts reserves its position after having received information from the Dutch authorities regarding 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;”

161. In its previous evaluation report, the Committee of Experts considered this undertaking formally fulfilled (see para. 92). The Committee of Experts noted practical difficulties, in particular the fact that regional broadcasting organisations have to compete with national broadcasting organisations to obtain grants from the Dutch Cultural Broadcasting Promotion Fund (see para. 93).

162. The Dutch authorities informed the Committee of Experts that between 1998 and 2001, this Promotion Fund awarded grants to five projects related to the national broadcasts of *Omrop Fryslân* (see second periodical report of the Netherlands, Volume I, §9.41). Since 2001, regional broadcasting organisations can apply to the Fund

for financial support for projects dedicated to regional television but there are still no earmarked funds for Frisian broadcasting. During the “on-the-spot” visit, the Committee of Experts was informed that *Omrop Fryslân* received its first grant from the Promotion Fund for regional television in 2002.

163. In view of the support given to *Omrop Fryslân*, the Committee of Experts considers this undertaking fulfilled but encourages the Dutch authorities to consider earmarking special funds for audiovisual productions in Frisian.

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:

- 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;”***

164. The Committee of Experts previously considered that the undertaking was not fulfilled and encouraged the Government to promote measures ensuring that the bodies in question had at their disposal staff with a good working knowledge of Frisian (see para. 96).

165. The Dutch authorities informed the Committee of Experts that their national cultural policy aims at having at least one member with a good knowledge of Frisian language and culture in the advisory councils of the Netherlands Literary Production and Translation Fund and of the Literary Fund (see second periodical report, Volume I, §10.78). Similar guarantees regarding a good knowledge of Frisian language and culture also apply to the boards of bodies established on the basis of the Media Act and to the boards of funds focusing on broadcasting productions (*Ibid*, §10.78). As regards, the provincial cultural bodies, the Dutch authorities explained that it is generally accepted that some staff members should have an active command of the Frisian language (see second periodical report of the Netherlands, Volume I, §10.80).

166. The Committee of Experts acknowledges the good intentions of the Dutch authorities and invites them to provide the Committee of Experts with further concrete information in their next periodical report. At present, the Committee of Experts is not in a position to conclude whether this undertaking is fulfilled or not.

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

167. The Committee of Experts was informed by the Dutch authorities in their second periodical report that the board of the Netherlands Literary Production and Translation Fund has one member with a good knowledge of Frisian literature and makes use of the expertise of about ten advisors in this particular area. In addition, the advisory board which assists the Literary Fund consists of at most thirteen members with a broad knowledge of national and international literature, including Frisian literature. The board of the Literary Fund also co-operates with experts on Frisian books for children and young people, Frisian prose and Frisian poetry. However, the Committee of Experts has not received any information regarding Frisian speakers' participation in providing facilities and planning cultural activities apart from the Literary Production and Translation Fund mentioned above.

168. The Committee of Experts is therefore not in a position to conclude whether this undertaking is fulfilled or not and invites the Dutch government to provide the Committee of Experts with further information in its next periodical report.

“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.”

169. In its previous evaluation report, the Committee of Experts considered this undertaking fulfilled (see para. 100).

170. During the period 1999-2001, the Dutch embassies did not carry out any activities relating to the Frisian language and culture (see second periodical report of the Netherlands, Volume I, §10.116). Moreover, the basic principles of the Dutch international cultural policy for 2001-2004, defined by the State Secretary for Education, Culture and Science, does not explicitly mention the Frisian language and culture.

171. In the 2001 Covenant on the Frisian language and culture, the central government undertook to ensure that Frisian language and culture will have a clear place in the broader public information policy of the Dutch embassies (see second periodical report of the Netherlands, Volume I, §10.100). According to the information received by the Committee of Experts during its “on-the-spot” visit, no activities relating to the Frisian language and culture were carried out by Dutch embassies in 2002 and 2003, nor was the Frisian language and culture included in other presentations of Dutch cultural policy abroad.

172. The Committee of Experts considers that this undertaking is not fulfilled and encourages the Dutch government to include the Frisian language and the culture it reflects in its cultural policy abroad.

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;***

173. In its previous evaluation report, the Committee of Experts considered this undertaking fulfilled but noted that a difficulty remained as regards the Chamber of Commerce (see para. 101).

174. In the 2001 Covenant on the Frisian language and culture, the central government undertook to evaluate whether there were any constraints on the use of Frisian in economic and social life and to strive to ensure that legislation was amended where necessary (see second periodical report of the Netherlands, Volume I, §11.7).

175. Since February 2002, the deeds of constitution of associations and foundations may be registered in the relevant public registers and executed in the Frisian language without appending a Dutch translation if the association or foundation conducts all or most of its activities in the province of Fryslân (see above under Article 9). However, this possibility does not apply to public and private limited companies (see second periodical report of the Netherlands, Volume I, §11.15). In 1999, the Notaries Act was amended to allow the execution of bilingual and multilingual notarial deeds, with the exception of deeds entered in public registers for registered goods (see second periodical report of the Netherlands, Volume I, §11.11-11.13).

176. The Committee of Experts considers that these developments are positive and concludes that the undertaking is fulfilled.

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

177. The Committee of Experts pointed out in its previous evaluation report that this undertaking was not fulfilled in respect of the Dutch Postal Services which had repeatedly refused to use Frisian names (see para. 102). In their comments on the first evaluation report of the Committee of Experts, the Netherlands stated that the problems mentioned by the Committee of Experts with the Dutch Postal Services and the railways were solved. As from the 2000-2001 railway timetable, the official place-names are being used in all cases. In addition, as from September 2000, the Dutch postal service (TPG Post) has incorporated official Frisian-language place names in its postcode databases, which are used by the administrative authorities. This latter decision implies that these changes were also made to the company’s commercial databases.

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

179. The Committee of Experts considers that the undertaking is fulfilled and encourages the Dutch government to continue its efforts to oppose such practices designed to discourage the use of Frisian in connection with economic or social activities.

“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;”

180. In its previous evaluation report, the Committee of Experts noted that, due to a lack of information, it could not conclude whether this undertaking was fulfilled or not (see para. 104).

181. The Dutch authorities informed the Committee of Experts that, during the period 1999-2001, the Ministry of Economic Affairs did not carry out any activities or adopt measures focusing on the Frisian language and that this Ministry had never availed itself of the possibility provided by the General Administrative Law Act to regulate the use of Frisian in written documents for central government bodies which fall under its competence.

182. The Committee of Experts therefore considers that this undertaking is not 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;”

183. In its previous evaluation report, the Committee of Experts considered that this undertaking was partially fulfilled and underlined the urgent need for Frisian-speaking staff in social care institutions and the serious lack of funds to provide the necessary training (see para. 105).

184. The results of a survey conducted at the request of the Ministry of the Interior and Kingdom Relations were published in October 2001 and recommended the establishment of demonstration language projects and the provision of courses aimed at increasing the Frisian-language skills of Dutch-speaking senior staff in the health sector. According to the survey, there is a general positive attitude towards Frisian, but this is not reflected in concrete situations or measures. It also observed that staff and residents of nursing homes and staff providing services for the disabled demonstrate an above-average command of Frisian, while staff of mother and toddler clinics demonstrate a below-average command (see second periodical report of the Netherlands, Volume I, §11.45).

185. The 2001 Covenant on the Frisian language and culture contains several provisions on the use of the Frisian language in social care services. An interesting project aims at ensuring that testing and therapeutic materials used in speech therapy are examined to ensure their suitability for use in the particular bilingual situation in Fryslân (see second periodical report of the Netherlands, Volume I, §11.41). However, the Committee of Experts has not been informed of practical measures already taken by the authorities to implement the provisions of the 2001 Covenant relating to the use of Frisian in social care services.

186. The Committee of Experts considers that this undertaking is still only partly fulfilled. The Committee of Experts encourages the authorities to implement the plans aimed at ensuring the use of Frisian in social care facilities and looks forward to receiving further information on the implementation of these projects.

Article 14 - Transfrontier exchanges

“The Parties undertake:

- 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.”*

187. In its previous evaluation report, the Committee of Experts considered that these undertakings were generally fulfilled and pointed out the lack of government funding of transfrontier activities carried out by Frisian organisations. The Committee of Experts therefore encouraged the Government to provide information in its next periodical report on how it intends to further promote transfrontier exchanges (see para. 107).

188. In the 2001 Covenant on the Frisian language and culture, the central government and the province of Fryslân agreed that they would strive to ensure that sufficient resources would be provided to establish and promote cultural and educational exchanges between the Dutch province of Fryslân and the German regions of East and North Friesland. The Committee of Experts received no additional information on the practical implementation of this agreement.

189. The Committee of Experts cannot therefore conclude whether this undertaking is fulfilled or not and encourages the Dutch authorities to provide information on the implementation of the 2001 Covenant in respect of transfrontier exchanges in their next periodical report.

Chapter 4 - Conclusions

4.1 Conclusions of the Committee of Experts on how the Dutch authorities reacted to the recommendations of the Committee of Ministers

Recommendation no. 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”

1. The adoption in 2001 of the third Covenant on the Frisian language and culture is a positive step towards the strengthening of the position of Frisian in education. However, no clear timetable and no quantifiable targets have been defined to achieve the objectives contained in the 2001 Covenant. As a consequence, at the time of the second monitoring round, the teaching of the Frisian language is neither a substantial part of pre-school and primary education nor an integral part of the curriculum in secondary education (see para. 75-96 above). The lowering of the attainment targets in primary education and the project of making Frisian an optional subject in basic secondary education are of particular concern to the Committee of Experts (see para. 87 and 94 above). As regards teacher training, the Committee of Experts acknowledges the efforts made but notes that they are not yet sufficient to make a significant improvement to the language skills of the educational staff (see para. 110-118 above).

Recommendation no. 2:

“ensure the practical implementation of the existing legal provisions as regards the use of Frisian in relation to the judicial and administrative authorities”

2. The Committee of Experts acknowledges the efforts made to improve the implementation of the existing provisions on the right to use Frisian in relation to judicial authorities, particularly with regard to the fact that Frisian speakers are now better informed of their rights (see para. 124-133 above). However, the use of the Frisian language remains limited. Regarding central State administration agencies in the province of Fryslân, there still remain obstacles to the use of the Frisian language and further efforts are needed.

Recommendation no. 3:

“take into account the special needs of broadcasting in Frisian and consider increasing its financial support”

3. In the 2001 Covenant on the Frisian language and culture, the central government undertook to ensure sufficient funding for Frisian broadcasting. During its second monitoring round the Committee of Experts was informed that some progress had been made in accordance with the relevant provisions under Article 11 (see para. 149-163 above) but the promotion of broadcasting in Frisian still needs attention by the Dutch authorities.

Recommendation no. 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”

4. As regards the Low-Saxon and Limburger languages, the central government considers that local and regional authorities are primarily responsible for developing policies on these languages, and some progress has been made for their promotion and protection. The Romanes language has not received any significant attention or support from the central government (see para. 66-71 above). Positive steps, however, have been taken by the central government to promote the Yiddish language (see para. 61-65 above). There is still a need for a

national language policy in particular as regards the promotion and protection of the languages covered by Part II of the Charter.

4.2. *Findings of the Committee of Experts in the context of the second monitoring round*

A. Both the second periodical report of the Netherlands and the discussions the Committee of Experts had during the “on-the-spot” visit showed a growing positive attitude towards the application of the commitments undertaken by the Dutch authorities under Part III of the Charter. The Committee of Experts acknowledges the improvements made in the field of justice (Article 9), administration and public services (Article 10) and the continuous support to cultural activities (Article 12). The 2001 Covenant on the Frisian language and culture underlines the broad willingness on both sides to promote and protect the Frisian language and is an excellent instrument for ensuring the application of the Charter.

B. The overall approach of the Dutch government is to delegate powers to the level of the local and regional authorities. This has many advantages in the field of regional or minority language protection and promotion. The closeness of these authorities to the languages means that measures can be tailor-made to reflect the actual situation of each language in a way that may be more difficult for remoter authorities. The Dutch Government is nonetheless responsible for ensuring fulfilment of the chosen undertakings.

C. A serious problem hampering the promotion of Frisian, as well as the other regional or minority languages in the Netherlands, seems to be the general population's lack of knowledge of bilingual child development and the benefits of bilingualism for the individual child. An unjustified fear of risks of bilingualism hinders individual parents and schools from opting for education in regional or minority languages. With the number of bilingual marriages constantly increasing, there is also a need for advice on how to deal with a bilingual family situation. As the situation of a language in families and at school is crucial for its future maintenance, there is an urgent need to develop measures to spread information on bilingualism and bilingual development to parents, pre-school personnel, teachers, teacher trainers and other relevant groups.

D. Another problem arises from the above-mentioned lack of information on bilingualism. Recent governmental efforts to strengthen young immigrant children's ability in Dutch have resulted in creating a less favourable climate for regional or minority language maintenance in some pre-schools and schools, where the use of Frisian in relation to the Frisian-speaking children has been discouraged. It is important, when promoting the knowledge of the official language, also to promote the teaching of the regional or minority languages in the educational system.

E. An overall and coherent approach to teaching of and in the Frisian language at all stages of education is still lacking. The increasingly weak position of Frisian in pre-school, primary and secondary education is of particular concern to the Committee of Experts. The 2001 Covenant on the Frisian language and culture has not been followed up by the definition of clearly quantifiable objectives with a clear time-frame to combat effectively the decline of the Frisian language in the educational system.

1. pre-school

The number of pre-schools where Frisian is used remains very low and most childcare workers receive no formal education in Frisian. Moreover, the private-sector organisations in charge of playgroups and childcare centres are not obliged to develop a language policy which takes into account the bilingual situation of the province of Fryslân. Frisian-language pre-school education will not be generally available as long as no adequate measures to tackle these two issues are taken.

2. primary

The Education Inspectorate's report of 2001 pointed out the limited amount of time allocated to the teaching of Frisian and the lack of qualified teachers in primary education. As a result, the quality of the teaching is insufficient in most schools and Frisian as a language of instruction is declining. The implementation of the Dutch Committee on Attainment Targets' recommendation, which aims at placing the teaching of Frisian in the differentiated component of the national curriculum and at lowering the attainment targets for Frisian, would constitute a serious step backwards and could further weaken the position of Frisian in primary schools.

3. secondary

Frisian is still not an integral part of the curriculum in upper secondary education. During its “on-the-spot” visit, the Committee of Experts was furthermore informed of plans to make the teaching of the Frisian language an optional subject of the curriculum in basic secondary education, which would be incompatible with the commitment undertaken by the Dutch authorities to provide for the teaching of Frisian as an integral part of the curriculum within secondary education.

F. Efforts have been made in teacher training in the Frisian language. However, there is still a lack of teachers with an adequate competence in Frisian.

G. A series of measures have been taken to facilitate the use of Frisian before courts. Nevertheless, Frisian remains rarely used in the judicial field. The situation of Frisian in regional and local administration has considerably improved within the province of Fryslân and a number of municipalities are explicitly introducing the possibility for their organs to use Frisian in their written documents. Concerning the State administration and its local agencies in the province of Fryslân, the Frisian language is still not in practical use, despite the drawing up of a model regulation on the use of Frisian in administrative matters.

H. In addition to being of service to the Frisian-speakers, the use of the language in the media contributes to making it a modern language and encourages young people to learn and speak it. Sufficient funds for Frisian regional broadcasting still need to be provided by the central government, in accordance with the Netherlands’ undertakings under Article 11, and earmarked funds would certainly help to strengthen the position of Frisian in the media.

I. The Dutch cultural policy abroad does not include the Frisian language and culture, which constitutes a step backwards compared to the prevailing situation during the first monitoring cycle. The inclusion of the Frisian language in the Netherlands’ cultural policy abroad would be positive for the prestige of this language and would encourage the speakers to use it.

J. The teaching of the Low-Saxon language still remains insufficient. This constitutes a major obstacle to the promotion of the language. There is insufficient co-operation between the provinces, regions and municipalities of the Low-Saxon area as a result of the lack of a coherent national language policy. The positive steps taken since the first monitoring cycle can largely be attributed to the provincial and local authorities concerned.

K. Major steps have been taken by the province of Limburg to promote the Limburger language. The Dutch central government considers that, by recognising the Limburger language under Part II of the Charter, at the request of the province of Limburg, it has fulfilled its obligations and that it is now the responsibility of the province of Limburg to implement the provisions of Article 7 of the Charter. However, as stated above, the Dutch government is nonetheless responsible for ensuring the fulfilment of the undertakings.

L. The Committee of Experts commends the efforts made by the Dutch central government to promote the Yiddish language, in particular by means of financial support provided for the production of a Yiddish-language textbook. The inclusion of the teaching of Yiddish as an optional element in the national curriculum would be another very positive step.

M. The Committee noted an obvious lack of communication between the Dutch central authorities and the Sinti and Roma groups and an absence of measures to protect and promote the Romanes language. There is also insufficient support and funding for organisations representing the speakers of the Romanes language.

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 909th meeting on 15 December 2004, 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 by the Government of the Netherlands

Bezoekadres

Schedeldoekshaven 200
2511 EZ Den Haag

Postadres

Postbus 20011
2500 EA Den Haag

Internetadres

www.minbzk.nl

To the Secretary General
Council of Europe
67075 Strasbourg Cedex
Frankrijk/France

Re: Draft Report of the Committee of Experts of the European Charter for Regional or Minority Languages

21 October 2004

Dear Sir,

Via our Council of Europe representative, Mr Johannes C. Landman, I have received your letter of 26 July 2004, and the Committee of Experts' second report on the application of the Charter in the Netherlands, with a request for comments on the document. We are very grateful for this communication and wish to make the following comments in response. These comments are appended to this letter.

With respect to the proposals for recommendations included in section 4.3 of the draft report of the Committee of experts, the Netherlands government takes the following view:

Recommendation 1: The Committee of Ministers recommends that the Netherlands authorities develop an overall and coherent policy for the teaching of Frisian, and teaching in Frisian, at all levels of education, and that they adopt concrete measures for its implementation;

In a general sense, the policy with respect to the teaching of and education in Frisian has been laid down in educational acts of parliament and, more specifically, in legislation that relates exclusively to the Frisian language. A general goal in educational legislation is to establish within legal boundaries the areas with which schools must comply (the "what") and to give schools more freedom for their own policies (the "how"). Regarding policy in respect of Frisian, it is of additional importance that agreement has been reached with the province that general educational policy is a matter for the State, and that the province of Fryslân is charged with the development and execution of policy in respect of Frisian. Naturally, this will be done within the confines of educational legislation. It is not taken as read that the State will take over policy development in the short term. However, the Minister of Education, Culture and Science [OCW] has agreed with the province of Fryslân that a statement will be compiled of those (State) powers that are of importance to the teaching of and education in Frisian, in which it will be considered whether these powers are suitable for transfer to the province of Fryslân. In principle, a statement such as this also provides an impulse for a coherent policy in respect of Frisian.

Recommendation 2: The Committee of Ministers recommends that the Netherlands authorities introduce practical measures to enable the use of Frisian in central State administration agencies located in the province of Fryslân, as well as in public services directly under the control of the State;

Over the past few years, the Netherlands has taken a great many measures in relation to the judicial authorities (providing information, offering courses, publishing a legal Dutch-Frisian dictionary). This constitutes a significant step forward towards remedying the shortfalls that the Committee of experts noted in its previous evaluation report. The activities that can be undertaken further to promote the use of Frisian in judicial procedures will be considered.

Furthermore, additional arrangements have been made in the 2004-2007 (draft) covenant with regard to the government departments operating in the province of Fryslân, which complies with the 2001 Covenant on the Frisian Language and Culture. In this, it was established that, on the initiative of the Minister of the Interior and Kingdom Relations, all of the government departments with a remit for Fryslân would have their attention drawn to the desirability of drafting a regulation in respect of the use of the Frisian language by the government departments concerned.

Recommendation 3: The Committee of Ministers recommends that the Netherlands authorities co-ordinate and strengthen efforts made by local and regional authorities to protect and promote the Low-Saxon language, particularly in the field of education;

Local and regional authorities and bodies have taken responsibility for this. The Dutch government deems this responsibility to have been sufficiently invested in them and does not see any reason to conduct a national language policy on this point or to provide additional funding.

Recommendation 4: The Committee of Ministers recommends that the Netherlands authorities take measures to protect and promote the Romanes language in cooperation with the speakers, particularly in the field of education.

The Committee of experts observed that the rule exists within the Roma and Sinti communities that the Romanes languages protect their own group and that these languages must not be taught to outsiders. With a view towards the retention of these languages, the Committee of experts advises adopting a pro-active attitude with regard to these languages and being open to support for educational initiatives. However, there are no known initiatives in the field of Roma and Sinti. If such initiatives should arise, it will be considered whether or in which way these initiatives can be supported.

In several paragraphs (paragraphs 34, 50, 59, 109, 117, 145, 166, 168, 187 and 189), the Committee requests the Dutch government to furnish further information in the third Dutch report. The relevant ministries or authorities will comment in the third Dutch report with regard to these requests.

In the enclosure supplied with this letter, we enter into more detail on a number of remarks made in the report.

We would ask you to take account of these comments in the Committee of Experts' activities report, and would like to thank the Committee for its thorough work and its appreciation of the legal and political aspects of the language situation in the Netherlands.

Yours sincerely

J.W. Remkes
Minister of the Interior and Kingdom Relations

Appendix to the letter from the Netherlands

General

The Committee of experts (further: Committee) sees the benefits of the Dutch policy to implement execution of the covenant at the regional and local level as far as is possible. Nevertheless, the Dutch government is responsible for the fulfilment of the selected tasks in the covenant.

Response from the Ministry of Education, Culture and Science [further: OCW] and the Ministry of the Interior and Kingdom Relations:

The Dutch government endorses the benefits of the policy to have the covenant executed at the regional and local level as far as is possible. If regional or local government authorities should fail to execute that task, central government will prompt the authorities concerned to fulfil their tasks appropriately by means of institutional dialogue or otherwise.

Low-Saxon (see paragraphs 51 and 52 and Chapter 4)

Education levels for Low-Saxon are inadequate. Formulate a clear national language policy (with financial support) and coordinate and strengthen the efforts of local and regional authorities in the field of education in the Low-Saxon-speaking area.

Response from OCW:

Local and regional government authorities and bodies have taken on responsibility for this. The Dutch government deems this responsibility to have been sufficiently invested in them and does not see any reason to conduct a national language policy on this point or to provide additional funding.

Limburgian (see paragraph 50 and Chapter 4)

The Committee mentions an adverse development due to a threatened halt to a collaborative project between the Dutch and Flemish provinces of Limburg to develop a curriculum for the Limburger language. The Committee also indicates the absence of a clear national language policy for the Limburgian language.

Response from OCW:

The same applies to this as for Low-Saxon.

Yiddish (see paragraphs 61-65 and Chapter 4)

The Committee advises that it be made possible for Yiddish, which is presently taught outside of the normal curriculum, to be offered at school as a component of cultural development (thus within the normal educational curriculum).

Response from OCW:

In primary education, Dutch, English and in the province of Fryslân, Frisian, are required areas of learning. In areas where, in addition to Dutch, Frisian or a regional language is commonly spoken, Frisian or that particular regional language may be used as medium of instruction. For the purposes of the reception and integration of students with a non-Netherlands cultural background into the Dutch educational system, the language of the country of origin may also be used as medium of instruction. Other languages are not permitted as such during school hours within primary education.

The Committee of experts has determined that Yiddish is not commonly spoken among the students of the *Cheider* school, all of whom have a Dutch cultural background. Viewed from this perspective, it is not reasonable to justify the use of Yiddish during educational activities or during school hours.

At the European Summit in Lisbon (2000), and then at the Summit held in Barcelona in 2002, it was agreed that the European Union member states will encourage offering two foreign languages at an early age. A bill is being prepared to make it possible for primary schools to offer French and/or German during school hours. This specifically involves language education with regard to neighbouring countries. There is no room to offer additional language education during school hours as the Committee proposes.

Response from the Ministry of Health, Welfare and Sport:

The Ministry of Health, Welfare and Sport (VWS) has a special responsibility with regard to these groups of citizens in relation to the Second World War. Within that context, a variety of campaigns have been carried out, including the subsidising of these groups' activities in relation to the Second World War (remembrance and commemoration, historiography, redress). In other words, the involvement of the Ministry of VWS with these groups is limited to the Second World War period.

Roma and Sinti (Romanes) (see paragraphs 66-71 and Chapter 4)

The Committee advises that a more pro-active position be adopted in respect of promoting the Romanes languages in dialogue with the speakers of these languages (i.e. supporting initiatives in the field of education that emanate from this group).

In addition, in paragraph 70, the Committee noted that the funds allocated to the *National Organisation for Sinti in the Netherlands* will regrettably be reduced, in accordance with the new policy on subsidies to non-governmental organisations.

Response from OCW:

There are no known initiatives in relation to Roma and Sinti. If such initiatives should arise, it will be considered whether and in what way these initiatives can be supported.

Response from the Ministry of Health, Welfare and Sport:

The Ministry of Health, Welfare and Sport (VWS) has a special responsibility with regard to these groups of citizens in relation to the Second World War. Within that context, a variety of campaigns have been carried out, including the subsidising of these groups' activities in relation to the Second World War (remembrance and commemoration, historiography, redress). In other words, the involvement of the Ministry of VWS with these groups is limited to the Second World War period.

These groups have been considered within the context of new subsidisation policy. Nevertheless, it is a fact that the number of people who experienced the Second World War is declining. Consequently, a new dimension of the subsidisation policy is to retain this history for future generations.

Frisian language

The use of Frisian in education (see paragraphs 10, 11, 72-123 and Chapter 4)

General (see paragraph 10 and Chapter 4)

The commission recognises the efforts of the Dutch authorities to protect and promote Frisian, but finds insufficient quantifiable objectives in the 2001 Covenant with Fryslân and no clear timescale in the field of education.

Response from OCW:

Further arrangements are yet to be made this year between the province of Fryslân and the Dutch government, which will be on a more specific and effective level.

Pre-school education (see paragraphs 75-81 and Chapter 4)

The Committee notes in paragraph 80 that legislation has been announced in respect of the use of Frisian in pre-school education. With regard to this, the Committee wonders whether the legislative proposal has already been accepted in the interim. Earlier in this document, the Committee notes in paragraph 76 that it has been informed about the promise of an exceptional grant for the development of Frisian-language educational materials to be used in playgroups and childcare centres.

Response from the Ministries of Social Affairs and Employment [SZW] and Health, Welfare and Sports [VWS]:

The Childcare Act (and, therefore, not the "Basic Childcare Provision Act") has been passed by both Chambers of the Parliament and was published in the Bulletin of Acts, Orders and Decrees on 21 September. The Childcare Act is yet to come into force this year. The section that provides for the position of Frisian is Section 55 (and not Section 3).

In the interim, both of the ministries (Social Affairs and Employment [SZW] and Health, Welfare and Sport [VWS]) have made the money available to the province of Fryslân.

Primary education (see paragraphs 74 and 82-88 and Chapter 4)

Earlier in this document, the Committee notes that it has been informed about a CITO method with an adverse effect on the use of Frisian in pre-school and school situations. The accompanying tests have resulted in Frisian-speaking parents being advised to speak Dutch and that teachers who spoke Frisian to their students are being forced to speak just Dutch alone.

The use of Frisian as a language of instruction is declining in primary schools, and the time devoted to lessons in Frisian (25 minutes) is insufficient for achievement of the core objectives; no time is allotted to this at all in special education. Due to the advice of the “Committee core objectives” not to include Frisian in the core curriculum, the position of Frisian in primary education is threatened with deteriorating further.

The Committee is urging the Dutch government to make a considerable part of primary education available in Frisian (i.e. The Netherlands is not complying with this task).

Response from OCW:

The CITO method referred to by the Committee is being financed by the Frisian municipalities; these municipalities are at liberty to choose a method or to stipulate conditions in respect of the incorporation of the Frisian language in the method.

Use of the Dutch language is important in controlling educational backlogs. The schools must find a proper balance themselves between the use of the Dutch and Frisian languages.

The advice not to include Frisian in the mandatory part of the curriculum is outmoded; Frisian remains a mandatory subject in primary education. With this in view, the Committee is including non-relevant information in its considerations.

When the obligation to offer a considerable part of primary education in Frisian came into effect, the Netherlands complied with this (in the eyes of the Dutch government). The Committee is proceeding from an incorrect definition of the term “a considerable part”.

Secondary education (see paragraph 89-96 and Chapter 4)

There are no core objectives for Frisian; a variety of parties are in agreement that the power to grant exemption for Frisian in secondary education must be transferred to the province; the number of students who take the final examination for Frisian is increasing but remains low; the quality of Frisian education is insufficient due to insufficiently qualified teaching staff, and the threat is that Frisian will be consigned to the optional part of the curriculum in secondary education.

The commission urges the Dutch government to bring improvements to the situation of teaching in Frisian in secondary education.

Response from OCW:

The Dutch government has made it known to Parliament that core objectives for the subject Frisian language and culture will be established for the first two school years of secondary education, which leave room for gearing the subject to the local situation (Second Chamber, year of session 2003-2004, 26 733, no. 21, Evaluation of basic secondary school curriculum).

The Dutch government has also made it known to Parliament that education in the Frisian language remains mandatory at the lower school level in secondary schools located in the province of Fryslân, and that the power to grant exemptions for the subject of Frisian will be vested with the Provincial Executive of Fryslân.

Frisian is far from universally spoken even in Fryslân. Approximately half of the students in secondary education speak Frisian at home, and the incidence of this is unevenly balanced across the province. More Frisian is spoken in rural areas than in the towns.

Higher and university education (see paragraphs 97-101)

The Committee finds compliance with the Covenant as far as this educational sector is concerned; it is recommended that the position of Frisian be further assured and strengthened.

Response from OCW:

The Committee appears to be incorrectly presenting the arrangement in the second periodic report on the Netherlands (paragraph 6.115). The arrangement is that a second location for a university main subject of Frisian is already being financed, or co-financed, by the province of Fryslân (i.e. *not* one course from the second tier/Master’s degree programme).

Draft wording: before the third sentence of paragraph 99:

If a first-degree course at a second university/city is established, the 2001 Covenant provides that it will be (co-) subsidised by the province of Fryslân.

Teacher training (see paragraphs 110-118 and Chapter 4)

The Committee urges the Dutch authorities to take active measures to provide for the necessary basic and further training of teachers of Frisian.

Response from OCW:

The Committee does not specify in this case a) that there is a serious problem in the quantitative interest in the aforementioned training and schooling, and b) which authorities it is addressing in this respect. According to the 2004-2007 (draft) covenant, which complies with the 2001 Covenant for Frisian language and culture, it is for the Province to move on this on the grounds of the designated benefit, in which the stimulation of interest for and participation in such training is concerned in particular.

The following draft wording before the recommendation does more justice to the situation: “ ... underlines the efforts of the Dutch provincial authorities... to promote the participation in basic and further training for teachers of Frisian.”

The use of Frisian in relation to the judicial and administrative authorities (paragraphs 124-148 and Chapter 4)

In paragraph 194 the Committee acknowledges the efforts made to improve the implementation of the existing provisions on the right to use Frisian in relation to judicial authorities, particularly with regard to the fact that Frisian speakers are now better informed of their rights. However, the use of the Frisian language still remains limited. Regarding central State administration agencies in the province of Fryslân, there still remain obstacles to the use of the Frisian language, and further efforts are needed.

Response from Ministry of Justice and Ministry of the Interior and Kingdom Relations:

Over the past few years, the Netherlands has taken a great many measures in relation to the judicial authorities (providing information, offering courses, publishing a legal Dutch-Frisian Dictionary). This constitutes a significant step forward towards remedying the shortfalls that the Committee noted in its previous evaluation report. The activities that can be undertaken further to promote the use of Frisian in judicial procedures will be considered.

Furthermore, additional arrangements have been made in the 2004-2007 (draft) covenant with regard to the government departments operating in the province of Fryslân, which complies with the 2001 Covenant on the Frisian Language and Culture. In this, it was established that, on the initiative of the Minister of the Interior and Kingdom Relations, all of the government departments with a remit for Fryslân would have their attention drawn to the desirability of drafting an arrangement in respect of the use of the Frisian language by the government departments concerned.

The use of Frisian in the media (paragraph 149-163 and Chapter 4)

In several places the Committee makes the recommendation for additional money to be made available for Frisian-language broadcasting: in paragraphs 149, 150, 155 (an allusion), 157 and 163. This occurs again in Recommendation 3 (page 30), paragraph 192, and finally, a further time under letter H (page 32).

Response from OCW:

In October 2004, central government and the province of Fryslân agreed that as of 2004 the Ministry of Education, Culture and Science would give additional financial support to the regional broadcasting organisation Omrop Fryslân for the development and/or production of Frisian-language television programmes. This additional financial support has been earmarked in particular for Frisian children's programmes and programmes dedicated to Frisian language and culture.

In paragraphs 158-160, the Committee speaks about commercial broadcasting. It believes that the Netherlands is failing insofar as the promotion of Frisian in commercial broadcasting is concerned.

Response from OCW:

The Dutch government disagrees with this conclusion by the Committee of Experts and once more underlines that it has deliberately opted to refrain from placing further requirements on commercial broadcasting

organisations other than the requirements that originate from the EU-Television Directive: e.g. that at least 40 per cent of commercial broadcasting organisations' programmes are conducted in either Dutch or Frisian.

In paragraphs 162-163, the Committee argues that the Netherlands is earmarking a further additional sum for Omrop Fryslân within the budget that the Promotion Fund has for regional broadcasting organisations.

Response from OCW:

The Ministry of Education, Culture and Science will not earmark a special budget for Omrop Fryslân within the budget of the Dutch Cultural Broadcasting Promotion Fund, which has already been earmarked for regional broadcasting organisations, because such a measure would undermine the autonomy and independence of the Promotion Fund. However, the Ministry will draw the attention of the Promotion Fund to the importance of developing original Frisian-language television drama for adult viewers, and it will ask the Promotion Fund to keep this in mind when considering applications from Omrop Fryslân.

The use of Frisian in cultural activities and facilities and in transfrontier exchanges (paragraph 164-172 and 187-189 and Chapter 4)

In paragraphs 166 and 168, the Committee takes the view that it is not in a position to conclude whether the undertakings of Article 12, paragraph 1, e & f, are fulfilled or not.

Response from OCW:

The Ministry of Education, Culture and Science is astonished about these economical and, in fact, unsatisfactory conclusions or, rather, the conclusions that cannot be drawn from the second periodical report of the Netherlands. The national foundations for literature (in particular The Dutch Foundation for Literature² and the Foundation for the Production and Translation of Dutch Literature (NLPVF) – both of the utmost relevance in this regard –) comply adequately with the provisions in Article 12, paragraph 1, e & f. The aforementioned conclusions do no justice to the major efforts of these foundations in respect of the Frisian language and literature. The remark that the Committee has not received any further information 'regarding participation by Frisian speakers in providing facilities and planning cultural activities apart from the Foundation for the Production and Translation of Dutch Literature (NLPVF)³ mentioned above', provokes astonishment. After all, in the second periodical report (paragraphs 10.52-10.54) mention has been made of the structural attention given to Frisian in both the promotion of literacy (The Dutch Reading Foundation [Stichting Lezen]) as well as literary education (The Writers' Foundation [Stichting Schrijvers], Schools, Society). In addition, the State facilitates whatever is financially necessary in that dimension by means of the government grant for Frisian language and culture on the one hand (executed by the province of Fryslân) and by means of the Frisian Literary Museum and Documentation Centre that has now consolidated to become Tresoar.

In paragraphs 171 and 188, the Committee informed whether activities relating to the Frisian language and culture were carried out by Dutch embassies in 2002 and 2003, and whether resources were provided to establish and promote cultural and educational exchanges between the Dutch province of Fryslân and the German regions of East and North Friesland.

Response from the Ministry of Foreign Affairs

To the best of our knowledge, such activities were not carried out by the Dutch embassies in the years referred to, neither resources were provided for exchanges between the Frisian regions in the Netherlands and Germany.

The Committee concludes under letter I (page 32) that the Dutch cultural policy abroad does not include the Frisian language and culture, which constitutes a step backwards compared to the prevailing situation during the first monitoring cycle. The inclusion of the Frisian language in the Netherlands' cultural policy abroad would be positive for the prestige of this language and would encourage the speakers to use it.

² In the English translation of the Dutch Government report the foundation was named: "Literary Fund". At present, the translation *Dutch Foundation of Literature* is being used.

³ In the Dutch Government report NLPVF was translated as: the Netherlands Literary Production and Translation Fund.

Response from the Ministry of Foreign Affairs and OCW:

Indeed, in the 1992 Policy Document on International Cultural Relations (Parliamentary Document 1991-1992, 21 637, no. 3) one of the policy objectives was to making known abroad the Netherlands' own culture, in particular the Dutch and Frisian languages, and cooperating in the presentation in the Netherlands of the culture of other countries. In the current Policy Document on International Cultural Relations, no reference is made to language whatsoever, be it Dutch or Frisian.

It should be noted, however, that in practice the literary foreign promotion as designed by the Foundation for the Production and Translation of Dutch Literature, has certainly Frisian literature and Frisian writers very much in view.

The use of Frisian in social care facilities (paragraphs 183-186)

The Committee states that in recent years the Netherlands has not done enough to promote the Frisian language in these institutions. It is important to establish that the Ministry of Health, Welfare and Sports [VWS] does not have any direct influence on these institutions' personnel policies. The private sector is involved here. Within the context of accessibility and the proper conduct of operations, institutions are responsible for ensuring that the option exists for their clients to be able to communicate with their carers in the Frisian language.

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

COUNCIL OF EUROPE COMMITTEE OF MINISTERS

Recommendation RecChL(2004) 7 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by the Netherlands

*(Adopted by the Committee of Ministers on 15 December 2004
at the 909th meeting of the Ministers' Deputies)*

The Committee of Ministers,

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

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

Having taken note of the comments made by the Dutch authorities on the contents of the Committee of Experts' report;

Bearing in mind that this evaluation is based on information submitted by the Netherlands in their national report, supplementary information provided by the Dutch authorities, information submitted by bodies and associations legally established in the Netherlands and information obtained by the Committee of Experts during its "on-the-spot" visit;

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

1. develop an overall and coherent policy for the teaching of and in Frisian at all levels of education and adopt concrete measures for its implementation;
2. introduce practical measures in order to enable the use of Frisian in central State administration agencies located in the province of Fryslân, as well as in public services directly under the control of the State;
3. ensure that local and regional authorities co-ordinate and strengthen their efforts to protect and promote the Low-Saxon language, particularly in the field of education;
4. take measures to protect and promote the Romanes language, in particular in the field of education, in co-operation with the speakers.