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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN THE NETHERLANDS

5th monitoring cycle

A. Report of the Committee of Experts on the Charter

(adopted on 16 June 2016)

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

(adopted on 14 December 2016)

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

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15, paragraph 1, an outline for periodical reports that a Party is required to submit to the Secretary General. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under 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 of Experts' 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 periodical report shall be made public by the State in accordance with Article 15, paragraph 2.

The Committee of Experts' 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 of Experts gathers information from the respective authorities and from independent sources within the State, in order to obtain a fair and just overview of the real language situation. After a preliminary examination of a periodical report, the Committee of Experts submits, if necessary, a number of questions to each Party to obtain supplementary information from the authorities on matters it considers insufficiently developed in the report itself. This written procedure is usually followed up by an on-the-spot visit by a delegation of the Committee of Experts to the State in question. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention. This information-gathering process is designed to enable the Committee of Experts to evaluate more effectively the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. Once adopted by the Committee of Experts, this evaluation report is submitted to the authorities of the respective State Party for possible comments within a given deadline. Subsequently, the This evaluation report is submitted to the Committee of Ministers, together with suggestions for recommendations that, once adopted by the latter, will be the latter may decide to addressed to the State Party. The full report also contains the comments which the authorities of the State Party may have made.

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

adopted by the Committee of Experts on 16 June 2016
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Executive Summary

1. The Kingdom of the Netherlands protects and promotes Frisian, Limburgish, Low Saxon, Romanes and Yiddish under the Charter. Frisian is the only language protected under Part III and it is an official language in the Province of Fryslân. During the current monitoring cycle, a new Use of Frisian Act was adopted.
2. Increased funds for the teaching of Frisian have been made available during the current monitoring cycle. The share of Frisian in trilingual schools remains rather low. At secondary level, most schools offer Frisian for only one hour per week and for one year only. Combined with the lack of sufficient teaching of Frisian at primary school level, this is not sufficient for the development of an adequate level of literacy.
3. The ongoing mergers of municipalities around large cities seem to lead to a reduced use of Frisian in practice.
4. For the other languages – Limburgish, Low Saxon, Romanes and Yiddish - there is neither a structured policy to promote and protect them, nor a dialogue on the Charter with the speakers. For Limburgish and Low Saxon, the regional and local authorities play a central role in promoting them. Both languages are used in cultural activities, on the internet and in social media, but they are only present as projects and activities in primary schools. Romanes is not included in the educational system and is used in the media and cultural activities only to a limited extent. Yiddish is taught in only one school in Amsterdam.
5. The Amendments to the Media Act and the financial cuts in this field raise particular concerns among the speakers of all languages, especially the Frisians.

Chapter 1 Background information

1.1. Introductory remarks

6. 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.

7. Article 15.1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers. The fifth periodical report was submitted by the Dutch authorities on 16 November 2015, with a delay of over one year. The report has been made public.

1.2. The work of the Committee of Experts

8. The fifth evaluation report is based on the information the Committee of Experts obtained through the fifth periodical report of the Netherlands and through meetings held with representatives of the speakers of the regional or minority languages and the Dutch authorities during the on-the-spot visit, which took place on 1-3 March 2016. The Committee of Experts also received several comments from bodies and associations legally established in the Netherlands, submitted pursuant to Article 16.2 of the Charter.

9. In the present fifth evaluation report, the Committee of Experts will focus on the provisions and issues under both Part II and Part III which were singled out in the previous evaluation report as raising particular problems. It will evaluate, in particular, how the Dutch authorities have reacted to the issues identified by the Committee of Experts and, where relevant, to the recommendations made by the Committee of Ministers. The report will firstly recall the key elements of each issue. The Committee of Experts will also look at new issues found during the fifth monitoring round.

10. The present report contains detailed observations and recommendations which the Dutch authorities are urged to take into account when developing their policy on regional or minority languages. The Committee of Experts has, on the basis of its detailed recommendations, also established a list of proposals for general recommendations to be addressed to the Netherlands by the Committee of Ministers, as provided in Article 16.4 of the Charter.

11. The present report reflects the policies, legislation and practice prevailing at the time of the on-the-spot visit (March 2016). Any changes after that time will be taken into account in the next report of the Committee of Experts concerning the Netherlands.

12. The present report was adopted by the Committee of Experts on 16 June 2016.

1.3. Presentation of the regional or minority language situation: update

Papiamentu

13. In the current monitoring cycle, the Committee of Experts received information about Papiamentu and the wish of its speakers that it receives protection under the Charter.

14. Papiamentu is a Creole language, traditionally used on the Caribbean islands of Aruba, Bonaire and Curaçao. Since 1986, Aruba has been a constituent country of the Kingdom of the Netherlands, while Bonaire and Curaçao, along with Saba, Sint Eustatius and Sint Maarten formed the Netherlands Antilles, another constituent country of the Kingdom of the Netherlands. On 10 October 2010, the Netherlands Antilles ceased to exist and the composing islands acquired different statuses: Curaçao and Sint Maarten became constituent

countries in the Kingdom of the Netherlands, while Bonaire, Sint Eustatius and Saba became part of the Netherlands itself¹. They are “special municipalities” and considered as “public bodies” under the Dutch law².

15. This raises legal questions on the status of the “special municipalities” and the application of the Charter. While they appear, according to the *Charter of the Kingdom of the Netherlands*, to be part of the Netherlands, “rules and specific measures may be established, bearing in mind the economic and social conditions, remoteness from the European part of the Netherlands, insularity, small size and population, geography, climate and other factors whereby these islands differ substantially from the European part of the Netherlands”³. Furthermore, the Committee of Experts was informed that, when preparing the changes in the status of Bonaire, Sint Eustatius and Saba, the Dutch authorities limited the scope of the treaties in force to the geographical European part of the Netherlands, unless the treaty was placed on a “positive list”; neither the Charter, nor the Framework Convention for the Protection of National Minorities appear on the “positive list”.

16. Pursuant to Article 2.1 of the Charter, Part II of the Charter applies to all languages spoken within the territory of a state which comply with the definition of a regional or minority language in Article 1 of the Charter. It follows from this that Part II would apply to Papiamentu if Bonaire can be considered an integral part of the Netherlands, like any other municipality in the European part of the Netherlands. The Committee of Experts encourages the Dutch authorities to clarify this aspect in the next periodical report. It should be borne in mind that the Dutch authorities have also the possibility to add the Charter to the so-called “positive list”, in order to protect and promote regional or minority languages.

Bildts

17. In the current monitoring cycle, the Committee of Experts also received information about Bildts and the wish of its speakers to have it protected under the Charter. Bildts is spoken in the municipality Het Bildt, in the Province of Fryslân, by approximately 6000 people. The municipality will be dissolved on 1 January 2018, as part of the ongoing administrative reform (see below) and this appears to be one of the reasons which prompted the speakers to seek the protection of Bildts under the Charter. According to the information received from the speakers, the origins of Bildts date back to the 16th century, when people from the south of Holland arrived in Fryslân to build dykes and create polders in the area now largely covered by the municipality of Het Bildt; it has old Hollandic roots, but developed in a completely Frisian-language environment. Bildts is taught in schools and is used by locals in contacts with the administration, as well as by local media. Support comes from the municipality and the Province of Fryslân. Both the speakers and some linguists⁴ consider Bildts as a language in its own right that cannot be considered a variety of Dutch or of Frisian.

18. The Committee of Experts encourages the Dutch authorities to clarify the status of Bildts in co-operation with its speakers⁵.

1.4. General issues arising from the evaluation of the periodical report

Possible application of Part III to Low Saxon

19. During the previous monitoring cycle, the umbrella organisation of the Low Saxon speakers informed the Committee of Experts of their wish to obtain Part III protection for their language. In the fourth evaluation report, the Committee of Experts therefore encouraged the Dutch authorities to continue the dialogue with the Low Saxon speakers in order to find adequate ways of improving the situation of Low Saxon.

20. According to the fifth periodical report and the information received during the on-the-spot visit, the Dutch authorities and the representatives of the speakers reached no consensus on the application of Part III of the Charter to Low Saxon. In May 2013, the issue was a subject of a debate in the Lower House of the Dutch Parliament, where the Ministry of the Interior again expressed its opposition to granting Low Saxon protection under Part III. However, the Ministry of the Interior and SONT, the Low Saxon umbrella organisation, have since

¹ The Kingdom of the Netherlands is composed nowadays of the countries of Netherlands, Aruba, Curacao and Sint Maarten.

² The other public bodies in the Netherlands are the national government, the municipalities, the provinces and the water boards, see <https://www.government.nl/topics/caribbean-parts-of-the-kingdom/contents/bonaire-st-eustatius-and-saba>

³ Statuut voor het Koninkrijk der Nederlanden, Article 1, <http://wetten.overheid.nl/BWBR0002154/2010-10-10>

⁴ See study “Seven Perspectives on Bildts” http://www.mercator-research.eu/fileadmin/mercator/publications_pdf/Mercator_report_Seven_perspectives_on_Bildts_June2015.pdf

⁵ See 4th report of the Committee of Experts on Sweden, ECRML (2011) 4, paragraph 46

started a dialogue aimed at clarifying their diverging positions concerning this issue. As a result of this dialogue, an agreement was reached on preparing a covenant on Low Saxon, as a means to strengthen the recognition and protection of the language. At the time of the on-the-spot visit, no draft was yet available, nor a timetable for the preparation and adoption of the covenant.

21. The Committee of Experts welcomes the dialogue between the Dutch authorities and the Low Saxon speakers. It encourages the Dutch authorities to pursue the dialogue in order to find adequate ways of improving the situation and strengthening the protection of Low Saxon, including the possible application of Part III to the language. The Committee of Experts looks forward to receiving more information on the covenant on Low Saxon in the next periodical report.

Delayed submission and information provided in the periodical report

22. The fifth periodical report was submitted by the Dutch authorities with a delay of over one year. This was also the case for the previous periodical reports of the Netherlands. The repeated delayed submissions of the periodical reports hamper the effectiveness of the monitoring mechanism. The Committee of Experts reminds the authorities of their duty to submit periodical reports “at three-yearly intervals after the first report”, in accordance with Article 15.1 of the Charter.

23. Besides the delayed submission of the periodical report, the Committee of Experts notes, as it was also the case in the previous monitoring cycle, that the fifth periodical report contains very limited information, in particular about the application of the Charter to the Part II languages. In the view of the Committee of Experts, this is linked to the fact that the Dutch authorities consider Part II languages as the responsibility of local or provincial authorities. In the case of Yiddish, the report contains no information. The Committee of Experts reiterates that the Committee of Ministers’ outline for three-yearly periodical reports⁶ requires States Parties *inter alia* to provide “information regarding measures which have been taken in response to the recommendations adopted by the Committee of Ministers, and to the questions and box recommendations made by the Committee of Experts” in the previous evaluation report. The Committee of Experts urges the Dutch authorities to provide precise information about the implementation of the Charter, involving also the speakers, so as to allow it to fulfil the mandate of monitoring the implementation of this convention.

⁶ MIN-LANG (2009) 8, http://www.coe.int/t/dg4/education/minlang/StatesParties/Outline3yearly_en.pdf

Chapter 2 Conclusions of the Committee of Experts on how the Dutch authorities reacted to the recommendations of the Committee of Ministers

Recommendation no. 1:

“establish a structured dialogue with representatives of the regional or minority language speakers about the implementation of the Charter and the recommendations evolving from its monitoring mechanism”

24. A structured dialogue at national level with the representatives of the regional or minority language speakers on the implementation of the Charter and the recommendations evolving from its monitoring mechanism has not been established by the Dutch authorities. Dialogue and co-operation for the promotion of the regional or minority languages, however, exist between the local authorities or provinces and the speakers' organisations.

Recommendation no. 2:

“continue to strengthen the teaching of and in Frisian at all levels of education”

25. The Frisian Language Attainment Targets Act was adopted and entered into force in 2014, increasing the competences of the Province of Fryslân in the field of Frisian language teaching. The number of Frisian-speaking or bilingual day-care centres and playgrounds has increased, but the offer is still insufficient in large urban settlements. At primary level the number of trilingual (Frisian-Dutch-English) schools has also increased and five secondary schools also offer a trilingual programme. Nevertheless, the share dedicated to Frisian in the trilingual system varies between schools and is rather low. Moreover, in most of the secondary schools Frisian is only taught for one hour per week and for one year only, which is insufficient compared to the requirements of the Charter and the need to ensure continuity throughout all levels of education. However, additional funds have been made available for the teaching of Frisian. Ensuring the necessary number of adequately trained teachers and pre-school staff remains an issue.

Recommendation no. 3:

“upgrade the teaching of Limburgish and Low Saxon to the status of regular school subjects and extend the offer of education in these languages, including pre-school”

26. Both Limburgish and Low Saxon are included in education via school projects and activities. These depend on the initiative of the schools, support of the provinces or involvement of the speakers' organisations and do not amount to the level of teaching Limburgish and Low Saxon as regular school subjects. These activities focus mainly on the primary level and are almost non-existent at pre-school level.

Recommendation no. 4:

“explore, in co-operation with representatives of the speakers, possibilities to teach Romanes and to secure and extend the teaching of Yiddish”

27. The Dutch authorities maintain the view that they are not responsible for promoting Part II languages, such as Romanes and Yiddish. While contacts with some Roma and Sinti representatives exist, no structured dialogue is in place on how to teach Romanes. Yiddish continues to be taught at only one school.

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

3.1. The Committee of Experts' evaluation in respect of Part II of the Charter

28. In the Netherlands, Part II of the Charter applies to Frisian, Limburgish, Low Saxon, Romanes and Yiddish.

29. The Committee of Experts will focus on the provisions of Part II which were singled out in the previous evaluation reports as raising particular problems. It will therefore not comment in the present report on provisions where the Committee of Experts was satisfied with their implementation and for which it did not receive any new information requiring their reassessment. Under Part II, this concerns Article 7.1.a, g, h and 7.2.

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:

- 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;*

30. The fifth periodical report indicates that on 1 January 2014 a new administrative organisation of municipalities in the province of Fryslân entered into force. In order to safeguard linguistic rights, an Administrative Agreement on Frisian Language Policy was concluded in November 2013 between the central authorities, the province of Fryslân and the municipalities concerned. According to the representatives of the Frisian speakers, in practice the position and protection of Frisian has weakened in the new municipalities (see also in Art. 10).

31. Possible mergers of provinces have been also discussed. However, the fifth periodical report states that, at governmental level, there are no intentions to include the Province of Fryslân in these mergers.

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

Frisian

32. In the fourth evaluation report, the Committee of Experts encouraged the Dutch authorities to consider the Frisian speakers' proposals to cover, in the text of the new Use of Frisian Act, policy fields reflecting the ratification for this language (e.g. education, media, healthcare and the use of Frisian place names), in addition to its use in legal and administrative matters.

33. According to the fifth periodical report, the Use of Frisian Act entered into force on 1 January 2014. The law provides that Frisian and Dutch are official languages in the Province of Fryslân and regulates the use of Frisian in courts and in relations with the administrative authorities, building on the already existing provisions. The Act contains additional clauses on the setting up of a Frisian Language Body and shared responsibility ("the duty of care") of the central authorities and the Province of Fryslân for the Frisian language and culture. The Act does not deal with the other fields covered by the Charter, such as education, media, healthcare and the use of Frisian place names.

34. A new Administrative Agreement (covenant) on the Frisian Language and Culture 2013-2018 (hereafter, the Administrative Agreement) was signed between the central authorities and the Province of Fryslân. The text follows the structure of the Charter and contains actions to be undertaken in the fields of education, justice, administration, etc., by the central authorities or the Province of Fryslân in order to further promote Frisian. The Committee of Experts welcomes this and is pleased that the Charter serves as a policy framework for the promotion of Frisian.

All languages

35. Provincial or local authorities and regional or minority language speakers (institutes, organisations, volunteers, etc.) play the central role in the protection and promotion of these languages in the Netherlands. In the

fifth monitoring cycle, the national authorities reiterated that they do not implement a language policy for the languages protected only by Part II; such tasks are delegated to provincial or local authorities and the speakers. The Committee of Experts underlines that a national policy is needed for all languages, in particular since some domains, such as education, fall into the competence of the national authorities.

36. The Committee of Experts reiterates that the Dutch national authorities are responsible for the implementation of the Charter, even if this obligation is delegated to the provincial or local authorities and the regional of minority language speakers⁷. The Charter places legal obligations on its States Parties which need to be implemented in practice, taking account of the situation of each language. Implementing these legal obligations requires that States Parties take positive measures, on their own initiative, with a view to protecting and promoting the minority languages⁸.

The Committee of Experts encourages the Dutch authorities to establish a structured policy for the implementation of the Charter with regard to all regional or minority languages, in close co-operation with the speakers.

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

37. The Committee of Experts points out that the term “public” should be interpreted in a broad sense to include the use of languages in the courts, administration, media and economic, social and cultural life. Education is also included in public life, but is covered by a special provision under Article 7 paragraph 1.f. It further underlines that Article 7.1.d not only implies passive permission to use regional or minority languages in public and private life, but also requires the authorities to facilitate and/or encourage the use of the languages in these specific public spheres. This would require a pro-active approach of the authorities to promote the use of these languages⁹.

General issues

38. In the fourth evaluation report, the Committee of Experts encouraged the Dutch authorities to take measures so that the new media legislation improves the presence of Limburgish and Low Saxon in the media.

39. The fifth periodical report does not provide specific information in this respect. However, it describes changes taking place in the media sector. These consist of cuts to the budget for regional broadcasting by € 17 million as of 1 January 2017 and amendments to the Media Act. Pursuant to these amendments, a new Regional Public Broadcaster is to be set up, which will be responsible for national policy and administrative matters (such as staff, technology, funding), while regional editorial teams will be in charge of the regional content and media diversity. The amendment concerning the new regional broadcasting structure was adopted in March 2016 (after the on-the-spot visit of the Committee of Experts) by the Dutch Parliament, while the legislative proposal regulating the role of the regional editorial teams is still to be presented to the Parliament. All representatives of the regional or minority languages speakers whom the Committee of Experts met during the on-the-spot visit expressed their concern about the new financial and legal framework and their effect on the capacity of regional broadcasters to produce and broadcast programmes in the regional or minority languages.

40. The Committee of Experts underlines that broadcast media, especially television, have a great importance for the promotion of regional or minority languages and for their social prestige. Moreover, as already noted above, promoting minority languages in the media requires positive action of the authorities. As far as financial cuts are concerned, these are not to affect regional or minority languages disproportionately.

The Committee of Experts urges the Dutch authorities to ensure that legal and financial changes in the media sector do not negatively affect regional or minority language broadcasting and to take positive measures to support such broadcasting.

⁷ See also 4th report of the Committee of Experts on the Netherlands, paragraph 21, 3rd report of the Committee of Experts on the Netherlands, paragraphs 29 and 31

⁸ See 1st report of the Committee of Experts on Bosnia and Herzegovina ECRML, (2013) 5, paragraph 26

⁹ See 2st report of the Committee of Experts on the Czech Republic, ECRML, (2013) 2, paragraph 65, 1st report of the Committee of Experts on Denmark, ERCML (2004)2, paragraph 36

Limburgish

41. In the fourth evaluation report, the Committee of Experts encouraged the Dutch authorities to continue developing the provision of broadcasts in Limburgish, if necessary through financial incentives. It also encouraged the authorities, bearing in mind the high number of speakers, to promote Limburgish in the economic field (private companies) and in social life (e.g. health and elderly care).

42. The fifth periodical report does not provide any information in this respect. According to the information received during the on-the-spot visit, Limburgish is used in the programmes of the regional public radio and TV broadcaster L1, in music, sport, and cultural programmes or spontaneously during interviews; news programmes are, however, in Dutch. The financial cuts concerning regional broadcasters have negatively affected L1, while the amendments to the Media Act are another reason for concern about the presence of the language in the media. Limburgish is also present in the programmes of the private channel TV Limburg as well as of local radio and TV stations.

43. As far as written media is concerned, the newspapers *Dagblad De Limburger* and *Limburgs Dagblad* continue to publish weekly articles in Limburgish. The language is very much employed in the cultural field, such as literature, poetry or the traditional carnival. The organisation *Veldeke Limburg* promotes Limburgish in public, by displaying texts in the language in the public space. The language is also present on the internet and on social media and is increasingly used by young people. The Province of Limburg continues to support Limburgish and this objective is part of the 2015-2017 Culture Implementation Programme. Limburgish is also part of the intangible heritage and of the related policy that the province plans to pursue in 2016-2017.

44. As far as the economic field is concerned, the use of Limburgish is limited to the companies promoting regional products. In health and social care, there is no policy promoting the use of Limburgish, but the language is sometimes used by doctors or other staff.

45. During the on-the-spot visit, the Committee of Experts was also informed that three additional municipalities - Vaals/Vols, Voerendaal/Voelender and Schinnen/Sjènne - have bilingual place name signs. In the administrative field, Limburgish is used mainly in informal and oral contexts. Dutch is the language of written documents, but applications in Limburgish are accepted, including at provincial level.

46. The Committee of Experts urges the Dutch authorities to adopt a structured approach and encourage the use of Limburgish in public life, especially in the media, economic field and in social life (e.g. health and elderly care).

Low Saxon

47. In the fourth evaluation report, the Committee of Experts asked the Dutch authorities to provide general information about the possibility to use Low Saxon¹⁰ before judicial authorities.

48. The fifth periodical report does not provide information in this respect. During the on-the-spot visit, the Committee of Experts was informed that Low Saxon is occasionally used in the court in Groningen.

49. The Committee of Experts was also informed during the on-the-spot visit that Low Saxon is used to some extent by and in relations with the administrative authorities in the municipalities of Ooststellingwerf and Weststellingwerf, mainly orally, but sometimes also in written applications. The Province of Drenthe accepts written applications in Low Saxon, but the replies are drafted in Dutch, which is the only language used in formal contexts. Individuals may also address the Province of Groningen in Low Saxon and the reply depends on the language skills of the civil servant involved, but they are usually in Dutch. At local level the use of Low Saxon is more common and in the Province of Overijssel some local council meetings are held in Low Saxon. There are no bilingual place name signs in Low Saxon, nor is there a policy to promote the use of the language in this domain.

50. As far as media is concerned, RTV Noord (Province of Groningen) broadcasts about 15 hours/week in Low Saxon on the radio, while RTV Drenthe's Low Saxon radio programmes amount to 20 hours/week. Sixteen local radio stations in the Province of Groningen broadcast programmes in Low Saxon. On television there is a ten

¹⁰ Low Saxon is used, in different varieties, in the Provinces of Drenthe, Groningen, Overijssel, Gelderland (regions of Achterhoek and Veluwe) and in the municipalities of Ooststellingwerf and Weststellingwerf in the Province of Fryslân (see 3rd report of the Committee of Experts on the Netherlands, paragraph 15).

minute daily broadcast on TV Noord. In the Province of Drenthe the regular two-minute daily Low Saxon programme *Jasbuus vol Drents* was discontinued and has not yet been replaced; Low Saxon is used in occasional programmes, such as the language quiz *LOOS* (20 broadcasts) or *Drents Liedties Festival*; and for one day each year all television programmes are in Low Saxon. There are no broadcasts in Low Saxon in the Province of Overijssel, except some advertising on the radio. Local radio stations in Ooststellingwerf and Weststellingwerf broadcast in Low Saxon two hours per week. As far as written media is concerned, there is one weekly column in Low Saxon in the Groningen and Drenthe regional newspapers and weekly news articles in the local newspapers in Ooststellingwerf and Weststellingwerf. *Leeuwarder Courant* publishes a column every two weeks. Low Saxon is increasingly used on the internet and social media, especially among young people.

51. In the economic field, companies use Low Saxon mainly for advertising. As far as health and social care are concerned, activities such as readings or music evenings in Low Saxon are organised in homes for the elderly. In addition, there is an ongoing project promoting the use of Low Saxon in hospitals in the Provinces of Drenthe and Groningen. In the Province of Overijssel, Low Saxon courses are offered as part of the vocational training. However, the Committee of Experts was also informed that staff of health and social care facilities is often instructed by managers not to use Low Saxon.

52. Low Saxon is used to a large extent in cultural life. In the Province of Drenthe, *Huus van de Taol* publishes three magazines (two completely in Low Saxon) as well as eight books annually. Since 2012, it has also been organising the *Drents Liedties Festival* and supported the writing of songs for children. *Stellingwarver Schrieversronte* also publishes a bimonthly magazine.

53. The Provinces of Groningen and Overijssel intend to maintain support to Low Saxon as priority in the culture and budget plans for 2017-2020; the situation seems to be similar in the Province of Drenthe. The Committee of Experts has received very little information about the situation of Low Saxon in the Province of Gelderland (see below), but expects that support to Low Saxon will be maintained.

54. The Committee of Experts encourages the Dutch authorities to adopt a structured approach and promote the use of Low Saxon in public life, especially in the media, economic field and in social life (e.g. health and elderly care).

Romanes

55. In the fourth evaluation report, the Committee of Experts urged the Dutch authorities to consult with the speakers in order to establish how the use of Romanes could be facilitated and/or encouraged, in speech and writing, in public and private life.

56. According to the information from the fifth periodical report and received during the on-the-spot visit, it does not appear that such consultations have taken place. The Dutch authorities indicated during the on-the-spot visit that there are two different views among the Roma and Sinti, one rejecting the use of the language outside the community, while the other agrees to it. The meeting of the Committee of Experts with representatives of the Roma and Sinti also confirmed that a part of the community does not want to have the language used in public. However, there is an interest in promoting knowledge about the Roma and Sinti history and culture.

57. Nevertheless, the Committee of Experts also received information about Radio Patrín broadcasting programmes in Romanes, about the launching of a CD with song texts in Romanes and of a biography (*Zoni. De vergeten Holocaust*), which also contains poems and song texts in Romanes. The Committee of Experts was also informed about the possibility to receive funding for projects, covering *inter alia* education, culture and identity in the framework of the Post-War Compensation Fund.

58. The Committee of Experts underlines that the Charter requires the authorities to take positive measures to promote and protect Romanes. It also notes that the Charter must be implemented bearing in mind the wishes of the speakers. It therefore urges the authorities to consult the Romanes speakers and to identify, in co-operation with them, ways and areas in which the use of Romanes could be facilitated and/or encouraged, taking into consideration the different views within the community.

Yiddish

59. In the fourth evaluation report, the Committee of Experts urged the Dutch authorities to consult with the speakers in order to establish how the use of Yiddish could be facilitated and/or encouraged, in speech and writing, in public and private life, and whether structured financial support could be provided to the cultural journal “Grine Medine”.

60. The fifth periodical report does not provide any information in this respect. The Dutch authorities informed the Committee of Experts that, as a Part II language, they do not promote Yiddish. No financial support is granted to the cultural journal “Grine Medine”. Furthermore, the authorities seem to consider that languages like Yiddish have their place in private life only.

61. The Committee of Experts considers these views as incompatible with the Charter and regrets that the Dutch authorities maintain this position in the fifth monitoring cycle. The Committee of Experts refers to its previous comments under Articles 7.1.c and 7.1.d and underlines that the Charter requires that the authorities promote the regional or minority languages in public life. Since Yiddish is a non-territorial language, the role of the national authorities is all the more important.

62. The Committee of Experts strongly urges the Dutch authorities to consult with the speakers and facilitate the use of Yiddish, in speech and writing, in public and private life.

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;

63. In the fourth evaluation report, the Committee of Experts urged the Dutch authorities to develop links between speakers of the regional or minority languages.

64. The fifth periodical report does not provide information in this respect. The Dutch authorities reiterated that regional or minority language speakers are responsible for establishing the relevant links themselves.

65. The Committee of Experts reiterates that Article 7.1.e puts an obligation on the Dutch authorities which cannot simply be delegated to the regional or minority language speakers. It therefore again urges the Dutch authorities to develop links between speakers of the regional or minority languages.

Romanes

66. In the fourth evaluation report, the Committee of Experts encouraged the Dutch authorities to continue their initiatives facilitating links between all the organisations representing the Roma and Sinti, with particular emphasis on the protection and promotion of Romanes.

67. The fifth periodical report does not provide information in this respect. The Committee of Experts was informed that the authorities are in contact with a few Roma and Sinti representatives, but it does not appear that any initiatives facilitating links between all the organisations representing the Roma and Sinti, with particular emphasis on the protection and promotion of Romanes, are in place.

68. The Committee of Experts urges the Dutch authorities to facilitate links between all the organisations representing the Roma and Sinti, with particular emphasis on the protection and promotion of Romanes.

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

Limburgish

69. In the fourth monitoring cycle, the Committee of Ministers recommended the Dutch authorities to “**upgrade the teaching of Limburgish [...] to the status of regular school subjects and extend the offer of education in [this language], including in pre-schools**”. A similar recommendation was made by the Committee of Experts. Furthermore, the Committee of Experts also urged the Dutch authorities to continue extending the offer

of teaching Limburgish¹¹ at primary and secondary level, in particular regarding the varieties Northern Limburgish, in the municipalities of Horst and Venray, and Ripuarian, in the municipalities of Simpelveld and Vaals. It also asked the authorities to provide information on whether Limburgish is used in technical and vocational education.

70. The fifth periodical report does not provide any information in this respect. During the on-the-spot visit, the Committee of Experts was informed that the situation of Limburgish in education has largely remained the same as in the previous monitoring cycle. Eighty primary schools (20% of the primary schools in the province), twelve secondary schools (17% of the secondary schools in the province), and one technical/vocational school integrate Limburgish in their activities, through projects. The use of Limburgish is estimated to be 45 minutes per week over a period of two months.

71. The representatives of the speakers have voiced particular concern about pre-school education, where only Dutch is used. While the declared aim is to ensure that children are adequately prepared to join the primary school, the result is that Limburgish-speaking children lose the ability to speak their mother tongue within a few months. Furthermore, pre-school staff and teachers at all levels do not seem to be aware of the advantages of bi/multilingualism. Currently, an initiative at Maastricht University proposes to include a module on Limburgish in teacher training, thus allowing future teachers to be better informed about bi/multilingualism.

72. The issue of pre-school education was regularly raised by regional or minority language speakers during the on-the-spot visit in the Netherlands. The Committee of Experts considers that awareness-raising about the values of bilingualism is needed during training for pre-school staff and teachers and that bilingual education models should be integrated into pre-school education, so as to ensure that, while learning the official language, children maintain and develop their mother tongue.

73. The Committee of Experts notes that Limburgish is not yet taught as a school subject in its own right. Teaching Limburgish depends on schools' initiatives and is very limited in primary and secondary education and practically non-existent in pre-schools. There is no scheme for teacher training either. Considering the high number of Limburgish speakers, the Committee of Experts considers that a more structured approach is needed and that teaching of Limburgish should be offered as a regular school subject.¹²

74. The Committee of Experts urges the Dutch authorities to extend the offer of teaching Limburgish in primary and secondary education, in particular regarding the varieties Northern Limburgish, in the municipalities of Horst and Venray, and Ripuarian, in the municipalities of Simpelveld and Vaals.

The Committee of Experts urges the Dutch authorities to upgrade the teaching of Limburgish to the status of a regular school subject and intensify it, including in pre-school education.

Low Saxon

75. In the fourth monitoring cycle, the Committee of Ministers recommended the Dutch authorities to “**upgrade the teaching of [...] Low Saxon to the status of regular school subjects and extend the offer of education in [this language], including in pre-schools**”. A similar recommendation was made by the Committee of Experts.

76. The fifth periodical report does not provide information in this respect. According to the information received during the on-the-spot visit, Low Saxon continues to be used in activities or projects financed by the provinces, to a varying degree depending on the region. A four years project - *Drents en Duits in het onderwijs* - has been initiated and financed by the Province of Drenthe, in co-operation with Stenden University, promoting Low Saxon and German in education. In this framework, students enrolled in teacher training receive additional training in German, Low Saxon and multilingualism; in addition, in six primary schools, Low Saxon is used every week; funds have also been provided for the creation of a website (www.wiesneus.nl) where poems, songs, stories, games and films for children, as well as materials for teachers, parents, policy makers, are made available. In addition, in 154 other primary schools (65% of the schools in the Province of Drenthe), reading is organised for children by *Huus van de*

¹¹ The Dutch authorities have specified that, for the purpose of teaching and textbook development, the six local varieties of Limburgish are grouped into three main varieties: *Northern Limburgish* is used in education in the Bergen, Gennep, Horst, Mook en Middelaar, Venlo and Venray municipalities, *Ripuarian (West Central Germanic)* in Kerkrade/Kirchroa, Simpelveld and Vaals, and *Central and Southern Limburgish* in the remaining parts of the province, see Province of Limburg: *Limburgse dialecten*, Maastricht 2016, p. 2; 4th evaluation report of the Committee of Experts, paragraph 8.

¹² See 4th report of the Committee of Experts on the Netherlands ECRML (2012) 6, paragraph 59

Taol and its volunteers, who are sometimes local or provincial officials. In 20 schools music lessons take place in Low Saxon. However, at secondary level, Low Saxon is present to a very limited extent. As far as pre-school staff training is concerned, *Huus van de Taol* organises workshops dedicated to Low Saxon.

77. In the Province of Overijssel, teaching materials for Low Saxon at pre-school level, as well as lesson series for primary education, are available and used to some extent. An educational project of the *IJsselacademie* and Deltion College promotes Low Saxon in vocational training for the future health care staff, but lessons are not regular.

78. In the municipalities of Ooststellingwerf and Weststellingwerf, Stellingwarver Schrieversronte implements a reading project for pre-school children annually. Low Saxon is included in teaching regional culture and teaching materials are available. However, after primary school, Low Saxon is used to a very limited extent.

79. In the Province of Groningen, a number of schools integrate Low Saxon into their activities through projects and educational kits made available by the *Huis van de Groninger Cultuur*. Teaching materials are also made available on the internet (www.klunderloa.nl). While there seems to be an interest from schools and parents in including Low Saxon in education, the Committee of Experts was informed that the presence of the language is still limited, *inter alia* because the new generations of teachers have very little knowledge of Low Saxon, if at all, and the topic is not a priority according to the curriculum.

80. The Committee of Experts notes that, despite positive initiatives at local and provincial level, a more structured approach with respect to Low Saxon in education is needed.

The Committee of Experts encourages the Dutch authorities to upgrade the teaching of Low Saxon to the status of a regular school subject and intensify it, in particular in pre-school education and secondary education.

Romanes

81. In the fourth monitoring cycle, the Committee of Ministers recommended the Dutch authorities to “**explore, in co-operation with representatives of the speakers, possibilities to teach Romanes [...]**”. A similar recommendation was made by the Committee of Experts.

82. The fifth periodical report reiterated that consultations within the National Information and Support Centre for Specific Target Groups did not reveal a need for Romanes education. It is not clear to the Committee of Experts whether this structure can be considered as representing the Romanes speakers.

83. The Committee of Experts is aware that there are different views about the use of Romanes among the speakers. Representatives whom the Committee of Experts met during the on-the-spot visit were against teaching the language in school and writing it. However, they were aware that, in the long term, Romanes needs protection and promotion and were of the view that this should be done in a way that respects the community's traditions and views.

84. The Committee of Experts encourages the Dutch authorities to explore, in co-operation with the speakers, ways of teaching Romanes to those interested, taking into consideration the views of the community.

Yiddish

85. In the fourth monitoring cycle, the Committee of Ministers recommended the Dutch authorities to “**explore, in co-operation with representatives of the speakers, possibilities to [...] secure and extend the teaching of Yiddish**”. Furthermore, the Committee of Experts urged the Dutch authorities to ensure, in co-operation with the Cheider school in Amsterdam, the continued teaching of Yiddish and to provide the necessary financial support.

86. The fifth periodical report does not provide any information in this respect. During the on-the-spot visit, the authorities informed the Committee of Experts that Cheider School is the only school in the Netherlands teaching Yiddish. In primary school, Yiddish can be taught outside regular school hours, while in secondary school it can be an optional subject. The school receives increased financing per pupil. However, it remains unclear what the teaching time dedicated in practice to Yiddish is and how teacher training and the development of teaching materials are supported by the Dutch authorities.

87. The Committee of Experts encourages the Dutch authorities to ensure the continued teaching of Yiddish, in co-operation with the speakers and to provide it with the necessary financial support.

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

Limburgish

88. In 2015, the Province of Limburg withdrew its support to the Chair of *Language Culture in Limburg* at Maastricht University. It continues to exist with support from the university.

Low Saxon

89. During the on-the-spot visit the Committee of Experts was informed that in, 2014, the Province of Gelderland reduced the subsidies to the *Erfgoedcentrum Achterhoek en Liemers (Achterhoek and Liemers Heritage Centre)*, which had to reduce its staff and activities. Among others, the centre is no longer in a position to finance the editor of the dictionary of Low Saxon in Achterhoek and Liemers. Project-based financing continues to be available, but, according to the representatives of this institute, this does not allow for an adequate and structured implementation of the activities.

90. Similar concerns were expressed by the representatives of *Ijsselacademy* and *Twentsewelle*, who fear that their activities will be in danger in the coming years. In 2012, the Province of Overijssel discontinued the funding of the dictionary of Low Saxon; in 2014, *Ijsselacademie* and *Twentsewelle* resumed work on it, in the framework of projects. The Committee of Experts was informed by representatives of the province that in 2017-2020 Low Saxon will be a priority and project-based funding will be available.

91. The Chair of Low Saxon at the University of Groningen increased its co-operation with *Huis van de Groninger Cultuur* and the Department for Frisian Language and Culture. In this framework, the setting up of a Low Saxon specialisation, similar to the Frisian one, within the new BA Minorities and Multilingualism, is under consideration. With the retirement of the incumbent professor, there are, however, concerns about the continuation of the Chair.

92. The Committee of Experts encourages the Dutch authorities to ensure a stable financial framework for the promotion of study and research on regional or minority languages at universities or equivalent institutions.

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

Limburgish

93. The border municipalities of Landgraaf (Netherlands) and Übach-Palenberg (Germany) have a joint municipal magazine (*genial-nah*) which also contains articles in Ripuarian. The regional public broadcaster, L1, co-operates across the border with broadcasters in Aachen (Germany).

Low Saxon

94. A cross-border Dutch-German cultural project, with a language component, is under preparation in the Province of Overijssel.

Romanes and Yiddish

95. In the fourth evaluation report, the Committee of Experts urged the Dutch authorities to promote appropriate types of transnational exchanges, in the fields covered by the Charter, for Romanes and Yiddish.

96. The fifth periodical report does not provide any information in this respect. The Dutch authorities are of the view that it is up to the respective communities to engage in international exchanges.

97. The Committee of Experts encourage the Dutch authorities to promote appropriate types of transnational exchanges, in the fields covered by the Charter, for Romanes and Yiddish

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.

98. In the fourth evaluation report, the Committee of Experts asked the Dutch authorities to provide information on the implementation of this provision. It also encouraged the Dutch authorities to use the opportunity of revising the media act in order to include in this law an objective for the media to pursue respect, understanding and tolerance in relation to regional or minority languages in the Netherlands.

99. The fifth periodical report does not provide information in this respect. The Dutch authorities have subsequently informed the Committee of Experts that the Media Act will not cover such issues. As far as education is concerned, schools are obliged to promote active citizenship and social integration. A reform of the curriculum has recently started and clearer objectives for citizenship education will be established. Citizenship, which includes respect, understanding and tolerance for people with different backgrounds and their languages, will be given a more prominent place in the curriculum.

100. The Committee of Experts noted that there is little knowledge in the Netherlands about regional or minority languages and their contribution to the cultural wealth of the country.

101. The Committee of Experts was informed by the representatives of the Roma and Sinti of prejudiced and stereotyped views concerning them in the Dutch society. The results of the 2015 Monitor of Social Inclusion of Roma in the Netherlands¹³ also show that there are stereotypes about Roma and that they are negatively portrayed by the media.

102. The Committee of Experts encourages the Dutch authorities to ensure that respect, understanding and tolerance in relation to regional or minority languages are specifically included in the new curriculum and to promote awareness and tolerance in Dutch society at large vis-à-vis the regional or minority languages and the cultures they represent, including through the media.

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.

General issues

103. In the fourth monitoring cycle, the Committee of Ministers recommended the Dutch authorities to “**establish a structured dialogue with representatives of the regional or minority language speakers about the implementation of the Charter and the recommendations evolving from its monitoring mechanism**”. A similar recommendation was made by the Committee of Experts.

104. The fifth periodical report does not provide information in this respect. During the on-the spot visit, the Committee of Experts noted the overall good co-operation and dialogue between the provincial authorities and the regional or minority languages speakers’ organisations. However, at national level a structured dialogue is missing. No structured dialogue with representatives of the regional or minority language speakers about the implementation of the Charter and the recommendations evolving from its monitoring mechanism appears to be in place. Furthermore, no comprehensive consultations have taken place in the framework of the drafting of the periodical report. The Committee of Experts underlines that a dialogue between the authorities and the associations representing the regional or minority language speakers about the application of the Charter is indispensable for a state in determining its policy with regard to regional or minority languages¹⁴.

¹³ This analysis is based on responses from 67 experts who took part in an online survey and 31 interviews with professionals and Roma and Sinti.

¹⁴ See also 4th report on the Netherlands ECRML (2012) 6, paragraph 92

The Committee of Experts urges the Dutch authorities to initiate a structured dialogue with the representatives of the regional or minority language speakers about the implementation of the Charter and the recommendations evolving from its monitoring mechanism.

Frisian

105. In compliance with the new Use of Frisian Act, a new Frisian Language Body (DINGtiid) was set up on 1 January 2014, replacing the Advisory Body for Matters pertaining to Frisian Language Policy. It is composed of five people and acts as an advisory body both to the national authorities and to the province. The representatives of the DINGtiid whom the Committee of Experts met during the on-the-spot visit underlined, however, that they do not have sufficient competences and were not involved in the preparation of the periodical report.

Low Saxon

106. In the fourth evaluation report, the Committee of Experts encouraged the Dutch authorities to take into consideration the needs and wishes expressed by the Low Saxon speakers in the work of the Low Saxon Consultative Body.

107. According to the fifth periodical report and the information received during the on-the-spot visit, the Low Saxon Consultative Body has had a modest role until now. Other organisations, such as SONT (umbrella NGO), are dialogue and consultation partners for the authorities.

Romanes

108. In the fourth evaluation report, the Committee of Experts urged the Dutch authorities to ensure that a structured dialogue is developed with the representatives of the Romanes speakers.

109. According to the fifth periodical report, the Dutch national authorities are in contact with Roma and Sinti representatives, but no structured dialogue or policy for the promotion of Romanes is in place. The tasks and competencies pertaining to Roma and Sinti have been transferred to the local authorities. Therefore, the National Platform for Roma Municipalities is considered an important partner by the national authorities and has received financial support (€60 000 in 2013) for activities such as exchanges of best practices on integration. The Committee of Experts underlines that, as a non-territorial language, the role of the national authorities in promoting Romanes is all the more important.

110. The representatives of the Roma and Sinti whom the Committee of Experts met during the on-the-spot visit indicated that the relations with the authorities are practically non-existent. They indicated that the authorities do not involve the Roma and Sinti in the activities or decisions concerning the Charter. The 2015 Monitor of Social Inclusion of Roma in the Netherlands shows that the contacts with the authorities do not always run smoothly and that Roma and Sinti feel that they are not being heard.

111. The Committee of Experts urges the Dutch authorities to ensure that a structured dialogue is developed with the representatives of the Romanes speakers.

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.

112. In its assessment of the situation of Yiddish and Romanes vis-à-vis Article 7 paragraphs 1-4 of the Charter, the Committee of Experts has kept in mind that those principles should be applied *mutatis mutandis*.

3.2. The Committee of Experts' evaluation of the application of Part III of the Charter: Frisian

113. The Committee of Experts will not comment on provisions which were regarded as fulfilled in the previous reports and for which it has not received any new information which would have required a reassessment of its previous findings. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8.1.f i, i; 8.2;
 Article 9.1.a iii, b iii, c iii; 9.2.b;
 Article 10.1.a v; 10.2.a, b, c, d, e, f, g; 10.4.a; 10.5;
 Article 11.1 f ii; 11.2;
 Article 12.1 a, b, d, e, f, g, h; 12.2;
 Article 13.1.a, c, d;
 Article 14.a

Article 8 - Education

Preliminary remarks

114. In the fourth monitoring cycle, the Committee of Ministers recommended the Dutch authorities to “**continue to strengthen the teaching of and in Frisian at all levels of education**”. A similar recommendation was made by the Committee of Experts.

115. The Frisian Language Attainment Targets Act entered into force on 1 August 2014, decentralising the competencies and entrusting the Province of Fryslân with setting the attainment targets (core objectives) for the teaching of Frisian. Nevertheless, representatives of primary education should be consulted and the minister of education must approve these objectives.

116. Before the entry into force of this act, only full exemptions from the legal obligation to teach Frisian in primary and secondary schools could be granted, but now the Province is also allowed to grant partial exemptions. As a result, different profiles have been developed for the schools in Fryslân. The process of implementing these provisions has only begun. It is expected that the first exemptions will come into force in the 2017-2018 school year.

117. The Committee of Experts notes, however, that most profiles are focused on oral use and developing a positive attitude towards Frisian. This might not be in line with the undertakings chosen under Part III of the Charter.

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;

118. In the fourth evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Dutch authorities to provide information on the proportion of Frisian-language education in the bilingual model and on the degree to which the offer of Frisian-speaking and bilingual playgroups really meet the demand of parents.

119. According to the fifth periodical report and the additional information received by the Committee of Experts, there are about 180 Frisian-medium or bilingual day-care centres or playgroups in Fryslân (out of a total of 375 such institutions in the province). Between 30-35% of the children below four years old attend them. In order to qualify as bilingual, Frisian has to be used for at least 50% of the time; usually the time allotted to Frisian is between 60-80%.

120. However, the Committee of Experts was also informed that the bilingual offer does not meet the demand, in particular in large towns, and this has a negative impact on language transmission¹⁵.

121. In view of the existing offer, the Committee of Experts considers the undertaking partly fulfilled. It encourages the Dutch authorities to develop a structured policy for day-care centres or playgroups offering bilingual pre-school education, as well as to increase the number of them.

Primary education

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

122. In the fourth evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Dutch authorities to submit more detailed information about the concrete set-up of the trilingual educational model in primary education and also information on the strategy to meet the demand for Frisian language education in the future.

123. Out of the 428 primary schools in Fryslân, 73 are included in the network of trilingual schools (Dutch, Frisian and English as languages of instruction), which represents an increase of 30 schools compared to the previous monitoring cycle. However, only 30 of these trilingual schools are certified (as 3TS basic, 3TS plus and 3TS star) as offering Frisian as a subject and as a medium of instruction; over 30 schools are in the process of certification. The degree to which Frisian is used as a language of instruction varies among schools. Teaching Frisian as a subject should take place for at least one hour per week. Between 1 ¼ hours and 3 ½ hours are used as a medium of instruction (CLIL). The subjects taught in Frisian are usually music, world orientation, gymnastics and creative subjects. In general, Frisian is used between 10-25% of the time.

124. The Committee of Experts has been informed that the trilingual system is undergoing changes, with the introduction of English from the 1st grade onwards and of a more integrated use of languages (so-called “translanguaging”), instead of a strict division of time and themes. Furthermore, trilingual schools, of which many are small institutions in rural areas, might be at risk in the future, since a recommendation of the National Council of Education proposes to raise the minimum number of pupils in a primary school from 23 to 100 as of 2019. The Committee of Experts recalls that in many cases where general measures are taken, regional or minority languages are particularly at risk. Special measures should be adopted to ensure that these languages are not disproportionately affected¹⁶.

125. As far as the other schools are concerned, the fifth periodical report indicates that, as a result of the Administrative Agreement, the budget for the Material Preservation of Frisian (funds for teaching Frisian) has increased by € 90 000, to allow for the teaching of Frisian also in the first two years of primary education. The Committee of Experts welcomes this development.

126. According to additional information received by the Committee of Experts, apart from trilingual education, primary schools generally offer teaching of Frisian. The teaching time is, however, limited to only one lesson of 30-40 minutes per week or is used for simple tasks or activities (understanding the language, using school television programmes and reading materials).

127. The Committee of Experts considers that the current offer of teaching Frisian for one lesson per week or using it as a medium of instruction for only a few hours per week in some schools is too low to meet the requirements of the undertaking. In addition, this is too restricted to develop a sufficient level of literacy in Frisian.

128. The Committee of Experts considers the undertaking not fulfilled. It encourages the authorities to strengthen the use of Frisian as a medium of instruction in primary education.

¹⁵ Studies carried out by Sintrum Frysktalige Berne-opfang (SFBO) showed that the more Frisian is used at pre-school, the more chance the child using this language to communicate with the parents increases. 40% of Frisian-speaking parents in large towns, where bilingual education is insufficient, fail in transmitting Frisian to the children; although they use Frisian at home, the children tend to use only Dutch once in pre-school.

¹⁶ See 4th report of the Committee of Experts on Slovakia ECRML (2016) 2, paragraph 62

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;**

129. In the fourth evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It strongly urged the Dutch authorities to improve the situation of the teaching of Frisian in secondary education.

130. According to the fifth periodical report, five secondary schools offer trilingual education. The authorities plan to increase their number to at least ten by 2018. The Committee of Experts has, however, been informed that the share of subjects taught in Frisian is very low (for example, in one case, only history and physical education). The aim to use the three languages according to a share of 30%-30%-40% of the time has not yet been reached. In general, Frisian is used for about 16% of the time (taught as a subject and used as a medium of instruction).

131. As far as is the other schools are concerned, at secondary level teaching Frisian is compulsory only during the first year, for one hour per week. Most of the 87 secondary schools in the Province of Fryslân teach it only in this format, while only 15 schools teach it after the first year. Efforts are being made to encourage schools to extend the teaching of Frisian. Since the 2013-2014 school year, the Ministry of Education, Culture and Science makes available € 65 000 annually for teaching Frisian also at secondary schools. Frisian is an optional exam subject and approximately 50 pupils choose it every year.

132. The Committee of Experts notes that the offer of Frisian in secondary education of one hour per week for one year is too low to meet the requirements of the undertaking and to ensure adequate knowledge of Frisian to a sufficient number of pupils. Secondary level lays the foundation for future studies, including teacher training and if pupils do not acquire adequate skills in Frisian at the end of secondary education, the chances of them enrolling in or graduating with Frisian at university or teacher training diminish. The Committee of Experts welcomes the use of Frisian as a medium of instruction in some secondary schools, but this offer is at present too limited, both as far as the number of schools and the share of Frisian are concerned.

133. Based on the available information, it is not clear to the Committee of Experts how many pupils study Frisian as a subject throughout secondary education. The Committee of Experts cannot conclude on the fulfilment of the undertaking and asks the authorities to provide additional information in the next periodical report.

The Committee of Experts again strongly urges the Dutch authorities to continue strengthening the teaching of and in Frisian at all levels of education.

University and higher education

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

134. In the fourth evaluation report, the Committee of Experts considered this undertaking fulfilled at present. It nevertheless urged the Dutch authorities to strengthen the position of Frisian in university and higher education, and asked them to comment on the issue of students having to pay the usual fees twice in order to follow two studies, as a result of the new Law on Education.

135. According to the fifth periodical report and the information received during the on-the-spot visit, the University of Groningen offers a new bachelor programme in *Minorities and multilingualism*, replacing the *Frisian Language and Culture* bachelor programme. The new bachelor programme includes a specialisation in Frisian (60 ECTS), covering language, history and culture. The bachelor programme is financed by the Ministry of Education and the Province of Fryslân. Twenty-eight students are enrolled, while one student specialises in Frisian language and culture at master's level. In relation to the new bachelor programme, a master's programme in multilingualism has been set up by the University of Groningen at the University Campus Fryslân in Leeuwarden (21 students have completed the programme and 45 are currently enrolled). The University of Groningen also offers a master's in Frisian Linguistics or Literature and has also six PhD students in these fields.

136. As far as the fees are concerned, the Dutch authorities informed the Committee of Experts that financing higher education institutions is based on one bachelor and one master programme for each student. Students following a second set of studies have to pay the tuition fee established by each institution.

137. The Committee of Experts considers this undertaking fulfilled.

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;

138. In the fourth evaluation report, the Committee of Experts considered this undertaking not fulfilled. It urged the Dutch authorities to continue their efforts to ensure the teaching of the history and the culture which is reflected by Frisian and to provide the relevant information.

139. The fifth periodical report does not provide any information in this respect. According to the information received during the on-the-spot visit, teaching Frisian history and culture is not part of the national curriculum. Some schools, however, offer such information. They use the Frisian history “Canon” (*Kanon fan de Fryske skiednis*), which presents major topics of Frisian history and is developed following the model of the *Canon van Nederland*. Generally, only some topics are presented to the pupils. There are no exact data on how many schools use the Frisian history “Canon”. The information available to the Committee of Experts is based on the use of the Edufrysk platform (digital education platform for pupils studying Frisian, developed by the Afûk organisation), as schools using it also use the Frisian history “Canon”. It is the case of 20 secondary schools. In primary education a pilot project is ongoing and the aim is to have 30 primary schools using Edufrysk and the related “Canon” parts in September 2016.

140. The Committee of Experts welcomes the fact that at least some information about the Frisian history and culture is offered in some schools. However, bearing in mind that the undertaking requires states to *ensure* the teaching of the history and the culture reflected by Frisian to all pupils living in the relevant territory, the Committee of Experts considers the undertaking not fulfilled.

141. The Committee of Experts strongly urges the Dutch authorities to ensure the teaching of the history and the culture which is reflected by Frisian.

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;

142. In the fourth evaluation report, the Committee of Experts considered this undertaking partly fulfilled with regard to primary and secondary education and not fulfilled for pre-school education. It strongly urged the Dutch authorities to take active measures to provide the necessary basic and further training for pre-school teachers of Frisian.

143. The authorities indicate in the fifth periodical report that the lack of qualified teachers is a major concern both for the national and for the provincial authorities. According to the Education Inspectorate, 40% of the primary and secondary school teachers do not have an adequate qualification or competence for teaching Frisian language and culture.

144. During the on-the-spot visit, the Committee of Experts was informed that, as of the 2015-2016 school year, optional courses of Frisian (three hours per week for one semester) have been introduced in the vocational training of education assistants.

145. The NHL and Stenden Colleges provide teacher training for Frisian education, both for primary and secondary levels. A lectureship in Multilingualism in Education and Teaching has been jointly created by the two colleges. A trilingual stream has also been put in place for future teachers of trilingual primary schools. All students enrolled in primary teacher training take part in Frisian lessons in the first two years. However, not all continue in the following two years nor take the exam for the official qualification. This has only been the case for

36 students in 2012, 25 students in 2013, 29 students in 2014 and 17 students in 2015, for both colleges. In addition to this, a small number of students of a combined track of teacher training and pedagogy also take the exam for official qualification. A minor in *Multilingual Education in International Perspective* is also available and 20 students are currently enrolled. NHL offers, in addition, courses for primary school teachers on *Language Policy at School*, attended to this date by approximately 100 teachers. The number of students in teacher training for secondary schools is very low (12 bachelors students and 2 masters students in the current academic year). This is influenced by the low number of Frisian lessons in secondary education, which are not enough to cover a full time job as teacher of Frisian. Often, teachers of other subjects are appointed as teachers of Frisian. In an effort to improve the situation and in the framework of the restructuring of language teacher training, NHL started recently to reorganise the curriculum of teacher training for secondary schools, aiming to offer a double qualification for Dutch and Frisian.

146. The University of Groningen also offers a two-year master in *Frisian Language and Culture: Pre-higher Education Teacher Training* and one student has graduated since 2012.

147. The Committee of Experts considers this undertaking partly fulfilled with regard to primary and secondary education. While welcoming the introduction of Frisian courses in vocational education for training assistants, it maintains its view that the undertaking is not fulfilled for pre-school education. It strongly urges the Dutch authorities to continue to take active measures to provide the necessary basic and further training of teachers for teaching in and of Frisian at all levels.

Monitoring

- 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.*

148. In the previous monitoring cycles, the Committee of Experts considered the undertaking fulfilled.

149. Bearing in mind the adoption of the new Frisian Education Attainment Acts, the Committee of Experts invites the authorities to provide more information on the role of the Education Inspectorate and on the year when a new report on Frisian education can be expected.

Article 9 Justice

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:

- a in criminal proceedings:*
 - ii to guarantee the accused the right to use his/her regional or minority language;*
 - c in proceedings before courts concerning administrative matters:*
 - 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*
- if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

Reform of judicial authorities and police administration

150. In the fourth evaluation report, the Committee of Experts encouraged the Dutch authorities to consult the representatives of the Frisian speakers in the context of the preparation of the draft law restructuring the courts and police administration, so as to make sure that the implementation of the Charter undertakings is not affected by the pending reforms.

151. The Judicial Map (Revision) Act entered into force on 1 January 2013. The number of district courts has been reduced from 19 to 11; the number of courts of appeal from 5 to 4. Fryslân is covered by the district Court

of North Netherlands and the Arnhem-Leeuwarden Court of Appeal. According to the information available to the Committee of Experts, the reform of police administration has not been yet pursued.

Court interpreters

152. In the fourth evaluation report, the Committee of Experts asked the Dutch authorities to provide information on the possibility to use Frisian in practice in court cases, including whether there is a need to recruit and train more Frisian-speaking interpreters.

153. According to the information received from the Dutch authorities, Frisian may be used both before the Court of North Netherlands and before the Arnhem-Leeuwarden Court of Appeal. The Committee of Experts was, however, informed by the representatives of the speakers that it is increasingly difficult to speak Frisian before courts, when cases are assigned to the two locations of the Court of North Netherlands outside Leeuwarden, in Groningen or Assen, or to courts in Zwolle and Almelo. Since there is still only one certified interpreter for Frisian and in the absence of Frisian-speaking lawyers, judges, prosecutors and other staff, the trial takes place in Dutch. The Dutch authorities informed the Committee of Experts that criminal cases should, with very rare exceptions, be tried in Leeuwarden; however, due to the agenda of the judges and the specialisation, some cases are tried in Groningen or Assen. The existence of only one interpreter is recognised as problematic, and the courts, interpreters' associations and Frisian organisations are making efforts to solve this issue. The Committee of Experts was also informed that the Ministry of Justice and the Council for Judiciary are monitoring the use of Frisian in courts and will prepare a report on this topic.

154. In light of the information above and bearing in mind that the current situation does not guarantee the right to use Frisian before courts in practice, the Committee of Experts must revise its conclusion and consider the undertaking partly fulfilled. The Committee of Experts encourages the Dutch authorities to take practical steps to ensure the right to use Frisian before courts.

Article 10 - Administrative authorities and public services

155. During the on-the-spot visit, the Committee of Experts was informed that the re-organisation of Frisian municipalities is ongoing (see under 7.1.b). The Frisian speakers consider that this process affects the position of Frisian. During this re-organisation, mainly rural municipalities were merged or split and attached to other municipalities. For example, in 2014, the municipality of Boarnsterhim, with a majority of Frisian speakers, was split between Leeuwarden, Heerenveen and a new municipality, Súdwest-Fryslân; in 2018, the municipality of Littenseradiel, over 80% Frisian-speaking, will be split between Leeuwarden, Súdwest-Fryslân and a new municipality, Wandhoeke. New municipalities have their administrative centre in larger cities (Leeuwarden, Heerenveen, Sneek), where Frisian is spoken to a lower extent, and no longer in the rural area, largely Frisian-speaking. Although agreements have been concluded with the new municipalities, in practice the protection of Frisian has weakened. According to the Frisian speakers, the language receives less attention and support and its use decreases. Although the above-mentioned agreements state that the Frisian language policy level cannot decrease, in fact this falls back to the lowest level in the merging municipalities. The Committee of Experts encourages the authorities to ensure that Frisian can be used in practice in the new municipalities and to provide detailed information on its use in the new framework.

156. The Use of Frisian Act entered into force in 2014 and provides that Frisian can be used in dealings with the administrative bodies located in the province of Fryslân and by such bodies. Nevertheless, the Act also states that the administrative bodies and other parties may ask for Dutch to be used, on the grounds that the use of Frisian would lead to a disproportionate burden on administrative matters or unsatisfactory oral communications.¹⁷ The Committee of Experts underlines that these provisions, depending on how they are implemented, can undermine the right of the speakers to use Frisian in relation with administrative authorities. Administrative bodies in Fryslân that are not part of the central administration are under an obligation to prepare rules and policy plans concerning the use of Frisian. The administrative bodies situated outside Fryslân, but responsible for the province, may also set such rules, in particular for written communication. Ministries may also ask their local offices in Fryslân to adopt rules on the use of Frisian, although the Committee of Experts was informed that this has not been yet the case.

¹⁷ <http://wetten.overheid.nl/BWBR0034047/2014-01-01>

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.*

157. In the fourth monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Dutch authorities to implement the necessary legal and practical measures so as to ensure that the present undertaking is fulfilled.

158. According to the fifth periodical report, the authorities enable, as much as possible, the use of Frisian in relations with the police, the fire or the ambulance services. The Use of Frisian Act indicates that a central authority may ask its local branch to prepare rules on the use of Frisian. The Dutch authorities informed the Committee of Experts that this has not yet been the case.

159. In the absence of any information on the practical implementation of the undertaking, the Committee of Experts maintains its previous conclusion that the undertaking is not fulfilled. The Committee of Experts urges the Dutch authorities to implement the necessary legal and practical measures so as to ensure that the present undertaking is 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.*

160. In the previous monitoring cycles, the Committee of Experts considered the undertaking fulfilled.

161. During the on-the-spot visit, the Committee of Experts noted that Frisian place names are used only to a limited extent, in particular in Leeuwarden. The Committee of Experts underlines that the term “place-names” within the meaning of the present undertaking concerns not only the name of a municipality, but all topographical names in that municipality that can be officially used, for example in texts produced by the authority (e.g. documents, forms, public relations material, websites) or in signage (e.g. street name signs, signposts and public transport signs, indications for tourists).

162. The Committee of Experts encourages the authorities to ensure the use or adoption of traditional and correct forms of place names in Frisian.¹⁸

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.*

163. In the fourth evaluation report, the Committee of Experts considered this undertaking not fulfilled.

164. The Committee of Experts received no relevant information in this respect. It therefore maintains its previous conclusion that the undertaking is not fulfilled.

165. The Committee of Experts encourages the authorities to ensure compliance, as far as possible, with requests from public service employees who speak Frisian to be appointed in the territory in which this language is used.

¹⁸ See also Second Opinion of the Advisory Committee of the FCNM, ACFC/OP/II(2013)003 2013, paragraph 96

Article 11 - Media

Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

a to the extent that radio and television carry out a public service mission:

iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;

166. In the fourth evaluation report, the Committee of Experts considered this undertaking fulfilled. It nonetheless encouraged the Dutch authorities to consult representatives of the Frisian speakers in the context of the preparation of the draft Media Act and to take measures so that the new media legislation will improve the presence of Frisian in the media.

167. According to the information received from the authorities in this monitoring cycle, changes are ongoing in the media sector. In addition to budgetary cuts, a new structure of regional broadcasting is foreseen by amending the Media Act (see under Article 7.1.d.). The authorities underlined that special guarantees are foreseen for Omrop Fryslân and that programming also remains independent within the new structure. They are aware, however, that the fact that funding will be centralised will have an influence on programmes.

168. The representatives of the Frisian speakers and of Omrop Fryslân express serious concerns about the amendments to the Media Act and the future of Frisian-language broadcasting. Omrop Fryslân will no longer have its own board and will lose influence on the programmes, also due to the funding set-up in the new structure (there will be no earmarked funding for Omrop Fryslân). They fear that many of the programmes, starting with Frisian drama or children programmes, will no longer be produced and that the overall quality will decrease.

169. The new set-up does not seem to improve the presence of Frisian in the media, as recommended by the Committee of Experts. As the legislation is not yet finalised, the Committee of Experts cannot conclude on the fulfilment of the undertaking. It urges the Dutch authorities to ensure that the position of Frisian in media is not negatively affected.

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;

170. In the fourth evaluation report, the Committee of Experts considered these undertakings not fulfilled. It strongly urged the Dutch authorities to take steps to promote the use of Frisian in private broadcasting.

171. The fifth periodical report does not provide specific information in this respect. It indicates that the Province of Fryslân set up a Frisian Media Fund, to promote innovations in media and investigative journalism. Until 2015, €100 000 was made available annually to Frisian language media. However, the Committee of Experts has not been informed of any private radio stations or television channels broadcasting in Frisian.

172. The Committee of Experts considers these undertakings not fulfilled. It again strongly urges the Dutch authorities to take steps to promote the use of Frisian in private broadcasting

Article 12 - Cultural activities and facilities

173. In the fourth evaluation report, the Committee of Experts encouraged the Dutch authorities to ensure that the budget cuts do not affect the implementation of the relevant undertakings under the Charter.

174. The fifth periodical report indicates that changes to the funding of the Frisian cultural institutions are to be discussed with the Province of Fryslân. To this date, an important network of cultural bodies promoting Frisian is

active in Fryslân. The Committee of Experts asks the authorities to provide information on the funding of cultural institutions in the 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.

175. In the fourth evaluation report, the Committee of Experts considered this undertaking not fulfilled. It strongly urged the Dutch authorities to include the Frisian language and the culture it reflects in its cultural policy abroad.

176. The fifth periodical report does not provide information in this respect. According to information received from the authorities, Frisian is not actively included in the Dutch policy abroad.

177. The Committee of Experts reiterates that the present undertaking concerns above all the way in which the country presents its own diverse linguistic and cultural heritage abroad. This could consist of cultural exchanges, references to the regional or minority languages spoken in the Netherlands in the context of exhibitions or events, or information material aimed at an international public.¹⁹

178. The Committee of Experts considers this undertaking not fulfilled. It again strongly urges the Dutch authorities to include the Frisian language and the culture it reflects in its cultural policy abroad.

Article 13 - Economic and social life

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;

179. In the fourth evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Dutch authorities to identify the economic and social sectors that are relevant for this undertaking, to raise their awareness of the promotion of Frisian and to organise activities promoting this language.

180. The fifth periodical report does not provide specific information in this respect.

181. The Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled. It urges the Dutch authorities to identify the economic and social sectors that are relevant for this undertaking, to raise their awareness of the promotion of Frisian and to organise activities promoting this language.

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;

182. In the fourth evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Dutch authorities to provide, in their next periodical report, information about the implementation of this undertaking in practice.

183. According to the fifth periodical report, the Province of Fryslân committed itself in the Administrative Agreement to implement an integral language policy in the social care sector. The project "Frysk yn 'e Soarch" (Frisian in Health(care)) is ongoing and will continue until 2018.

¹⁹ See 3rd report of the Committee of Experts on the Czech Republic, ECRML (2015) 6, paragraph 179, 2nd report of the Committee of Experts on Austria, ECRML (2009) 1, paragraph 176

184. During the on-the-spot visit, the Committee of Experts was informed that there is no law or regulation in place requesting that health and social care facilities offer the possibility to use Frisian. In practice, Frisian is used in health care provision, especially in small places, but its use is not guaranteed on a general level. According to the representatives of the speakers, in some cases the use of Frisian was even discouraged. The Committee of Experts asks the authorities to clarify whether in some domains Dutch is obligatory.

185. As far as the training of staff is concerned, the Committee of Experts was informed that in the 2015-2016 school year optional courses of Frisian were introduced in the vocational training of health care workers, at the initiative of the vocational training institutions, for three hours per week during one semester.

186. The Committee of Experts welcomes the development concerning the teaching of Frisian in vocation training of health care staff. It underlines that the undertaking requires the authorities to ensure that social care facilities offer the possibility of receiving and treating Frisian-speakers in their own language. A comprehensive and structured approach is therefore needed, comprising clear legal guidelines ensuring the possibility to use Frisian, a human resources policy (which includes regulations governing the relevant qualifications and takes account of a person's knowledge of Frisian, or facilities and incentives for the existing personnel to improve their language skills) and ensuring that both staff and persons concerned are aware of the possibility to use Frisian.

187. Bearing in mind the current existing practical use of Frisian, the Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled. It encourages the authorities to adopt a structured policy with a view to ensuring that social care facilities may receive and treat those concerned in Frisian.²⁰

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.***

188. In the fourth evaluation report, the Committee of Experts considered this undertaking fulfilled. It nevertheless urged the Dutch authorities to actively promote co-operation between regional or local authorities in the Province of Fryslân and in the Frisian-speaking areas of Germany on a more structured basis.

189. The fifth periodical report indicates that relations to the Frisian-speaking areas in Germany have been, for a long time, important for Fryslân.

190. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled.

²⁰ See 4th report of the Committee of Experts on Germany ECRML (2011) 2, paragraph 560, 4th report of the Committee of Experts on Slovakia, ECRML (2016) 2, paragraph 197

Chapter 4 Findings of the Committee of Experts in the fifth monitoring round

A. The Committee of Experts would like to thank the Dutch authorities for their co-operation during the preparation as well as at the on-the-spot visit itself. In addition, the co-operation with the provincial authorities and the bodies and associations representing the speakers of regional or minority languages was very positive.

B. The Committee of Experts notes some positive developments, in particular with respect to Frisian. However, the general approach of the Dutch authorities towards their obligations arising from the Charter, as well as ongoing changes in the media sector, courts and administration, remain issues of concern.

C. During the current monitoring cycle, the issue of the possible protection of Papiamentu under the Charter was raised, due to the new status of some of the overseas islands. In Fryslân, the situation of Bildts has been brought to the attention of the Committee of Experts. The Dutch authorities are invited to clarify both issues.

D. The Dutch authorities maintain their view that the promotion of the regional or minority languages is the responsibility of local and provincial authorities, as well of the speakers themselves. In particular with respect to the Part II languages – Limburgish, Low Saxon, Romanes and Yiddish, there is no structured approach for their protection and promotion at national level. The Committee of Experts reiterates that the Charter places legal obligations on its States Parties and their implementation requires them to take positive measures with a view to protecting and promoting the regional or minority languages. The national authorities have the international responsibility and it is crucial that they ensure the application of the Charter.

E. There is still no structured dialogue with the representatives of the regional or minority language speakers about the implementation of the Charter and the recommendations evolving from its monitoring mechanism. Furthermore, no comprehensive consultations have taken place in the framework of the drafting of the periodical report. A dialogue between the national authorities and the speakers is, however, indispensable for a state in determining its policy with regard to regional or minority languages.

F. The situation of Limburgish in education has largely remained the same. Limburgish is present to some extent in school activities, but it is not yet taught as a school subject in its own right. The situation in pre-school raises particular concerns, as the use of Limburgish is even discouraged at pre-school level. There is still no scheme for teacher training. Limburgish continues to be present in regional media and cultural activities. It is also increasingly used in online communication, on the internet and in social media.

G. Low Saxon is used in school projects and activities to varying degrees, but there is still no structured approach for its teaching at all relevant levels or for teacher training. Low Saxon is also used in television and on the radio, in cultural activities and, to some extent, by administrative authorities.

H. Romanes is not taught in Dutch schools. It is, however, present to a limited extent in the media and in cultural activities. Some Roma and Sinti representatives are hesitant about promoting the language outside the community. However, they are aware that, in the long term, the language will need protection and promotion. No structured dialogue between the Dutch authorities and the Roma and Sinti is in place about the promotion of Romanes. It has also been reported that Roma and Sinti are subject to stereotypes and prejudiced views and are negatively portrayed in the media.

I. Yiddish continues to be taught only at the Cheider school in Amsterdam. There is no structured approach of the Dutch authorities to promote Yiddish in other domains of public life outside education.

J. A new Administrative Agreement (covenant) on the Frisian Language and Culture for the years 2013-2018 was signed between the central authorities and the Province of Fryslân. Some developments are to be noted regarding Frisian language education. The number of Frisian-speaking or bilingual day-care centres and playgroups has increased, although the offer remains insufficient in large urban settlements. Furthermore, the number of trilingual (Frisian-Dutch-English) primary schools is slowly increasing, making up about 17% of all primary schools in the province. With regard to secondary schools, five offer a trilingual programme. However, most of the primary and secondary schools only offer Frisian for about one hour per week and, in secondary education, only during the first year. This is not sufficient for the development of an adequate level of literacy. The Frisian Language Attainment Targets Act entered into force on 1 August 2014, increasing the competences

of the Province of Fryslân in setting the attainment targets (core objectives). Additional funds for the teaching of Frisian at primary and secondary level have also been made available. The low number of qualified teachers for Frisian remains problematic for the further development of Frisian education.

K. The Use of Frisian Act, regulating the use of Frisian in courts and in relations with the administrative authorities, entered into force on 1 January 2014. In practice, however, the use of Frisian tends to meet with difficulties. Frisian is in general used in relations with the local authorities. However, the ongoing mergers of municipalities might lead to a reduced use of Frisian in the long term. The reform of courts has also led to shortcomings in the use of Frisian in the judicial field.

L. For all languages, Frisian included, the media sector raises particular concerns in the context of the amendments to the Media Act. These partly re-centralise regional broadcasting, by setting up a body responsible for the national policy and matters such as staff, technology and funding. It is feared that this will have an impact on the production of programmes in the regional or minority languages. In addition, financial cuts are foreseen in the media field as of 2017, which might lead to a reduction of programmes in the regional or minority languages. In the long run, this might have a negative impact on the implementation of the undertakings under the Charter.

M. The provincial authorities of Fryslân have continued to take steps to promote Frisian in the social care sector. However, a more structured approach is needed in this field.

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 1273bis meeting on 14 December 2016, 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: 01/03/1998 -

Articles concerned : -

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: 01/03/1998 -

Articles concerned : 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: 01/03/1998 -

Articles concerned : 2

Appendix II: Comments from the Dutch authorities

On 16 July 2016, I received from you the fifth report of the committee of experts of the Council of Europe on the implementation of the European Charter for regional or minority languages regarding the Netherlands. I would like to thank the committee for its detailed report. Please find enclosed my reaction, also on behalf of the State Secretary for Education, Culture and Science.

In the report, the committee of experts issues five recommendations. In respect of a number of other points, the commission requests additional information. Below I will first discuss the recommendations, prior to clarifying a number of other points in response to the request from the committee of experts.

Recommendation 1: According to the committee of experts, the Dutch authorities should adopt a structured policy for the implementation of the Charter in co-operation with the speakers, including for the languages only covered by part II.

The committee of experts refers to the absence of a national policy and a structured dialogue with the speakers of the various recognised regional languages or minority languages. As party to the Charter, the Dutch government bears final responsibility for compliance with the Charter. However, Dutch policy is that responsibility for regional languages and minority languages lies with local governments. After all, the needs in respect of language policy can differ from region to region, and can be better met by local governments. Furthermore, local governments are closer to the practice and speakers of the regional languages than Central government. I am delighted to note that the good cooperation between the local authorities and representatives of speakers of regional languages or minority languages has been noted by the committee of experts.

I recognise the importance of a structured dialogue between central government and the speakers of regional languages or minority languages. The committee points out that speakers were not consulted in drawing up the fifth periodic report on the measures taken by the Netherlands for the implementation of the Charter. In the future monitoring cycle, I will once again take account of this procedure.

Furthermore, in the second half of 2017, I will be organising a one-day 'Regional language symposium' to which speakers and representatives of the various recognised regional languages, central government, and the relevant local governments will be invited. At this symposium, they will be able to discuss and exchange knowledge with one another about language policy, its implementation in practice, and their wishes for promoting regional languages. At the end of this symposium, in an evaluation, I will deal with the question whether there is a call for the structural repetition of an event of this kind.

Recommendation 2: The Dutch authorities should take measures to ensure that the ongoing changes in the media system do not hamper the offering of programmes in regional or minority languages.

The concerns of the committee of experts concerning the offering of programmes in regional languages and minority languages are the result of developments in the media sector, namely announced cutbacks to the tune of 17 million euro, by 1 January 2017, and the changes to the Media Act. To make regional broadcasters more effective in this changing media system, and to achieve greater uniformity in implementing the regional public task, preparations were underway for a White Paper for the further modernisation of regional broadcasters. In this way, the austerity measures could be compensated for jointly, and whereby the programming and editorial boards could be kept out of the firing line as far as possible. However, this White Paper failed to achieve sufficient support among the regional broadcasters as a result of which the decision was taken, on 2 September 2016, to not yet submit the White Paper to the Lower Chamber, but to postpone it. One of the consequences of this decision is that each regional broadcaster will have to compensate individually for its proportion of the 17 million euro cutbacks. If the regional broadcasters wish to implement plans for further cooperation on a voluntary basis, they will be able to request reimbursement of the friction costs accrued. Every possible effort will be made, as far as is possible, to keep the programming and the editorial boards out of the firing line when implementing austerity measures.

In its fifth report, the committee of experts urges the promotion of the use of the Frisian language in commercial media institutions. However, it is not a task of central government in the Netherlands, nor of the provincial or municipal authorities, to establish or have established commercial media institutions. It is also not a task of

government to be involved in the form and content of the programming of commercial media institutions. On the basis of the 2008 Media Act, a commercial media institution itself determines the programming offered by that institution. The commercial media institutions are entirely free to offer programming in the Frisian language. If this ties in with their business model and offers them commercial advantages, they will certainly take this action.

Recommendation 3: The Dutch authorities should continue to strengthen the teaching of, and in, Frisian at all levels of education in order to improve the level of literacy in the language.

Competition from other languages for both spoken and written Frisian is becoming ever fiercer. The teaching of Frisian reading and writing skills is essential for the continued existence of the Frisian language. The quality of Frisian education is a point for attention for the Cabinet, which year on year is investing more in Frisian education in the framework of Material Support for Frisian (MIF, see Administrative Agreement Frisian Language and Culture 2013-2018).

The current Administrative Agreement on Frisian Language and Culture (BFTC) specifies that the Province of Fryslân will determine the policy for Frisian, and also be responsible for its implementation, within the framework of general educational regulations. Since August 2014, it has also been adopted in law that the core targets for Frisian will be determined by the province, subject to specific conditions. Since this law became effective, the province has been given the authority to grant, not only complete, but also partial exemptions to schools for the teaching of Frisian as a subject. This means in practice that for one or more core targets of Frisian as a subject, a (temporary) exemption can be issued. The differentiation in terms of exemptions that this move has made possible means that education in Frisian now ties in better with the school situation and the school population.

This in turn also improves the formulation and supporting of ambitions in relation to Frisian as a subject. In the framework of the formulation of these ambitions, and under the heading Taalplan Frysk (Frisian Language Plan), all schools in Friesland will be visited over the coming period and assessed by an external party with a focus on what action each school is taking in respect of Frisian, and for which core objectives an exemption may be applied for. In this respect, a partial exemption is viewed as a temporary measure within a growth model. The objective of the province is that schools in the Frisian language area will require fewer exemptions every four years. In 2016, the Schools Inspectorate announced its intention to once again inspect the quality of the teaching of Frisian, in order to gain a greater insight into the level achieved by pupils. This will make it possible to monitor and further improve quality.

The province views improving the position of Frisian in education as a very important policy task for the next few years, and will certainly take account of the recommendations of the committee of experts, in as much as that they have not already done so.

Recommendation 4: The Dutch authorities should upgrade the teaching of Limburgish and Low Saxon to the status of regular school subjects and extend the offer of Education in these languages, including in pre-schools.

In its fifth report, the committee of experts expresses its concerns about the offer of Limburgish and Low Saxon in education, and suggests that a more structured approach is needed.

According to the law, schools are given considerable freedom to plan their teaching as they see fit. This freedom is certainly also offered in respect of regional and minority languages. At this moment Limburgish and Low Saxon can already be taught in primary education, depending on the level of interest attached to such teaching by the individual schools. On the basis of article 9 of the Primary Education Act, primary schools have the freedom to teach in a regional language. This also applies to secondary education where there is space to offer lessons in the regional language in filling the elective subjects in the pupil profile. Including regional languages as compulsory school subjects is not in line with educational policy.

Recommendation 5: The Dutch authorities should take measures, in co-operation with representatives of the speakers, to protect and promote Yiddish and Romanes.

I recognise the importance of structured dialogue with representatives of all the different recognised regional languages and minority languages, including Yiddish and Romanes. I will therefore certainly consult with speakers of these languages in the next monitoring cycle.

The committee of experts calls upon the Dutch authorities to provide additional information on various points. In section 1.3, the committee requested a clarification of the status of Papiamento, Bildts and Low Saxon.

Papiamento

Papiamento is a creole language traditionally spoken on Aruba, Bonaire and Curaçao. As a result of changes to the political structure, speakers of Papiamento informed me in a letter at the end of 2014 that they desire protection according to the European Charter. In my response in February 2015, I pointed out that although I consider protection and promotion of Papiamento as being of clear importance, I saw no added value in investigating the possibilities of protecting Papiamento according to part II of the European Charter. Papiamento already has official status and in the Caribbean Netherlands can already be used by the citizens in administrative and legal matters. In this way, the language is already adequately protected and secured.

Bildts

The committee also requested clarification about the status of Bildts. This language is spoken in the municipality of Het Bildt, in Friesland. In February 2016, this municipality submitted a request for recognition of Bildts as a regional language according to part II of the European Charter. The background to this request was the planned re-division on 1 January 2018 of the Frisian municipalities Het Bildt, Franekeradeel and Menameradiel, which are due to merge to form the new municipality of Waadhoeke. The municipality of Het Bildt has expressed concern about the position of Bildts within this new municipality, in which speakers of Bildts will be a small minority. In the explanatory notes to the request, the municipality referred to the special linguistic position of Bildts, which demonstrates clear similarities with both Frisian and Dutch, and the value of Bildts for local residents in retaining their own identity and culture.

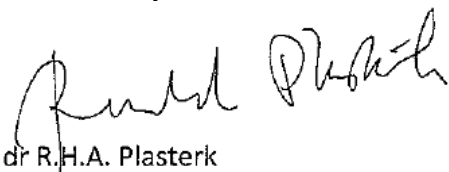
This request is still under consideration. In accordance with the procedure established for this purpose, I have also submitted the request to the bodies of the Taalunie, for further advice.²¹ Depending on the consultation procedure within the Taalunie, I expect to be able to take a decision concerning the application for the recognition of Bildts later this year.

Low Saxon

I am delighted that the committee of experts has recognised as a positive development the dialogue which has been initiated between central government, the umbrella organisation for the Regional Language Organisation Lower Saxon Language Area (SONT), and local government. Both the speakers and local government consider this dialogue to be positive. The discussions between the parties have continued over the past period and consultations took place in May and September concerning the text of the covenant.

In its report, the committee of experts requests an explanation of the content of this covenant. The covenant involves national recognition of the importance of the continued existence of Low Saxon. By means of the covenant, the affected Low Saxon government, the umbrella organisation SONT, and the Ministry of the Interior and Kingdom Relations underwrite the desirability of the continued full existence of Low Saxon. Recognition of Low Saxon according to part III of the European Charter is however excluded in this covenant. In the agreement, the parties have undertaken to translate the covenant into a multiyear programme that specifically ensures promotion of the use of Low Saxon.

Yours sincerely,



dr R.H.A. Plasterk

The Minister of the Interior and Kingdom Affairs,

²¹ See proceedings II, 1999-2000, appendix number 1053.

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

Recommendation CM/RecChL(2016)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 14 December 2016
at the 1273bis meeting of the Ministers' Deputies)*

The Committee of Ministers,

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

Having regard to the instrument of acceptance submitted by the Kingdom of the Netherlands on 2 May 1996 and to the supplementary declaration submitted on 19 March 1997;

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 fifth periodical 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 and recommendations of the Committee of Experts and, as a matter of priority:

1. adopt a structured policy for the implementation of the Charter also for the languages covered only by Part II, in co-operation with the speakers;
2. take measures to ensure that the ongoing changes in the media system do not hamper the offer of programmes in regional or minority languages;
3. continue to strengthen the teaching of and in Frisian at all levels of education in order to improve the level of literacy in the language;
4. upgrade the teaching of Limburgish and Low Saxon to the status of regular school subjects and extend the offer of education in these languages, including in pre-schools;
5. take measures, in co-operation with representatives of the speakers, to protect and promote Romanes and Yiddish.