



Strasbourg, 9 July 2008

ECRML (2008) 3

**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**APPLICATION OF THE CHARTER IN THE NETHERLANDS**

**3rd monitoring cycle**

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

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

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

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

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter may decide to address to the State Party.

## CONTENTS

<b>A.</b>	<b>Report of the Committee of Experts on the application of the Charter in the Netherlands .....</b>	<b>4</b>
	Chapter 1 - Background information .....	4
	1.1 <i>Introductory remarks</i> .....	4
	1.2 <i>The work of the Committee of Experts</i> .....	4
	1.3 <i>General and specific issues arising from the evaluation of the periodical report</i> .....	5
	Chapter 2 - Presentation of the regional or minority language situation in the Netherlands: an update .....	6
	2.1. <i>Territorial languages in the Netherlands</i> .....	6
	2.2. <i>Non-territorial languages in the Netherlands</i> .....	6
	Chapter 3 - The Committee of Experts' evaluation of Parts II and III of the Charter .....	7
	3.1. <i>The Committee of Experts' evaluation in respect of Part II of the Charter</i> .....	7
	3.2. <i>The Committee of Experts' evaluation of the application of Part III of the Charter: Frisian</i> .....	15
	Chapter 4 - Conclusions.....	26
	4.1 <i>Conclusions of the Committee of Experts on how the Dutch authorities reacted to the recommendations of the Committee of Ministers</i> .....	26
	4.2. <i>Findings of the Committee of Experts in the context of the third monitoring round</i> .....	27
	Appendix I: Instrument of Acceptance .....	29
	Appendix II: Comments by the Dutch authorities.....	31
<b>B.</b>	<b>Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by the Netherlands .....</b>	<b>32</b>

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

adopted by the Committee of Experts on 27 November 2007  
and presented to the Committee of Ministers of the Council of Europe  
in accordance with Article 16 of the Charter

### **Chapter 1 - Background information**

#### *1.1 Introductory remarks*

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

2. Article 15.1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers<sup>1</sup>. The Dutch authorities presented their 3<sup>rd</sup> periodical report to the Secretary General of the Council of Europe on 4 September 2007.

3. In its 2<sup>nd</sup> evaluation report on the Netherlands (ECRML (2004) 8), the Committee of Experts of the Charter (hereafter referred to as “the Committee of Experts”) outlined particular areas where policies, legislation and practice could be improved. The Committee of Ministers took note of the report presented by the Committee of Experts and adopted recommendations (RecChL (2004) 7), which were addressed to the Dutch authorities.

#### *1.2 The work of the Committee of Experts*

4. The 3<sup>rd</sup> evaluation report is based on the information the Committee of Experts obtained through the 3<sup>rd</sup> 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 from 5 to 7 September 2007. The Committee of Experts received several comments from bodies and associations legally established in the Netherlands, submitted pursuant to Article 16.2 of the Charter.

5. The present report focuses on the issues raised and on the related observations made by the Committee of Experts in its 2<sup>nd</sup> evaluation report as well as on measures taken by the Dutch authorities to respond to the findings of the Committee of Experts and to the recommendations addressed to the Dutch Government by the Committee of Ministers. This report also highlights new issues, which the Committee of Experts considers to be of particular importance in the context of this 3<sup>rd</sup> monitoring cycle.

6. The Committee of Experts has in the present report presented detailed observations which the Dutch authorities are urged to take into account when developing their policies on regional or minority languages. On the basis of these detailed observations, the Committee of Experts has also proposed recommendations to the Committee of Ministers to be addressed to the Government of the Netherlands, as provided in Article 16.4 of the Charter. The present report reflects the policies, legislation and practice prevailing at the time of the on-the-spot visit. Any changes after that time will be taken into account in the next report of the Committee of Experts concerning the Netherlands.

7. The present report was adopted by the Committee of Experts on 27 November 2007.

---

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

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

8. The Netherlands submitted their 3<sup>rd</sup> periodical report with a delay of 15 months, which has severely hampered the monitoring process and in particular the organization of the on-the-spot visit. The Committee of Experts regrets this delay and considers it detrimental to the good functioning of the Charter system, which depends on a structured dialogue between the speakers of regional or minority languages, the State authorities and the Committee of Experts.

***The Committee of Experts urges the Dutch authorities to comply with their obligation to report on the application of the Charter at three-yearly intervals.***

9. The third Covenant on the Frisian Language and Culture, which was adopted by the national authorities and the Province of Friesland in 2001, is the main policy framework for the protection and promotion of Frisian. The provisions of the Charter which the Netherlands undertook to apply to Frisian form the basis of this Covenant. Its implementation is divided into three periods: 2001-2004, 2004-2007 and 2007-2010. Consultations take place every three years between the national and the provincial authorities concerning the implementation of activities within the framework of the Covenant.

10. In the light of the observations made during the on-the-spot visit and the exchanges of views with provincial authorities, the Committee of Experts considers that the division of labour between the national authorities and the provincial authorities regarding the promotion of regional or minority languages, in particular the competence for education, should be reconsidered with a view to making it more effective. In the 3<sup>rd</sup> periodical report, the national authorities repeat their view that local and regional authorities are primarily responsible for the protection and promotion of regional or minority languages.<sup>2</sup> The Committee of Experts underlines, however, that the national authorities have to ensure the application of the Charter in practice even if responsibilities are delegated to local and regional authorities. Under international law, the State is responsible for the fulfilment of its obligations under international treaties.<sup>3</sup> In the absence of a national language policy, the provincial authorities, however, lack an overall guidance with regard to the application of the Charter. The Committee of Experts regrets the continuing lack of a national language policy as regards the Part II languages. However, it acknowledges the Covenant on the Frisian Language and Culture which represents a very flexible approach to a structured language policy that is missing for the other regional or minority languages.

11. It has again been brought to the attention of the Committee of Experts that the bodies and associations representing the speakers of Low Saxon request Part III protection for their language. The Low Saxon-speakers were of the view that, in the present legal situation, 39 undertakings of Part III were already fulfilled for Low Saxon. In 2006, the Provinces of Drenthe, Groningen, Overijssel and the Low Saxon-speaking municipalities of the Province of Friesland (Ooststellingwerf and Weststellingwerf) requested, in a petition to the Committee of the Interior and Kingdom Relations of the Lower House of the Dutch Parliament, to extend the application of Part III to Low Saxon.<sup>4</sup> However, the national authorities are not in favour of the application of Part III to Low Saxon. They informed the Committee of Experts during the on-the-spot visit that this might lead to further regulation, the creation of new institutions and additional language rights.

12. The Committee of Experts underlines that the Charter requires States Parties to take “the situation of each language” into consideration (Article 7.1). At present, there exists no standardized form of Low Saxon whose varieties are promoted separately at local and provincial level. However, many of the provisions under Part III require the language concerned to have a standard written form.<sup>5</sup> Although the Province of Groningen coordinates some overarching measures of the Low Saxon-speaking provinces for the promotion of Low Saxon, these provinces have not developed a common language policy as such. In its previous evaluation reports, the Committee of Experts has also identified a number of shortcomings in the application of Part II to Low Saxon which would have to be tackled before a possible application of Part III. The Committee of Experts, however, stresses the fact that the Charter is a dynamic instrument and that it lies within the competence of the state party to improve the status of a regional or minority language under the Charter. The authorities should deal with the issue together with representatives of Low Saxon.

<sup>2</sup> 3<sup>rd</sup> Periodical Report, paragraph 1.21 (Low Saxon); paragraph 2.1.2 (Limburgish)

<sup>3</sup> Cf. 2<sup>nd</sup> Report of the Committee of Experts on Sweden, paragraphs 20-23

<sup>4</sup> 3<sup>rd</sup> Periodical Report, paragraphs 1.15-1.16

<sup>5</sup> Cf. 2<sup>nd</sup> Report of the Committee of Experts on Germany, paragraphs 13-14

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

### 2.1. Territorial languages in the Netherlands

13. The territorial languages covered by the Charter in the Netherlands are Frisian, Low Saxon and the Limburger language (hereafter referred to as “Limburgish”).

14. Frisian is the second official language in the Province of Friesland and the second national language (*tweede rijkstaal*) of the Netherlands. 74% of the population of Friesland (approximately 474 000) speak Frisian.

15. Different varieties of Low Saxon are used in the Provinces of Drenthe, Gelderland (regions of Achterhoek and Veluwe), Groningen, Overijssel and Friesland (municipalities of Ooststellingwerf and Weststellingwerf) by about 1,8 million people.

16. Limburgish is spoken in the Province of Limburg. During the on-the-spot visit, the Committee of Experts was informed that there are six main varieties of Limburgish: Kleverlands, Michkwartier, Centraal-Limburgs, Oost-Limburgs, varieties on a continuum with Ripuarisch, and Ripuarisch. Approximately 770 000 persons can understand and speak the language.

### 2.2. Non-territorial languages in the Netherlands

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

#### *Romanes*

18. During the 2<sup>nd</sup> monitoring cycle, the Committee of Experts encouraged the Dutch authorities “to clarify the number of Romanes-speakers and the terms used to identify their language”.<sup>6</sup>

19. In the 3<sup>rd</sup> monitoring cycle, the Committee of Experts was informed by the Dutch authorities that there are about 7000 Romanes-speakers in the Netherlands.<sup>7</sup> However, representatives of the Romanes-speakers informed the Committee of Experts during the on-the-spot visit that they estimate the number of Sinti and Roma at 16 000 to 20 000. The Committee of Experts notes that, according to representatives of the speakers, the difference between the estimates and the official figure is due to the fact that the Roma who migrated to the Netherlands only since the 1990s seem not to be included in the official figure. It is also unclear how many of the non-traditional Roma speak Romanes. The Committee of Experts encourages the Dutch authorities to clarify this issue in the next periodical report.

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

---

<sup>6</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 23

<sup>7</sup> 3<sup>rd</sup> Periodical Report, paragraph 1.1

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

### *General remarks*

21. The Committee of Experts will focus its evaluation on the provisions of Parts II and III of the Charter which were specifically outlined as problematical in the Committee of Experts' previous evaluation report. It will evaluate in particular how the Dutch authorities have reacted to its observations and to the recommendations addressed to the Netherlands by the Committee of Ministers of the Council of Europe. The Committee of Experts will also examine and take into consideration any new information that has been supplied during this third monitoring round. It will not comment on provisions in relation to which no major issues were raised in its 1<sup>st</sup> and 2<sup>nd</sup> reports and for which it did not receive any new information requiring a revised assessment.

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

23. In the Netherlands, Article 7 of the Charter applies to Frisian, Limburgish, Low Saxon, Romanes and Yiddish.

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

24. In the present evaluation report, the Committee of Experts will not comment on Articles 7.1b, 7.1g 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:***

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

25. In the 2<sup>nd</sup> monitoring cycle, the Committee of Experts "invite[d] the Dutch authorities to indicate in their next periodical report what steps have been taken domestically to ensure the recognition of Limburger as a regional or minority language requiring protection and promotion".<sup>8</sup>

26. In the 3<sup>rd</sup> monitoring cycle, the Dutch authorities state that the application of the Charter to Limburgish and the measures taken by the provincial authorities to protect and promote that language correspond to a recognition of Limburgish as an expression of cultural wealth.<sup>9</sup>

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

### *Limburgish*

27. In the 2<sup>nd</sup> monitoring cycle, the Committee of Experts noted the absence of a clear national language policy and consequently the lack of financial support from the national authorities for Limburgish.<sup>10</sup>

28. The information provided in the 3<sup>rd</sup> monitoring cycle confirms that the provincial authorities have taken resolute action to promote Limburgish in order to safeguard it (e.g. existence of a multiannual plan [2000-2006] for the promotion of Limburgish, assistance of € 1.361.244 and a further €150.000 from the province's cultural

---

<sup>8</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 34

<sup>9</sup> 3<sup>rd</sup> Periodical Report, paragraph 2.1.1

<sup>10</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 40

budget).<sup>11</sup> According to the representatives of the speakers, there is, however, little direct support by the national authorities and a lack of communication between the national and the provincial authorities.

29. The Committee of Experts commends the provincial and local authorities for their financial support of Limburgish. However, the lack of a national language policy for the language is a barrier to the promotion and protection of the language. The Committee of Experts therefore urges the Dutch national authorities to develop, in co-operation with the speakers and the provincial authorities, a national language policy for Limburgish.

#### *Low Saxon*

30. Due to the lack of a national language policy the national authorities are not directly involved in co-ordinating and supporting the protection and promotion of Low Saxon in the provinces concerned. However, some action was taken at provincial level. For example, the Province of Drenthe has set up the “Huis van de Taal” which acts as an umbrella institution for the promotion of the Drents variety of Low Saxon.

31. During the on-the-spot visit, the Committee of Experts received complaints from speakers of Low Saxon that the Province of Gelderland does not take sufficient resolute action to promote the language. In fact, the provincial authorities have informed the national authorities that “there has been little or no change at all” concerning the promotion of Low Saxon in Gelderland and that they have thus not been in a position to contribute to the 3<sup>rd</sup> periodical report.<sup>12</sup> The Committee of Experts underlines that the authorities of Gelderland must, although the province is only partly Low Saxon-speaking, take resolute action to promote Low Saxon in order to safeguard it.

***The Committee of Experts urges the Dutch national authorities to develop, in co-operation with the speakers and the provincial authorities, a national language policy for Limburgish and Low Saxon.***

#### *Romanes*

32. According to the information received by the Committee of Experts during the on-the-spot visit, the Sinti remain reluctant to make their language known to people not belonging to their group. However, representatives of the Roma requested measures to encourage the use of Romanes, for example on radio and television, in theatre, documentaries, books and translations.

33. The Committee of Experts encourages the Dutch authorities to consult with the Romanes-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.

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

#### *Limburgish*

34. The Committee of Experts notes that Limburgish is in a relatively good situation (high number of speakers, territorial basis) and that its use can thus be facilitated and/or encouraged in all sectors of public life.<sup>13</sup>

35. There are no restrictions to the use of Limburgish before judicial authorities. However, judges are likely to respond in Dutch.

36. Regarding relations with administrative authorities and public services, the Dutch authorities stated in the 3<sup>rd</sup> periodical report that Limburgish-speaking members of the provincial and local governments speak it in meetings and in relations with the media.<sup>14</sup> Citizens may speak Limburgish in relations with administrative authorities but there is no practice of drafting official texts in Limburgish. Furthermore, the provincial authorities

<sup>11</sup> 3<sup>rd</sup> Periodical Report, paragraph 2.3.1

<sup>12</sup> 3<sup>rd</sup> Periodical Report, paragraph 1.25

<sup>13</sup> Cf. 3<sup>rd</sup> Report of the Committee of Experts on Hungary, paragraphs 18-22. Education will be dealt with under Article 7.1f.

<sup>14</sup> 3<sup>rd</sup> Periodical Report, paragraph 2.4.3



have commissioned a list of Limburgish place-names which they have published on the provincial website.<sup>15</sup> Some municipalities have subsequently introduced bilingual place-name signs.

37. In the media, the provincial authorities support television programmes for children which are broadcast in Limburgish (e.g. *Kinjerkraom*, *Kinjerkultuurpries*). They have also supported a soap opera in Limburgish (*de Hemelpaort*). Local and regional radio stations offer programmes in Limburgish. Some newspapers publish weekly articles in Limburgish with a view to familiarizing readers with written Limburgish.<sup>16</sup>

38. The Limburgish authorities support cultural activities in Limburgish (e.g. music festivals, carnival music festival for children, literature award).<sup>17</sup>

39. The Committee of Experts has not received sufficient information concerning the facilitation and/or encouragement of the use of Limburgish, in speech and writing, in economic and social life and encourages the Dutch authorities to report about this aspect in their next periodical report.

40. On the whole, the Committee of Experts commends the provincial authorities for their support of Limburgish, in particular on television.

41. The Committee of Experts encourages the Dutch authorities to continue and extend the promotion of Limburgish in the media and foster the written use of Limburgish by and in relations with administrative authorities.

#### *Low Saxon*

42. The Committee of Experts notes that the high number of speakers of Low Saxon permits the facilitation and/or encouragement of the use of Low Saxon in all sectors of public life.

43. The Committee of Experts has no information at its disposal concerning the possibility to use Low Saxon before judicial authorities and requests the Dutch authorities to report on this in their next periodical report.

44. Regarding administrative authorities and public services, the Committee of Experts has been informed that the introduction of Low Saxon water names in the municipalities of Ooststellingwerf and Weststellingwerf entered into force in 2007. In addition, it is possible in a number of municipalities to use Low Saxon during wedding ceremonies.<sup>18</sup> The Committee of Experts has no further information at its disposal and requests the Dutch authorities to report on the use of Low Saxon in public services and with administrative authorities in their next periodical report.

45. Public regional and local broadcasters (e.g. RTV Noord, RTV Drenthe, RTV Oost, Radio Oost) use Low Saxon for 1 to 5 hours per week. There exist, for example, television soap operas in Low Saxon. However, no detailed information on the nature of the other programmes has been submitted to the Committee of Experts. In newspapers, Low Saxon is used once or twice per week, notably in literary and cultural articles. The Committee of Experts notes that the use of Low Saxon in the media still needs to be extended. As far as newspapers are concerned, Low Saxon is not yet used in all genres, for example in news reporting.<sup>19</sup> The Committee of Experts encourages the Dutch authorities to further promote the use of Low Saxon in all the media.

46. The provincial authorities in the Low Saxon-speaking area assist many cultural activities in Low Saxon (e.g. regional language concerts, lyrics workshops, book festivals, cultural websites, literature awards, production of dictionaries).<sup>20</sup>

---

<sup>15</sup> 3<sup>rd</sup> Periodical Report, paragraph 2.4.4

<sup>16</sup> 3<sup>rd</sup> Periodical Report, paragraph 2.4.2

<sup>17</sup> 3<sup>rd</sup> Periodical Report, Appendix B2

<sup>18</sup> 3<sup>rd</sup> Periodical Report, paragraphs 2.4.0b, 2.4.2a

<sup>19</sup> 3<sup>rd</sup> Periodical Report, paragraph 2.4.0a

<sup>20</sup> 3<sup>rd</sup> Periodical Report, paragraphs 2.3.1d and 2.4.4b

47. The Committee of Experts has not received sufficient information concerning the facilitation and/or encouragement of the use of Low Saxon, in speech and writing, in economic and social life and encourages the Dutch authorities to report about these aspects in their next periodical report.

48. The Committee of Experts encourages the Dutch authorities to take structured measures to further promote the use of Low Saxon in public life.

#### *Yiddish*

49. During the on-the-spot visit, the Committee of Experts was informed that the association of the Yiddish-speakers, which receives only project assistance so far, requests structured financial support for the cultural journal *Grine Medine*. Considering the importance of this kind of publication for the Yiddish-speaking community and for the protection and promotion of the language, the Committee of Experts encourages the Dutch authorities to consider this request.

**“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;”**

50. In the 2<sup>nd</sup> monitoring cycle, the Committee of Experts had not received any information on efforts by the national authorities to promote links between speakers of different regional or minority languages.<sup>21</sup>

51. In the 3<sup>rd</sup> monitoring cycle, the Committee of Experts has still not received such information. However, the Committee of Experts was informed by the representatives of the speakers that there is a wish to develop links, dialogue and exchange of best practices in the fields covered by the Charter between all the groups using a regional or minority language. The Committee of Experts encourages the Dutch authorities to establish such links and looks forward to receiving relevant information in the next periodical report.

52. Since 2003, the Dutch national authorities have initiated consultations between all the organisations representing the Roma and Sinti and those promoting their interests. This resulted in better co-ordination between the various bodies involved. Furthermore, it led to the establishment of a system of best practices, in which local, regional and international experiences were exchanged and modelled.<sup>22</sup> The Committee of Experts commends the Dutch authorities for these initiatives and encourages them to continue them, 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*

53. In the 2<sup>nd</sup> monitoring cycle, the Committee of Experts encouraged the Dutch authorities to provide information about the curriculum on the Limburgish language and culture to be used in primary and secondary schools.<sup>23</sup>

54. In the 3<sup>rd</sup> monitoring cycle, the Committee of Experts was informed that the teaching of Limburgish is not part of the curriculum. The presence of Limburgish in pre-schools is limited to activities such as puppet shows.

55. In primary education, approximately 75 primary schools use new teaching materials for Limburgish (*Dien eige taal*<sup>24</sup>) which consist of a teacher manual, a textbook in Dutch and a textbook in one of the eight varieties of Limburgish. Limburgish is taught at primary school 15 minutes per day over a period of three months. For

<sup>21</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 46

<sup>22</sup> 3<sup>rd</sup> Periodical Report, paragraphs 2.9.1-2.9.3

<sup>23</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 50

<sup>24</sup> “Your own language”

secondary education, similar teaching materials (*Wiejer in dien taal*<sup>25</sup>) have been developed in three varieties of Limburgish. Four further versions are planned. However, only one secondary school has so far used *Wiejer in dien taal*. In that pilot project, Limburgish was taught 45 minutes per week over a period of two months. A number of other secondary schools are expected to introduce *Wiejer in dien taal*.<sup>26</sup>

56. The Committee of Experts has not received sufficient information concerning the use of Limburgish in technical and vocational schools.

57. The Committee of Experts acknowledges the steps that have been taken by the provincial authorities in education. It notes nonetheless that Limburgish is almost entirely absent from pre-schools and secondary schools and only to a limited extent taught in primary schools.

***The Committee of Experts encourages the Dutch authorities to intensify the teaching of Limburgish, in particular in pre-school education.***

#### *Low Saxon*

58. In the 2<sup>nd</sup> monitoring cycle, the Committee of Experts “encourage[d] the Dutch government to co-ordinate and strengthen efforts made by the local and regional authorities of the Low-Saxon area in the field of education”.<sup>27</sup> Furthermore, it stated that the teaching of Low Saxon was still considered to have a negative effect on the linguistic development of children and noted an urgent need for information on bilingualism and bilingual language development among parents and educational staff at all levels of the education system. In its Recommendation 3, the Committee of Ministers recommended the Dutch authorities to “ensure that local and regional authorities co-ordinate and strengthen their efforts to protect and promote the Low-Saxon language, particularly in the field of education”.

59. In the 3<sup>rd</sup> monitoring cycle, the local and regional authorities of the Low Saxon area still do not co-ordinate their activities in the field of education.

60. Regarding pre-school education, the Committee of Experts was informed that the municipalities of Ooststellingwerf and Weststellingwerf prepare the systematic use of Low Saxon in kindergartens.<sup>28</sup> In the Province of Drenthe, manuals have been developed to help teachers in their contacts with Low Saxon-speaking children and parents. Also, information for teachers on bilingual language development is provided. However, Low Saxon as such is not taught and the knowledge of it is merely seen as a contribution to the linguistic development in Dutch.<sup>29</sup>

61. As far as primary education is concerned it is only in the municipalities of Ooststellingwerf and Weststellingwerf that Low Saxon has been made a regular part of the primary school curriculum. The periodical report states that “[i]n the other areas Low Saxon merely receives occasional attention.”<sup>30</sup> In the Provinces of Drenthe, Groningen and Overijssel, teaching materials have been developed. In general, however, very little is done on a structural basis. In secondary education, there is not much structural attention either.<sup>31</sup> Only the secondary school in Oosterwolde provides Low Saxon as an optional subject. In the Province of Overijssel, Low Saxon is offered by the Regional Education Centres for secondary vocational education.<sup>32</sup>

62. At university level, the language can be studied at the University of Groningen where occasional language courses are offered to teachers in primary education.<sup>33</sup>

63. The Committee of Experts notes that some steps have been taken by the provincial authorities in education. It observes nonetheless that these local efforts have not been co-ordinated between the Low Saxon-

<sup>25</sup> “Continue in your own language”

<sup>26</sup> 3<sup>rd</sup> Periodical Report, paragraphs 2.6.2-2.6.3

<sup>27</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 52

<sup>28</sup> 3<sup>rd</sup> Periodical Report, paragraph 2.6.2a

<sup>29</sup> 3<sup>rd</sup> Periodical Report, paragraph 2.3.1d

<sup>30</sup> 3<sup>rd</sup> Periodical Report, paragraph 2.6.0a

<sup>31</sup> 3<sup>rd</sup> Periodical Report, paragraph 2.6.li

<sup>32</sup> 3<sup>rd</sup> Periodical Report, paragraph 2.6.5b

<sup>33</sup> 3<sup>rd</sup> Periodical Report, paragraph 2.6.0b

speaking provinces. In addition, Low Saxon is not taught throughout the Low Saxon-speaking area and is not available at all appropriate levels of education.

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

#### *Romanes*

64. In the 2<sup>nd</sup> monitoring cycle, the Committee of Experts “encourage[d] the Dutch authorities to adopt a more pro-active attitude towards promoting the Romanes language, in dialogue with the speakers, in particular in the field of education.” In addition, it encouraged the authorities “to be open to support any educational initiatives that may be proposed by the Sinti/Roma organisations.”<sup>34</sup> In its Recommendation 4, the Committee of Ministers recommended the Dutch authorities to “take measures to protect and promote the Romanes language, in particular in the field of education, in co-operation with the speakers.”

65. In the 3<sup>rd</sup> monitoring cycle, the Dutch authorities informed the Committee of Experts that Romanes is not taught at all in Dutch schools.<sup>35</sup> However, during the on-the-spot visit, the Committee of Experts was informed by representatives of the speakers that there is growing interest within parts of the Roma community to receive instruction in Romanes.

***The Committee of Experts urges the Dutch authorities to take, in co-operation with the speakers, the necessary steps to enable the teaching of Romanes.***

#### *Yiddish*

66. In the 2<sup>nd</sup> monitoring cycle, the Committee of Experts encouraged the Dutch authorities “to allow Yiddish to be taught as an optional part of the national curriculum”<sup>36</sup> and, in particular, “to consider including the Yiddish language in the curriculum as a part of [the subject] ‘Cultural Development’”.

67. In the 3<sup>rd</sup> monitoring cycle, the Committee of Experts was informed that it is now possible to include Yiddish in the school curriculum since the curricular autonomy of the Cheider school has recently been changed. The Cheider school in Amsterdam teaches Yiddish in the final grades to prepare students for the Yiddish-speaking Talmud schools abroad. The school is interested to start the teaching of Yiddish for earlier grades.

68. The Committee of Experts encourages the Dutch authorities to explore, in co-operation with the Cheider school, the possibility of extending the teaching of Yiddish.

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

#### *Limburgish*

69. In the 3<sup>rd</sup> monitoring cycle, the Dutch authorities stated that the Universities of Nijmegen, Amsterdam and Leiden have been carrying out research projects on Limburgish, for example on the Limburgish Dictionary.<sup>37</sup>

#### *Low Saxon*

70. The University of Groningen has created a chair of Low Saxon. In addition, its Low Saxon Institute carries out research in Low Saxon.<sup>38</sup>

<sup>34</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 71

<sup>35</sup> 3<sup>rd</sup> Periodical Report, paragraph 2.6.1

<sup>36</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 65

<sup>37</sup> 3<sup>rd</sup> Periodical Report, paragraphs 2.8.1-2.8.4

<sup>38</sup> 3<sup>rd</sup> Periodical Report, paragraphs 2.8.0b-2.8.0c

- “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.”**

#### *Romanes*

71. In the 2<sup>nd</sup> monitoring cycle, the Committee of Experts “note[d] that no measures have been taken by the Dutch government to encourage Roma and Sinti to maintain links with Romanes-speakers abroad.”<sup>39</sup>

72. The 3<sup>rd</sup> periodical report does not provide any examples of cases where the Dutch authorities have directly encouraged such links. However, a representative of the organisation “Forum”, which is supported by the Dutch authorities, has been nominated as a member of the Committee of Experts of the European Roma and Travellers Forum.

73. The Committee of Experts encourages the Dutch authorities to further promote appropriate types of transnational exchanges, in the fields covered by the Charter, for Romanes.

#### **“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.”***

74. In the 2<sup>nd</sup> monitoring cycle, the Committee of Experts looked forward to receiving further information concerning the implementation of this provision for the regional or minority languages spoken in the Netherlands.<sup>40</sup>

75. However, the Committee of Experts has not received such information in the 3<sup>rd</sup> monitoring cycle.

76. The Committee of Experts urges the Dutch authorities to provide, in their next periodical report, information on the implementation of this provision.

#### **“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.”***

#### *Low Saxon and Limburgish*

77. In the 2<sup>nd</sup> monitoring cycle, the Committee of Experts noted that for Low Saxon and Limburgish, consultations relevant to this provision were carried out only at the local and regional levels.<sup>41</sup>

78. The bodies and associations representing the speakers of Low Saxon and Limburgish informed the Committee of Experts that they have been consulted by the provincial authorities during the drafting of the 3<sup>rd</sup> periodical report.

#### *Romanes*

79. In comparison with previous monitoring cycles, the Committee of Experts noted a growing interest of the Romanes-speakers in the Charter. Some of their representatives confirmed during the on-the-spot visit that the NGO “Forum”, which receives subsidies from the national authorities, has improved the co-ordination between the Sinti and Roma organisations. On the other hand, they regretted the lack of direct contact with the national authorities.

<sup>39</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 66

<sup>40</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 59

<sup>41</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 60

**“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.”***

80. In its appreciation 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*

81. In the present evaluation report, the Committee of Experts will not comment on the following provisions:

- Article 8, paragraphs 1f (i); 2
- Article 9, paragraph 2b
- Article 10, paragraphs 1a (v); 2a-g; 4a; 5
- Article 11, paragraph 2
- Article 12, paragraphs 1, a, b, d, g, h; 2
- Article 13, paragraphs 1a; 1d
- Article 14a

#### **Article 8 - Education**

##### *Preliminary remarks*

82. In the 2<sup>nd</sup> monitoring cycle, the Committee of Ministers recommended the Dutch authorities to “develop an overall and coherent policy for the teaching of and in Frisian at all levels of education and adopt concrete measures for its implementation” (Recommendation 1). As one aspect of such a coherent policy, the Committee of Experts identified the general population's knowledge of the benefits of bilingualism and stated an urgent need to develop measures to spread information on bilingualism and bilingual development to parents, pre-school personnel, teachers, teacher trainers and other relevant groups.<sup>42</sup>

83. During the 3<sup>rd</sup> monitoring cycle, the provincial authorities of Friesland have taken steps to improve the awareness of the advantages of bilingualism. For example, information materials for pre-school teachers and parents concerning the advantages of bilingualism were published. The periodical report also states the intention of the provincial authorities to inform half of the parents of young children by 2010, and all parents of young children by 2015, about the opportunities created by bilingual education.<sup>43</sup>

##### ***“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;”***

84. In the 1<sup>st</sup> and 2<sup>nd</sup> monitoring cycles, the Committee of Experts considered the present undertaking not fulfilled and “encourage[d] the Dutch government to make available a substantial part of pre-school education in Frisian”.<sup>44</sup>

85. During the on-the-spot visit, the provincial authorities of Friesland informed the Committee of Experts that the number of pre-schools (playgroups, childcare centres) using Frisian has increased from 15 to 55 (out of 380). The provincial authorities intend to further increase it to 100 by the year 2010.<sup>45</sup> Most of the teaching in these pre-schools is carried out in Frisian. The Committee of Experts commends the Dutch authorities for the progress that has been made but notes that the number of pre-schools using Frisian needs to be further extended.

<sup>42</sup> 2<sup>nd</sup> Report of the Committee of Experts, Finding C (p. 32)

<sup>43</sup> 3<sup>rd</sup> Periodical Report, paragraph 6.72

<sup>44</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraphs 73, 78, 81

<sup>45</sup> 3<sup>rd</sup> Periodical Report, paragraph 6.73

86. During the on-the-spot visit, the provincial authorities of Friesland informed the Committee of Experts that the national authorities are not willing to take the special situation of Frisian into consideration in the launching of a new language test in Dutch for three-years olds. This test addresses language development problems of young children. Furthermore, the provincial authorities consider that the Childcare Act does not adequately reflect the Dutch undertakings under Part III of the Charter for the Frisian language. The Committee of Experts requests the Dutch authorities to comment on these aspects in their next periodical report.

87. The Committee of Experts notes that most childcare workers receive no formal education in Frisian. Therefore, the introduction of Frisian in the ordinary training of playgroup and childcare workers is urgently needed in the Province of Friesland.

88. The Committee of Experts considers this undertaking partly fulfilled.

***The Committee of Experts urges the Dutch authorities to make available a substantial part of pre-school education in Frisian.***

### ***Primary education***

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

89. In the 1<sup>st</sup> and 2<sup>nd</sup> monitoring cycles, the Committee of Experts considered this undertaking not fulfilled. In the previous evaluation report, it “urge[d] the Dutch government to make available a substantial part of primary education in Frisian.”<sup>46</sup>

90. While the attainment targets (*kerndoelen*) for Frisian had in the past been the same as those for Dutch, lower attainment targets were introduced in 2005 at the same level as for foreign languages.<sup>47</sup> It is unclear at present what impact this decision will have on Frisian education. The Committee of Experts, however, is concerned that the introduction of less ambitious attainment targets could constitute a serious step backwards and could further weaken the position of Frisian in education.

91. The Committee of Experts notes with appreciation two positive developments in the 3<sup>rd</sup> monitoring cycle. Firstly, a new textbook series for teaching in Frisian at primary schools (grades 1-8) has been introduced in some schools (Studio F).<sup>48</sup> Secondly, a model of trilingual teaching has been successfully launched in 15 primary schools in the Province of Friesland which use Dutch, Frisian and English as a medium of instruction. In grades 1 to 6, Frisian and Dutch are used to an equal degree while English is added in grades 7 and 8.<sup>49</sup> The provincial authorities of Friesland informed the Committee of Experts during the on-the-spot visit that they intend to further increase the number of trilingual schools to at least 25 by 2012.

92. The report of the Education Inspectorate nevertheless identified a number of deficits in Frisian education, for example the fact that schools generally have not developed a policy for Frisian as a subject and as a medium of instruction and that 25% of the teachers who provide lessons in Frisian are not formally qualified to do so. In addition, the average time devoted to language education in Frisian in primary schools has increased only slightly from 25 to 30-45 minutes per week. The provincial authorities and the bodies and associations representing the speakers of Frisian continue to disagree with the national authorities concerning the definition of “a substantial part of primary education in Frisian”. The Committee of Experts considers the teaching time in Frisian insufficient and notes with concern that, after three monitoring cycles, the Dutch authorities still do not make available a substantial part of primary education in Frisian.

93. While acknowledging the positive developments in this field, the Committee of Experts nevertheless must conclude that this undertaking is not fulfilled at present.

<sup>46</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 88

<sup>47</sup> 3<sup>rd</sup> Periodical Report, paragraph 6.19

<sup>48</sup> 3<sup>rd</sup> Periodical Report, paragraph 6.107

<sup>49</sup> 3<sup>rd</sup> Periodical Report, paragraph 6.139



***The Committee of Experts strongly urges the Dutch authorities to make available a substantial part of primary education in Frisian.***

### **Secondary education**

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

94. In the 1<sup>st</sup> and 2<sup>nd</sup> monitoring cycles, the Committee of Experts considered this undertaking not fulfilled. In the previous evaluation report, it “urge[d] the Dutch government to improve the situation of the teaching of Frisian in secondary education.” Furthermore, the Committee of Experts “encourage[d] the Dutch government to establish [attainment] targets to strengthen the situation of Frisian in secondary education”.<sup>50</sup>

95. During the 3<sup>rd</sup> monitoring cycle, new teaching materials for Frisian in secondary education have been introduced (*FReemwurk*)<sup>51</sup> and attainment targets for Frisian in the first grade of secondary education have been established.<sup>52</sup> However, Frisian is only taught as a compulsory subject in the 1<sup>st</sup> grade of secondary education. In the other grades, the teaching of Frisian is not an integral part of the curriculum which causes problems for the continuity of the teaching of Frisian and thus for the final examination in which Frisian can be chosen as an optional exam.

96. According to the report of the Education Inspectorate, only 70% percent of the schools that are obliged to teach Frisian actually do provide Frisian language education. Only one school has developed a policy for Frisian language education. 40% of the secondary school teachers who provide lessons in Frisian are not formally qualified to teach Frisian. In addition, the provincial authorities of Friesland informed the Committee of Experts that the share of secondary schools which are exempted from teaching Frisian has remained largely unchanged. Meanwhile, the provincial authorities of Friesland have taken over the responsibility for granting exemptions from teaching in/of Frisian and intend to rationalise the approval procedure by introducing a threshold.

97. The Committee of Experts reiterates its concern that the present situation is not compatible with the commitment undertaken by the Netherlands to provide the teaching of Frisian as an integral part of the curriculum. The Committee of Experts considers this undertaking not fulfilled.

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

### **University and higher education**

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

98. The Committee of Experts considered this undertaking partly fulfilled in the 1<sup>st</sup> monitoring cycle and fulfilled in the 2<sup>nd</sup> monitoring cycle. In the previous evaluation report, it nevertheless “encourage[d] the Dutch government to secure and strengthen the position of Frisian in university and higher education”.<sup>53</sup>

99. The “Frisian language and Culture” can be studied at the University of Groningen. During the on-the-spot visit, a representative of this department expressed his satisfaction that the “Frisian language and Culture” is taught independently of other Germanic languages during the first year of studies. However, the department is concerned about possible future staff shortages.

<sup>50</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraphs 90, 96

<sup>51</sup> 3<sup>rd</sup> Periodical Report, paragraph 6.193

<sup>52</sup> 3<sup>rd</sup> Periodical Report, paragraph 6.156

<sup>53</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 101

100. The Committee of Experts considers this undertaking fulfilled at present. It nevertheless encourages the Dutch authorities to strengthen the position of Frisian in university and higher education.

### **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;”**

101. The Committee of Experts considered this undertaking not fulfilled in the 1<sup>st</sup> monitoring cycle. In the 2<sup>nd</sup> monitoring cycle, it was not in a position to conclude and “invite[d] the Dutch authorities to provide the Committee of Experts with further information in their next periodical report.”<sup>54</sup>

102. During the on-the-spot visit, the Committee of Experts was informed by representatives of the speakers of Frisian that the Frisian history and culture is not taught in the Netherlands. In 2007, the national authorities issued a recommendation on a canon of Dutch history and culture and also recommended the development of regional canons. Consequently, the Frisian authorities have decided to develop a corresponding Frisian educational canon.<sup>55</sup> The Committee of Experts welcomes this decision as a step towards the fulfilment of the present undertaking.

103. The Committee of Experts considers this undertaking not fulfilled at present. It encourages the provincial authorities of Friesland 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 in the next periodical report.

### **Teacher training**

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

104. The Committee of Experts considered this undertaking not fulfilled in the 1<sup>st</sup> monitoring cycle and partly fulfilled in the 2<sup>nd</sup> monitoring cycle. In the previous evaluation report, it “urge[d] the Dutch authorities to take active measures to provide the necessary basic and further training for teachers of Frisian.”<sup>56</sup>

105. Regarding pre-school education, the periodical report states that Frisian is not taught at the regional training centres in charge of the training of playgroup and childcare centre workers.<sup>57</sup> The subject of Frisian is part of the primary teacher training programme.<sup>58</sup> Initial training in Frisian-speaking secondary education and in-service training are offered by the Northern College of Higher Professional Education.<sup>59</sup> However, the latter is rarely used. The University of Groningen also offers a teacher-training course for teachers of Frisian.<sup>60</sup> The initial training of teachers of Frisian who work in universities and other institutions of higher education takes place at the Universities of Groningen and Amsterdam.<sup>61</sup>

106. The Committee of Experts considers this undertaking fulfilled with regard to primary and secondary education and not fulfilled for pre-school education. It strongly urges the Dutch authorities to take active measures to provide the necessary basic and further training for pre-school teachers of Frisian.

<sup>54</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 109

<sup>55</sup> 3<sup>rd</sup> Periodical Report, paragraph 6.312

<sup>56</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraphs 117-118

<sup>57</sup> 3<sup>rd</sup> Periodical Report, paragraph 6.334

<sup>58</sup> 3<sup>rd</sup> Periodical Report, paragraph 6.336

<sup>59</sup> 3<sup>rd</sup> Periodical Report, paragraphs 6.347, 6.350

<sup>60</sup> 3<sup>rd</sup> Periodical Report, paragraph 6.351

<sup>61</sup> 3<sup>rd</sup> Periodical Report, paragraph 6.352

## **Supervisory body**

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

107. The Committee of Experts considered this undertaking fulfilled in the 1<sup>st</sup> and 2<sup>nd</sup> monitoring cycles. In the previous evaluation report, it nevertheless “look[ed] forward to receiving the Education Inspectorate’s next reports on Frisian at all levels of education.”<sup>62</sup>

108. In the 3<sup>rd</sup> monitoring cycle, the Committee of Experts has received the Education Inspectorate’s report.<sup>63</sup> It has also been informed by the Dutch authorities that they have earmarked 250 hours per year for the Education Inspectorate to supervise the teaching of Frisian at primary and secondary schools. The Committee of Experts commends the Dutch authorities on this positive development.

109. The Committee of Experts considers this undertaking fulfilled.

## **Article 9 - Judicial authorities**

### **“Paragraph 1**

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

#### ***in criminal proceedings:***

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

#### ***in civil proceedings:***

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

#### ***in proceedings before courts concerning administrative matters:***

- “c. ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or***
- c. iii. to allow documents and evidence to be produced in the regional or minority languages;”***

110. The Committee of Experts considered these undertakings formally fulfilled in the 1<sup>st</sup> monitoring cycle and fulfilled in the 2<sup>nd</sup> monitoring cycle. In the previous evaluation report, it nevertheless “encourage[d] the Dutch authorities to continue their efforts with a view to ensuring the use of the Frisian language before courts”. In

---

<sup>62</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 123

<sup>63</sup> De kwaliteit van het vak Fries in het basisonderwijs en het voortgezet onderwijs in de provincie Fryslan: Technisch rapport, Utrecht, 2006

particular, it “suggest[ed] that the authorities consider new ways to encourage the effective use of the Frisian language, for instance by encouraging Frisian-speaking judges to work at the courts in Fryslân.”<sup>64</sup>

111. In the 3<sup>rd</sup> monitoring cycle, the Dutch authorities informed the Committee of Experts that 53% of the staff of the Leeuwarden District Court have an active knowledge and 46% a passive knowledge of Frisian.<sup>65</sup> In addition, the provincial authorities of Friesland continue to subsidize Frisian courses for staff employed by courts. Such courses have been a part of the introductory programme for new judges and court staff since 2004. In 2006, 18 employees of the Leeuwarden District Court, Leeuwarden Court of Appeal and Leeuwarden Subdistrict Court took part in a Frisian course. The knowledge of Frisian is also requested in job advertisements of the judiciary.<sup>66</sup> The Committee of Experts commends the Dutch authorities for the measures taken to ensure the use of Frisian before judicial authorities and encourages them to continue these efforts.

112. In practice, Frisian is spoken in approximately ten criminal, civil and administrative cases respectively per month. At the District Court, Frisian is being used in approximately 100 cases per year, in 60 to 70 of which the proceedings are conducted entirely in Frisian.<sup>67</sup> Frisian model forms for the legal profession have been available on the internet since 2006 and the District Court has published a booklet on Frisian legal terminology for the general public.<sup>68</sup>

113. The Committee of Experts considers this undertaking fulfilled.

## **Article 10 - Administrative authorities and public services**

### ***State authorities***

#### ***“Paragraph 1***

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

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

114. The Committee of Experts considered these undertakings not fulfilled in the 1<sup>st</sup> and 2<sup>nd</sup> monitoring cycles. In the previous evaluation report, it “look[ed] forwards to receiving more information on the adoption by the ministries concerned of regulations on the use of Frisian.”<sup>69</sup> In its Recommendation 2, the Committee of Ministers recommended to “introduce practical measures in order to enable the use of Frisian in central State administration agencies located in the province of Fryslân, as well as in public services directly under the control of the State”.

115. In the 3<sup>rd</sup> monitoring cycle, the Dutch authorities informed the Committee of Experts that none of the national authorities concerned have adopted regulations on the use of Frisian. Consequently, decentralised national authorities located in the Province of Friesland cannot use Frisian in their outgoing correspondence.<sup>70</sup>

116. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts urges the Dutch authorities to ensure that the administrative authorities in Friesland concerned take the necessary measures which would allow them to draft documents in Frisian.***

<sup>64</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraphs 129-130

<sup>65</sup> 3<sup>rd</sup> Periodical Report, paragraph 7.28, footnote 19

<sup>66</sup> 3<sup>rd</sup> Periodical Report, paragraphs 7.29-7.30

<sup>67</sup> 3<sup>rd</sup> Periodical Report, paragraphs 7.39, 7.21 and 7.48

<sup>68</sup> 3<sup>rd</sup> Periodical Report, paragraphs 7.21, 7.25, 7.27-7.28

<sup>69</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 137

<sup>70</sup> 3<sup>rd</sup> Periodical Report, paragraph 8.36

## **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.”**

117. The Committee of Experts considered this undertaking fulfilled in the 1<sup>st</sup> monitoring cycle but was not in a position to conclude whether it was fulfilled or not in the 2<sup>nd</sup> monitoring cycle. It therefore “look[ed] forward to receiving information in the next periodical report.”<sup>71</sup>

118. In the 3<sup>rd</sup> monitoring cycle, the Dutch authorities informed the Committee of Experts that such requests are not registered and that the authorities could accordingly not provide further information.<sup>72</sup>

119. As in the previous monitoring cycle, the Committee of Experts is not in a position to conclude whether this undertaking is fulfilled. It urges the Dutch authorities to register requests from public service employees having a knowledge of Frisian to be appointed in the territory in which Frisian is used and provide the relevant information in the next periodical report.

## **Article 11 - Media**

### **“Paragraph 1**

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

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

120. The Committee of Experts considered this undertaking fulfilled in the 1<sup>st</sup> and 2<sup>nd</sup> monitoring cycles. In the previous evaluation report, it noted that changes in the funding base may put broadcasting in Frisian at risk and thus “encourage[d] the Dutch authorities to provide earmarked funds to Frisian broadcasting.”<sup>73</sup>

121. The Committee of Experts was informed during the on-the-spot visit that Omrop Fryslân has extended the broadcasting time for television programmes in Frisian from one and a half to two hours per day. During the coming years, Omrop Fryslân intends to achieve a daily broadcasting time on television of four hours a day (5-9pm). Plans to set up a radio station broadcasting in Frisian for young people were given up in the light of the findings of a feasibility study which stated that young people rarely listen to radio.

122. Referring to the aforementioned recommendation of the Committee of Experts, Omrop Fryslân requested earmarked funding from the Dutch national authorities. The authorities refused this request since they found that broadcasting in a regional or minority language does not justify earmarked assistance. They continue to grant funds for Omrop Fryslân in the same manner as for all regional broadcasters. The national authorities nevertheless agreed to provide an extra assistance for Omrop Fryslân of EUR 100 000 in 2004 and 50 000 in 2005 and 2006

<sup>71</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 145

<sup>72</sup> 3<sup>rd</sup> Periodical Report, paragraph 8.105

<sup>73</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 157

respectively.<sup>74</sup> The Committee of Experts underlines that broadcasting in a regional or minority language faces particular challenges and needs specific assistance. The Dutch authorities should therefore continue their efforts to provide extra assistance on a structural basis.

123. The Committee of Experts considers this undertaking fulfilled at present. It nevertheless encourages the Dutch authorities to ensure that Frisian broadcasting is sufficiently funded on a permanent basis.

**“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;”**

124. The Committee of Experts considered these undertakings not fulfilled in the 1<sup>st</sup> monitoring cycle but was not in a position to conclude in the 2<sup>nd</sup> monitoring cycle. It therefore requested information from the Dutch authorities regarding the use of Frisian in private broadcasting.<sup>75</sup>

125. During the on-the-spot visit, the Committee of Experts was informed that Frisian is not used at all by private broadcasters.

126. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts strongly urges the Dutch authorities to take steps to promote the use of Frisian in private broadcasting.***

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

127. The Committee of Experts considered this undertaking formally fulfilled in the 1<sup>st</sup> monitoring cycle and fulfilled in the 2<sup>nd</sup> monitoring cycle. In the previous evaluation report, it “encourage[d] the Dutch authorities to consider earmarking special funds for audiovisual productions in Frisian.”<sup>76</sup>

128. In the 3<sup>rd</sup> monitoring cycle, the Dutch authorities informed the Committee of Experts that they have earmarked special funds (EUR 1.6 million/2008) for audiovisual productions. All regional broadcasters are entitled to apply for assistance from these funds. Between 2002 and 2006, Omrop Fryslân received a subsidy on twelve occasions from the above mentioned funds.<sup>77</sup>

129. The Committee of Experts considers this undertaking fulfilled.

<sup>74</sup> 3<sup>rd</sup> Periodical Report, paragraphs 9.28, 9.30-9.31

<sup>75</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 160

<sup>76</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 163

<sup>77</sup> 3<sup>rd</sup> Periodical Report, paragraphs 9.47, 9.50

## Article 12 - Cultural activities and facilities

### *“Paragraph 1*

***With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:***

- e. to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;”***

130. The Committee of Experts considered this undertaking not fulfilled in the 1<sup>st</sup> monitoring cycle but was not in a position to conclude in the 2<sup>nd</sup> monitoring cycle. It therefore requested further concrete information.<sup>78</sup>

131. In the 3<sup>rd</sup> monitoring cycle, the Dutch authorities informed the Committee of Experts that some cultural bodies have Frisian-speaking staff at their disposal. For example, all staff members of the Frisian Historical and Literary Centre (Tresoar) are required to have at least a passive knowledge of Frisian.<sup>79</sup>

132. The Committee of Experts considers this undertaking partly fulfilled and encourages the authorities to provide additional information in the next periodical report.

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

133. In the 1<sup>st</sup> and 2<sup>nd</sup> monitoring cycles, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. In the previous evaluation report, it therefore requested further information, in particular regarding Frisian speakers' participation in providing facilities and planning cultural activities.<sup>80</sup>

134. In the 3<sup>rd</sup> monitoring cycle, the Dutch authorities informed the Committee of Experts that the “Stichting Nederlands Literair Productie- en Vertalingenfonds” and the advisory board of the “Fonds voor de Letteren” each have one expert of Frisian literature among their staff.<sup>81</sup> However, the Committee of Experts has not received any information regarding Frisian-speakers' participation in providing facilities and planning cultural activities apart from the “Stichting Nederlands Literair Productie- en Vertalingenfonds”.

135. The Committee of Experts is still not in a position to conclude on the fulfilment of this undertaking and encourages the authorities to provide more comprehensive information 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.”***

136. The Committee of Experts considered this undertaking fulfilled in the 1<sup>st</sup> monitoring cycle and not fulfilled in the 2<sup>nd</sup> monitoring cycle. It therefore “encourage[d] the Dutch government to include the Frisian language and the culture it reflects in its cultural policy abroad.”<sup>82</sup>

<sup>78</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 166

<sup>79</sup> 3<sup>rd</sup> Periodical Report, paragraph 10.45

<sup>80</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraphs 167-168

<sup>81</sup> 3<sup>rd</sup> Periodical Report, paragraphs 10.109-10.110

<sup>82</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 172

137. In the 3<sup>rd</sup> monitoring cycle, the Dutch authorities informed the Committee of Experts that despite relevant plans, no activities relating to the Frisian language and culture were carried out by Dutch embassies between 2002 and 2006.<sup>83</sup> The Committee of Experts is of the opinion that this undertaking is not restricted to embassies but also includes cultural festivals, cultural centres abroad, etc. It urges the Dutch authorities to include the Frisian language and the culture it reflects in its cultural policy abroad.

138. The Committee of Experts considers this undertaking not fulfilled.

## **Article 13 - Economic and social life**

### ***“Paragraph 1***

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

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

139. In the 1<sup>st</sup> monitoring cycle, this undertaking was not fulfilled, but it was fulfilled in the 2<sup>nd</sup> monitoring cycle. In the previous evaluation report, the Committee of Experts nevertheless “encourage[d] the Dutch government to continue its efforts to oppose such practices designed to discourage the use of Frisian in connection with economic or social activities.”<sup>84</sup>

140. In the 3<sup>rd</sup> monitoring cycle, no such practices were reported.

141. The Committee of Experts considers this undertaking fulfilled.

### ***“Paragraph 2***

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

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

142. The Committee of Experts could not conclude on the fulfilment of this undertaking in the 1<sup>st</sup> monitoring cycle and considered it not fulfilled in the 2<sup>nd</sup> monitoring cycle.

143. In the 3<sup>rd</sup> monitoring cycle, the Dutch authorities informed the Committee of Experts that the Ministry of Economic Affairs had not organised any activities to promote the use of Frisian between 2002 and 2005 in the economic and social sectors directly under their control.<sup>85</sup>

144. The Committee of Experts considers this undertaking not fulfilled.

***The Committee of Experts encourages the Dutch authorities to organise activities to promote the use of Frisian in the economic and social sectors directly under their control (public sector).***

<sup>83</sup> 3<sup>rd</sup> Periodical Report, paragraph 10.142

<sup>84</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 179

<sup>85</sup> 3<sup>rd</sup> Periodical Report, paragraph 11.37



**“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;”**

145. The Committee of Experts considered this undertaking partly fulfilled in the 1<sup>st</sup> and 2<sup>nd</sup> monitoring cycles. In the previous evaluation report, it “encourage[d] the authorities to implement the plans aimed at ensuring the use of Frisian in social care facilities and look[ed] forward to receiving further information on the implementation of these projects.”<sup>86</sup>

146. In the 3<sup>rd</sup> monitoring cycle, the Dutch authorities informed the Committee of Experts that the Ministry of Health, Welfare and Sport has not taken any relevant initiatives with regard to the use of Frisian in social care facilities.<sup>87</sup> However, the Province of Friesland has set up a steering committee “Fries in de Zorg” whose role it is to initiate measures for the promotion of Frisian in the social sector. There are also plans to develop a scheme for filing complaints in Frisian for use by subsidized social institutions in the Province of Friesland.<sup>88</sup>

147. The Committee of Experts considers this undertaking still only partly fulfilled. It asks the Dutch authorities to provide more detailed information on the practical impact of the initiatives taken by the steering committee “Fries in de Zorg” and on other measures aimed at ensuring the use of Frisian in social care facilities.

#### **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.”**

148. The Committee of Experts considered this undertaking fulfilled in the 1<sup>st</sup> monitoring cycle but was not in a position to conclude in the 2<sup>nd</sup> monitoring cycle. In the previous evaluation report, it “encourage[d] the Dutch authorities to provide information on the implementation of the 2001 Covenant in respect of transfrontier exchanges in their next periodical report.”<sup>89</sup>

149. During the 3<sup>rd</sup> monitoring cycle, the Committee of Experts was not informed of any direct co-operation between regional or local authorities in the Frisian-speaking areas of the Netherlands and Germany (Friesland and North Friesland/Saterland).<sup>90</sup> However, the provincial authorities of Friesland have subsidized the “Fryske Rie” (Frisian Council), which promotes contacts with North Friesland and the Saterland, and also provided ad hoc assistance to particular projects. Furthermore, the provincial authorities occasionally assist the youth organisation “Frysk Ynternasjonaal Kontakt” which promotes contacts between speakers of regional or minority languages in Europe, including North and Sater Frisian.<sup>91</sup>

150. The Committee of Experts considers this undertaking fulfilled. It nevertheless encourages the Dutch authorities to actively promote co-operation between regional or local authorities in the Province of Friesland and in the Frisian-speaking areas of Germany on a more structured basis.

<sup>86</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 186

<sup>87</sup> 3<sup>rd</sup> Periodical Report, paragraph 11.55

<sup>88</sup> 3<sup>rd</sup> Periodical Report, paragraphs 11.47-11.48

<sup>89</sup> 2<sup>nd</sup> Report of the Committee of Experts, paragraph 189

<sup>90</sup> 3<sup>rd</sup> Periodical Report, paragraph 12.35

<sup>91</sup> 3<sup>rd</sup> Periodical Report, paragraphs 12.29-12.30

## Chapter 4 - Conclusions

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

#### Recommendation no. 1:

*“develop an overall and coherent policy for the teaching of and in Frisian at all levels of education and adopt concrete measures for its implementation”*

151. School boards and schools generally have not developed a policy for Frisian as a subject and as a medium of instruction. Furthermore, the Dutch authorities still do not make available a substantial part of pre-school and primary education in Frisian. In secondary education, the teaching of Frisian as an integral part of the curriculum is limited to the first grade. Other structural problems such as the lack of qualification of many Frisian-teachers have also remained unsolved. However, the number of pre-schools using Frisian has increased and the model of trilingual primary education has been successfully launched. Moreover, information materials concerning the advantages of bilingualism were published and new teaching materials for the teaching in and of Frisian at primary and secondary school have been introduced. The Dutch authorities have also earmarked 250 hours per year for the Education Inspectorate to supervise the teaching of Frisian at primary and secondary schools and published the first corresponding report.

#### Recommendation no. 2:

*“introduce practical measures in order to enable the use of Frisian in central State administration agencies located in the province of Fryslân, as well as in public services directly under the control of the State”*

152. Decentralised national authorities located in the Province of Friesland have not yet adopted the model regulation on the use of Frisian and therefore lack a formal basis for using Frisian in their outgoing correspondence.

#### Recommendation no. 3:

*“ensure that local and regional authorities co-ordinate and strengthen their efforts to protect and promote the Low-Saxon language, particularly in the field of education”*

153. Although there exists some co-ordination of measures for the protection and promotion of Low Saxon, the provinces concerned have not co-ordinated their activities in the field of education. The teaching of Low Saxon is organized at local level. The Committee of Experts has not been informed of any measures taken by the national authorities to stimulate or facilitate co-ordination at regional or local level.

#### Recommendation no. 4:

*“take measures to protect and promote the Romanes language, in particular in the field of education, in co-operation with the speakers.”*

154. The Dutch authorities assist the organization “Forum” which co-ordinates contacts between the Sinti and Roma organizations. However, there exists no direct contact between the national authorities and the Sinti and Roma organizations. There is no teaching of Romanes in Dutch schools.

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

- A. The Committee of Experts acknowledges the improvements made in education (e.g. teaching of Limburgish, increased teaching in Frisian at pre-school, publication of Education Inspectorate's report), in the media (e.g. radio and television programmes broadcast in Limburgish, Low Saxon and Frisian) and with regard to the communication with the organizations representing the speakers of Romanes. In addition, it considers the Covenants on the Frisian Language and Culture a confirmation of the willingness on both sides to promote and protect Frisian.
- B. The Netherlands submitted their 3<sup>rd</sup> periodical report with a delay of 15 months, which has severely hampered the monitoring and in particular the organisation of the on-the-spot visit. This delay is detrimental to a structured dialogue between the speakers of regional or minority languages, the State authorities and the Committee of Experts and hinders the good functioning of the Charter system.
- C. The Dutch national authorities have confirmed their view that local and regional authorities are primarily responsible for the protection and promotion of regional or minority languages. On the one hand, the languages can benefit from such an approach as the closeness of these authorities leads very often to tailor-made measures. On the other hand, however, the lack of a national language policy for the Part II languages implies that the local and regional authorities concerned lack overall guidance regarding the protection and promotion of regional or minority languages. In such a situation, it is crucial that the national authorities ensure the application of the Charter in practice. The national authorities have, even if they delegate responsibilities to local and regional authorities, the final responsibility as the State Party to the Charter.
- D. In spite of some progress, the structural problems of Frisian language education have remained the same. There is still a lack of a coherent approach to teaching of and in Frisian at all stages of education. In addition, the attainment targets for Frisian have been lowered at primary school level and the history and culture which is reflected by Frisian is still not taught. However, steps have been taken to raise the awareness of pre-school teachers and parents of the advantages of bilingualism and the first report of the Education Inspectorate on Frisian concerning all stages of education has been made public.
- E. The number of pre-schools using Frisian has increased but still remains low in relation to the total number of pre-schools in the Province of Friesland.
- F. The introduction of the trilingual primary school model represents a major step forward in Frisian language teaching. In addition, new textbooks for the teaching in Frisian at primary school have been introduced. The average time devoted to teaching in Frisian in most primary schools has, however, only slightly increased from 25 to 30-45 minutes per week and remains low.
- G. New teaching materials for Frisian in secondary education have been introduced. While attainment targets for Frisian in the first grade of secondary education have been established, the teaching of Frisian in the other grades of secondary education is still not an integral part of the curriculum. The share of secondary schools which are exempted from teaching Frisian has remained largely unchanged. On the whole, the present situation is not compatible with the commitment undertaken by the Netherlands to provide the teaching of Frisian at secondary schools as an integral part of the curriculum.
- H. According to the Education Inspectorate, 25% of the primary school teachers who provide lessons in Frisian and 40% of the secondary school teachers for Frisian are not formally qualified to teach this language. Although there is adequate provision, enrolment in in-service teacher training has not significantly improved during the period under review. While Frisian is to some extent offered in the training of primary and secondary school teachers, it is not taught as such at the regional training centres responsible for the training of play group and childcare workers.
- I. Court staff and judges in general have a good knowledge of Frisian and considerable efforts have been made to increase the use of Frisian before judicial authorities.

J. Decentralised national authorities located in the Province of Friesland have not yet adopted the model regulation on the use of Frisian and therefore lack a formal basis for using Frisian in their outgoing correspondence.

K. Omrop Fryslân has extended the broadcasting time for television programmes in Frisian. However, it does not regularly receive earmarked assistance to cover the extra costs arising from broadcasting in a regional or minority language. Furthermore, Frisian is not used by private broadcasters at all.

L. Whereas the national authorities have not organised any activities to promote the use of Frisian in the economic and social sector, the provincial authorities of Friesland are initiating measures for the promotion of Frisian in the social sector, notably with regard to subsidized social institutions in Friesland.

M. Some progress has been made in Low Saxon education but an overall co-ordination between the Low Saxon-speaking provinces is lacking. Low Saxon is not taught throughout the Low Saxon-speaking area and where taught is not available at all appropriate levels of education.

N. The situation of Limburgish has generally improved. New teaching materials have been introduced in primary and secondary schools. The provincial authorities support television programmes which are broadcast in Limburgish. There is also rising awareness of the importance of Limburgish among local authorities.

O. Yiddish is taught in the final grades of the Cheider school in Amsterdam and there is an interest in starting the teaching of Yiddish at an earlier grade. In view of the specific situation of Yiddish, initiatives such as the publication of the cultural journal "Grine Medine" are important.

P. There is a growing interest among Romanes-speakers in measures to protect and promote the language and efforts have been made to improve co-ordination between the Sinti and Roma organizations. However, the national authorities still have no direct contact with these organisations. There is no teaching of Romanes in Dutch schools at present.

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 1032nd meeting on 9 July 2008, 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

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

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

**Period covered: 01/03/98 -**

**The preceding statement concerns Article(s): -**

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

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

In Article 8:

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

In Article 9:

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

In Article 10:

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

In Article 11:

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

In Article 12:

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

In Article 13:

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

In Article 14:

Paragraph a.  
Paragraph b.

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

**Period covered: 01/03/98 -**

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

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

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

**Period covered: 01/03/98 -**

**The preceding statement concerns Article(s): 2**

## Appendix II: Comments by the Dutch authorities

**J. van der Velden**  
*Ambassador*

Strasbourg, 18 March 2008

Dear Mr Kozhemyakov

The Dutch Government noted with interest the findings of the Committee of Experts of the European Charter for Regional or Minority Languages, which you forwarded to me by your letter of 15 January 2008.

Our Government understands the Committee's concerns about the reporting obligations in general as well in our particular case. The Dutch Government wishes to underline that it fully acknowledges its reporting obligations under the Charter. Therefore, the Dutch authorities apologize for the inconvenience our delay has caused to you and to any other party, such as the NGOs that are active in the field of promoting regional or minority languages in our country.

For the years to come, it is our objective to be fully in line with the reporting scheme, which has been set by the Charter. There is a matter of concern, however. The Netherlands submitted its initial State report in 1999. According to the scheme, subsequent reports had or will have to be submitted in 2002, 2005 and 2008. In order to be compatible with the scheme under the Charter, we are due to prepare our fourth State report by the end of this year at the latest.

We should be grateful if your Committee, as a matter of exception, would advise the Committee of Ministers that the fourth State report in respect of our country is to be submitted in 2010, for the following reason. As the previous State report informed your Committee about the years 2002-early 2007, the next report due in 2008 could only present up-to-date information about a short period, i.e. about developments in the last year.

Yours sincerely,

Jacobus van der Velden,

Mr Alexey Kozhemyakov  
Head of the Charter Secretariat  
The European Charter for Regional or Minority Languages  
Directorate General IV  
Council of Europe

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

### **COUNCIL OF EUROPE**

COMMITTEE OF MINISTERS

#### **Recommendation RecChL(2008)4 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 9 July 2008  
at the 1032nd 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 ratification 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 national report, supplementary information provided by the Dutch authorities, information submitted by bodies and associations legally established in the Netherlands and information obtained by the Committee of Experts during its on-the-spot visit;

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

1. strengthen the teaching of and in Frisian at all levels of education;
2. adopt legal and practical measures in order to ensure the use of Frisian in central State administration agencies located in the Province of Friesland;
3. ensure that a national language policy for Limburgish and Low Saxon is developed, particularly in the field of education, in co-operation with the speakers and the provincial authorities;
4. ensure that a structured dialogue is developed with the representatives of the Romanes-speakers and take measures to protect and promote Romanes, in particular in the field of education, in co-operation with the speakers.