



Council of Europe
Secretariat of the European Charter for Regional or
Minority Languages
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Reference

Your reference

Date 29 September 2016
Re Response to the fifth report of the committee of experts of the
European Charter for minority languages

Dear Mr Molina,

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

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

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

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

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

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

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

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

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

not a task of government to be involved in the form and content of the programming of commercial media institutions. On the basis of the 2008 Media Act, a commercial media institution itself determines the programming offered by that institution. The commercial media institutions are entirely free to offer programming in the Frisian language. If this ties in with their business model and offers them commercial advantages, they will certainly take this action.

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

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

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

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

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

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

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

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

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

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

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

Papiamento

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

administrative and legal matters. In this way, the language is already adequately protected and secured.

Bildts

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

This request is still under consideration. In accordance with the procedure established for this purpose, I have also submitted the request to the bodies of the Taalunie, for further advice.¹ Depending on the consultation procedure within the Taalunie, I expect to be able to take a decision concerning the application for the recognition of Bildts later this year.

Low Saxon

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

¹ See proceedings II, 1999-2000, appendix number 1053.

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

Yours sincerely,

The Minister of the Interior and Kingdom Affairs,



dr R.H.A. Plasterk