

# Third report from the Netherlands

Under article 25, paragraph 2 of the Framework Convention for the  
Protection of National Minorities (Strasbourg, 1 February 1995)

June 2018

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## INTRODUCTION

The Framework Convention for the Protection of National Minorities, a Council of Europe convention, entered into force on 1 February 1998. As a signatory to the convention, the Netherlands is committed to certain agreements that protect the status of the Frisians as a national minority. Member states that sign and ratify the convention undertake to promote the full and effective equality of people belonging to national minorities in all areas of economic, social and cultural life. The conditions required for them to express, preserve and develop their culture and identity must also be safeguarded. In 2004 the Dutch parliament approved a government proposal that the Framework Convention should explicitly protect Frisians. Previously, on 2 May 1996, the Netherlands ratified the European Charter for Regional or Minority Languages, which also has important implications for policy concerning the Frisians, their language and their culture.

The Netherlands ratified the Council of Europe's Framework Convention for the Protection of National Minorities on 16 February 2005, and it entered into force in the Netherlands on 1 June 2005. In approving the bill ratifying this convention, the government and parliament agreed that the Framework Convention would apply only to the Frisians in the Netherlands. The Frisians are therefore the only national minority recognised under the terms of the Framework Convention. The Dutch government also stated that it assumed that the protection offered under article 10, paragraph 3, despite the differences in wording, did not differ from that offered under article 5, paragraph 2 and article 6, paragraph 3 (a) and (e) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

As part of its obligations under the convention, the Netherlands must report periodically to the Council of Europe on the implementation of the Framework Convention. This third report submitted under article 25, paragraph 2 of the Framework Convention includes a response to the resolution and to the Council of Europe's response to the second report. Before turning to this, however, the current situation and recent developments concerning the Frisian language and culture will be considered.

# SURVEY OF FRISIAN LANGUAGE AND CULTURE

## Developments

There have been a number of important recent developments concerning the Frisian language and culture. The Use of Frisian Act (*Wet gebruik Friese taal*) and the Covenant on the Frisian Language and Culture have helped further promote and safeguard the Frisian language and culture. The Minister of the Interior and Kingdom Relations also appointed Fryslân provincial authority as *Taalschipper* in 2016, after close consultations with the parties concerned.

## Use of Frisian Act

The Use of Frisian Act<sup>1</sup> entered into force on 1 January 2014. This legislation defines the status of the Frisian language in administrative and legal matters and guarantees equal rights for the Dutch and Frisian languages in Fryslân province. Central government and Fryslân provincial authority have a shared responsibility and duty of care for the Frisian language and culture, and periodically make covenants for the implementation of that responsibility. The legislation also provides for the establishment of an official body for the Frisian language. This body, known as DINGtiid, reports, advises and issues alerts on matters concerning Frisian. It advises central government and the provincial authority. Regular consultations are held between DINGtiid and central government, and between DINGtiid and Fryslân provincial authority.

## Covenant on the Frisian Language and Culture

Central government and Fryslân provincial authority regularly make agreements on how to put into practice their shared responsibility for the Frisian language and culture under the Use of Frisian Act (2014), the European Charter for Regional or Minority Languages (1998) and the Framework Convention for the Protection of National Minorities (2005). The Covenant on the Frisian Language and Culture (BFTC) sets out arrangements for the use of Frisian in the following areas: education, the judicial authorities, the administrative authorities, public services, the media, culture, economic and social life and cross-border exchanges. The current BFTC runs from 2013 to 2018.

Preparations for the new BFTC began in mid-2017. Fryslân provincial authority and the Ministry of the Interior and Kingdom Relations – the coordinating ministry – meet regularly to discuss the substance of the new covenant. Talks are also being held between the provincial authority and other ministries concerned with this matter. The advisory body on the Frisian language, DINGtiid, is advising on the new covenant. The BFTC 2019-2023 will cover not only the use of the Frisian language in the areas listed above, but also the burden on the provincial authority resulting from its role as *Taalschipper* and the legislation from 2014. The new covenant will take effect on 1 January 2019.

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<sup>1</sup> <http://wetten.overheid.nl/BWBR0034047/2014-01-01>.

### Fryslân provincial authority as *Taalskipper*

In 2015 the advisory body on the Frisian language, DINGtiid, issued a report called 'Improvement and Change', advising that a *Taalskipper* be appointed to take daily charge of processes associated with the Frisian language. After close consultation, it was decided that Fryslân provincial authority should take on this role, as it is best placed to safeguard the status of the Frisian language and culture. As the *Taalskipper*, the provincial authority coordinates, directs, inspires and monitors in respect of all matters relating to the Frisian language. It is taking the lead on the drafting of a long-term agenda for Frisian, and it organises administrative consultations (*Mei-inoar foar it Frysk*) with subnational authorities that have their own responsibilities for the Frisian language and culture. The *Taalskipper* is also expected to alert central government when necessary. The new BFTC will flesh out the role of *Taalskipper*, subject to agreement.

## Demographic data for Fryslân province

### Population profile and trends in Fryslân province

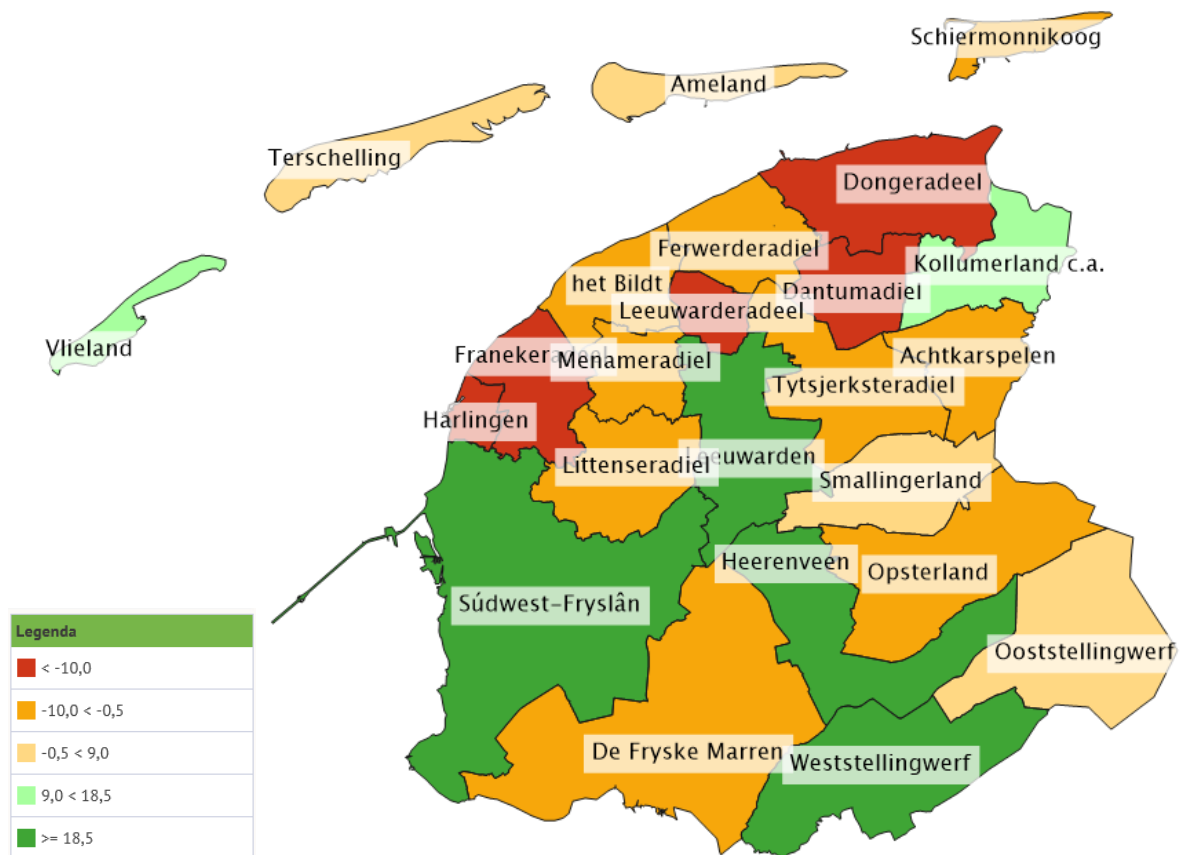
The tables and diagrams below show the population profile and trends in Fryslân province. They also include migration figures, and numbers of people moving into and out of the province. The figures and diagrams come from the database of the Frisian Institute for Social Research. The figures for 2016 and 2017 are preliminary.

Population profile of Fryslân by age <sup>2</sup>	
Age	Population
Total	646,874
0-19	148,427
20-29	71,892
30-39	69,620
40-49	88,011
50-59	94,259
60-69	84,268
70-79	58,880
80 and over	31,517

Total population of Fryslân 2011-2017	
Year	Total population
2011	647,282
2012	647,214
2013	646,862
2014	646,317
2015	646,257
2016	646,040
2017	646,874

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<sup>2</sup> At 1 January 2017.



Increase/decrease in population of Fryslân 2017

### Command of Frisian<sup>3</sup>

Fryslân provincial authority compiles a language atlas once every four years. It provides an overview of the command and use of Frisian by inhabitants of the province. The atlas contains information that municipal authorities can use in drawing up their language policy plans. The third edition was published in 2015. Data on the population's command of the Frisian language in Fryslân in 2015, 2011 and 2007 is shown below.

Able to understand Frisian (%)

Able to speak Frisian (%)

Able to read Frisian (%)

Able to write Frisian (%)

very well

well

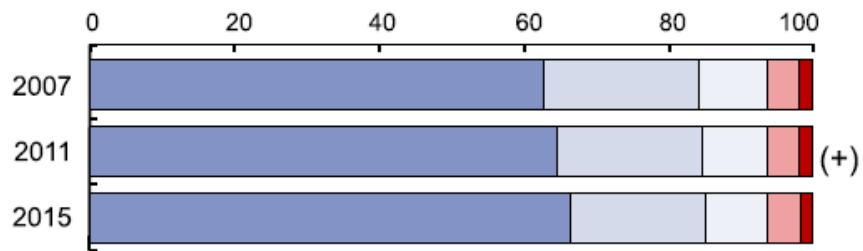
reasonably well

with difficulty

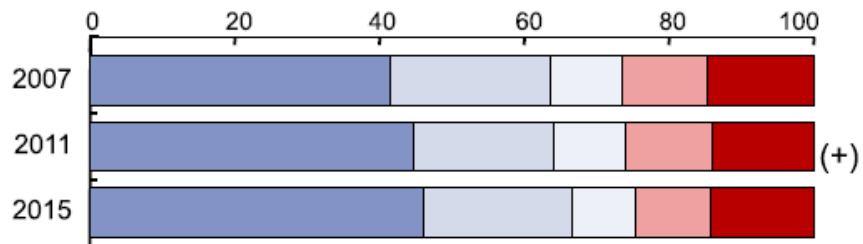
not at all

<sup>3</sup> Fryslân provincial authority, quick scan of Frisian language, Leeuwarden 2015.

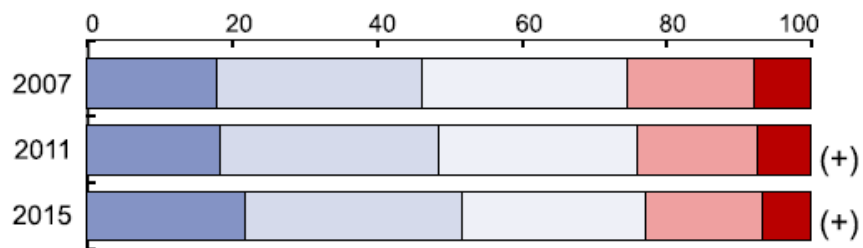
### Fries kunnen verstaan (%)



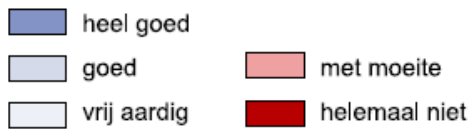
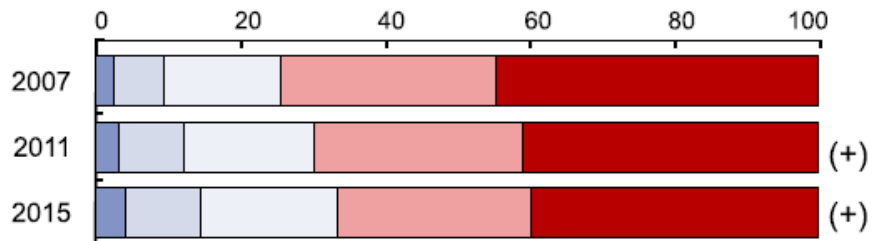
### Fries kunnen spreken (%)



### Fries kunnen lezen (%)



### Fries kunnen schrijven (%)





## MAIN FINDINGS AND COMMENTS OF COMMITTEE OF EXPERTS

### Article 3

1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.
2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present Framework Convention individually as well as in community with others.

### Regarding article 3

#### Scope of application

- 1. The Advisory Committee *urges* the authorities to adopt a more flexible approach towards the scope of application of the Framework Convention and a dialogue-based approach in their relations with persons belonging to groups who might in the future be interested in the protection provided by the Framework Convention, including through efficient consultation mechanisms.**

The Dutch government has designated the Frisians a national minority under the Framework Convention. When the bill ratifying the convention was adopted, government and parliament agreed that the Framework Convention would apply only to the Frisians in the Netherlands. Views on this matter have not changed.

- 2. The Committee of Experts *notes* that representatives of Roma and Sinti communities have great interest in an institutionalised dialogue with the authorities to discuss major issues affecting their communities.**

The Ministry of Social Affairs and Employment holds talks with Roma and Sinti representatives every two months to discuss important issues affecting these communities. In response to a report by the National Ombudsman entitled *Woonwagenbewoner zoekt standplaats* ('Caravan dweller seeks pitch') of 17 May 2017 and several rulings by the Netherlands Institute for Human Rights, the Minister of the Interior and Kingdom Relations undertook to develop a policy vision for municipalities on housing for this group in line with the human rights framework developed by the European Court of Human Rights, in consultation with the association of Roma, Sinti and caravan dwellers, several municipal authorities and the Association of Netherlands Municipalities, the Association of Provincial Authorities, Aedes (the umbrella organisation for housing associations), the Netherlands Institute for Human Rights and the National Ombudsman. At a hearing on 30 November 2017 Roma, Sinti and caravan dwellers were able to report the problems they are experiencing in connection with housing and other forms of unequal treatment. This hearing, consultations with the associations of Roma, Sinti and caravan dwellers and easy access to officials in order to highlight the problems they face have already helped restore some confidence between

Roma, Sinti and caravan dwellers and central government. Their input will be incorporated into the policy vision.

#### Data collection

- 3. The Advisory Committee *encourages the authorities to make use of data collection and evidence-based tools to design effective policies for persons belonging to the various ethnic groups living in the country, and to support existing local initiatives, in co-operation with the persons concerned, while at the same time fully complying with existing international standards for the protection of personal data.***

As explained in the second report, the processing of specific personal data is not permitted in the Netherlands, and the law will not be amended to expand the potential for ethnic registration.

Since the Frisian minority is largely associated with a specific geographical area (Fryslân province), more information can be provided on this group. Fryslân provincial authority publishes a Frisian language atlas once every four years, for example. The atlas is a 'quick scan' that provides an overview of the command and use of Frisian among residents of Fryslân and the use of Frisian in education and by municipal authorities. The most recent language atlas was published in 2015. This was the third edition following the 2007 and 2011 editions. The Frisian language atlas gives municipal and other authorities in Fryslân insight into the Frisian language situation in their area, in comparison with other municipalities. This information can be used to develop language policy.

The Fryske Akademy also conducts regular language surveys to monitor social developments involving the Frisian language. The results of the latest survey are expected in 2018. Comparing the results of these surveys with the results of earlier research (1969, 1984 and 1994) allows developments in command of the language, language policy and the Frisians' attitude to their language to be monitored.

#### Article 4

1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.
2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.
3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

## Regarding article 4

### Anti-discrimination legislative and institutional framework

- 4. The Advisory Committee *calls on* the authorities to provide better access to and raise public awareness of the remedies available in cases of discrimination and the role of the various anti-discrimination bodies among all ethnic groups and among the population as a whole, and to continue to support these bodies. The Advisory Committee also *strongly encourages the authorities* to pay particular attention to vulnerable persons most at risk of discrimination so as to enable them to be fully informed about their rights and the remedies available.**

Under the Municipal Anti-discrimination Services Act (*Wet gemeentelijke antidiscriminatievoorzieningen, WGA*), since 2009 all municipalities have been obliged to set up an anti-discrimination service. An anti-discrimination service is responsible for recording reports of discrimination and providing free assistance for victims. This may include legal advice, mediation, or help with reporting incidents. A total of 38 such services have been established; some operate at local level, and some at regional level.

In 2017 the Ministry of the Interior and Kingdom Relations commissioned a research firm to investigate how the anti-discrimination services work in practice. They were also asked about their views on the practical impact of the legislation. In 2018 a survey canvassed the opinion of municipal authorities on this matter. These efforts yielded a number of suggestions for improvements which the Ministry is now considering.

In addition, the Netherlands Institute for Human Rights was established in October 2012. The tasks of the Equal Treatment Commission, which was mentioned in the second report, have been transferred to the Institute by law. People who believe they have been subjected to discrimination may submit a complaint to the Institute, with the assistance of an anti-discrimination service if they wish. The Institute will give an expert opinion as to whether discrimination has indeed occurred. Finally, discrimination may also be reported to the police. Online discrimination may be reported to [www.mindnederland.nl](http://www.mindnederland.nl).

The government is taking active steps to raise awareness of the possibility of reporting discrimination, and to enhance people's willingness to do so. In September 2015 it launched a wide-ranging publicity campaign, which will run to the end of 2018. The campaign consists of an umbrella campaign for the general public, and several smaller campaigns targeting specific groups, such as people with a disability, or employers and employment agencies. An online platform ([www.zeteenstreepdoordiscriminatie.nl](http://www.zeteenstreepdoordiscriminatie.nl)) was launched in December 2016, on which all material from the campaign so far can be accessed. The platform also provides resources that municipal authorities, schools and civil society organisations can use to promote the campaign's message.

There is also an online 'reporting guide' ([www.discriminatie.nl](http://www.discriminatie.nl)) for people who want to find out where they can best take their complaint. The site guides them to the appropriate organisation in just a few steps. It also provides background information. A flyer has been developed for young people with information on reporting discrimination, as research has shown that this works best with this group. One of the large anti-discrimination services, Radar, has developed a smartphone app (*Meld discriminatie NU*), in collaboration with a number of large municipalities, that people can use to report discrimination.

Several anti-discrimination services have developed activities and resources designed to raise their profile. In 2013 and 2014 anti-discrimination services, the Netherlands Institute for Human Rights, the Turkish Community Advisory Association (IOT), the Partnership of Moroccan Communities in the Netherlands (SMN), the Surinamese Community Advisory Association (SIO) and the Caribbean Dutch Consultative Committee (OCaN) worked on the Face-2-Face project, whose goal was to strengthen collaboration and raise awareness of the possibilities for reporting discrimination.

Article 5:

1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.
2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

## Regarding article 5

### Support to Frisian language and culture

#### **5. The Advisory Committee *calls on* the authorities to provide the necessary support for the preservation and promotion of Frisian culture and to promote its mainstreaming in the general education system.**

Fryslân provincial authority determines policy on the Frisian language as part of overall education policy. The Primary Education Act (*Wet op het Primair Onderwijs, WPO*) and the Secondary Education Act (*Wet op het Voortgezet Onderwijs, WVO*) stipulate that schools in Fryslân province covered by this legislation are obliged to offer education in Frisian. Attainment targets have been formulated that set out what schools are expected to aim for in terms of the Frisian language. This includes a focus on the Frisian language in cultural products such as literature, music, theatre, film, TV and radio.

The report of the Hoekstra Steering Group, established to advise on the decentralisation of responsibility for the Frisian language from central government to Fryslân provincial authority, was published in 2010 (title: *Fries in het onderwijs: meer ruimte, regie en rekenschap voor de provincie Fryslân*). One of its recommendations was that the WPO and WVO be amended to allow the provincial executive of Fryslân to grant partial exemption for the subject of Frisian. These two pieces of legislation were amended in 2014, partly in response to this, and in 2015 the provincial executive adopted an administrative rule on exemptions for teaching Frisian in primary and secondary schools (*Beleidsregel voor het verkrijgen van ontheffing voor het vak Fries in het primair en voortgezet onderwijs*). In 2016, a series of school visits in Fryslân was launched under the Frisian Language Plan (*Taalplan Frysk*). This plan sets out how the provincial authority will implement the administrative rule, and it complies with the recommendation of the Education Inspectorate (*Tusken winsk en wurklikheid, 2010*) that a clear policy on exemptions be formulated. The Frisian Language Plan serves as a basis for improvements to the standard of Frisian language teaching. The school visits provide a baseline measurement. Over the next few years, steps will be taken to ensure that schools no longer need to apply for an exemption in order to teach Frisian.

#### Article 6

1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.
2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

### Regarding article 6

#### Combating intolerance and ethnic discrimination

- 6. The Advisory Committee *calls upon* the authorities to take more resolute measures to encourage a spirit of tolerance and intercultural dialogue in society and to combat discrimination and stigmatisation towards all groups. In addition, targeted efforts must be made to raise the overall understanding of human rights, in particular through human rights education.**

The government believes it is vital that people are able to be themselves and live as they see fit. It is therefore of the opinion that discrimination must be tackled rigorously, not only by punishment after the fact, but also through measures to encourage tolerance and an emphasis on shared values. For this reason it has commissioned various studies, for instance of the factors triggering discrimination against Muslims. In response to the study findings, it organised a broadly based meeting on the issues of social solidarity and image. The government is also facilitating intercultural encounters organised by various groups, such as the 27 meetings arranged in 2017 by Turkish and Jewish organisations to reduce prejudice and stereotyping. The website [www.samen.nl](http://www.samen.nl) provides an online platform for inspiring examples of intercultural encounters and projects throughout the country. Finally, as part of the International Decade for People of African Descent, societal initiatives are being given plenty of scope, including educational projects that help raise awareness of anti-black racism and combat prejudice and stereotypes.

- 7. The Advisory Committee *asks* the authorities to take effective measures to promote mutual respect and understanding, in particular in the field of education. It also encourages the authorities to review integration policies so as to strengthen intercultural dialogue and mutual understanding among all persons living in the country.**

School should ideally be an environment where pupils are invited to share values and learn to develop mutual understanding of and respect for each other's beliefs and cultural background. It is therefore important that pupils practise applying democratic values, through the student council, community service or the organisation of debates, for example. Until pupils reach the age of 16, schools must by law work on their social integration and encourage active citizenship. The government is taking this a step further by clarifying what schools are expected to achieve in terms of citizenship skills. The Minister for Primary and Secondary Education and Media has announced a bill that will oblige schools to provide citizenship education in an efficient and

coherent manner, designed to explicitly impart the required knowledge, skills and attitude concerning the basic principles of democracy and the rule of law, human rights, ties with Dutch society and promotion of an in-school culture in which these values and competences can be actively expressed.

Schools must help their pupils develop into engaged citizens who participate fully and responsibly in society. Our society is based on the core values of democracy and the rule of law, and on sociocultural ties. Education – and citizenship education in particular – should be based on this. There is now also more focus on character development and citizenship in higher education. Students will carry forward our society's values into the future. This means they need to develop the capacity for self-reflection and a moral compass. Institutions and degree courses should in this sense be microcosms of society, in the form of academic communities of values.

**8. The Advisory Committee *encourages the authorities to pursue efforts to recruit people with different backgrounds in the police force and to provide them adequate human rights training in order to prevent discrimination.***

The police service continues to strive for more diversity within its ranks. This is diversity in the broad sense, in terms of sex, ethnicity, age, education, sexual orientation, etc., mainly in order to safeguard the legitimacy of police work and to be able to tackle specific local problems by maintaining contacts with various communities, thus improving the work of the police. Teams with a diverse membership are a source of creativity and innovation, have a greater capacity to learn and adapt, and help to prevent tunnel vision. They also help create an inclusive working culture, reduce the chances of exclusion, and help with the retention of staff from groups that are still underrepresented in the police service.

The police service is making extra efforts to recruit and retain staff from underrepresented groups:

- Recruiters have been appointed in every unit to recruit on the basis of diversity.
- Anyone from a different background who is interested in joining the police is helped to prepare for the selection procedure ('Blue Talent').
- The police service sends scouts to schools and student societies, and also scouts in collaboration with municipal authorities and benefits agency UWV.
- The police service attends events attended by specific groups.
- Investments are being made to retain diverse talent, with a specially developed leadership programme, for example.
- The creation of an inclusive working culture is part of the police service's diversity programme (*De Kracht van het Verschil*).

A target of 25% by the end of 2018 was agreed for the recruitment of police officers from a migrant background. Thanks to the extra efforts made, the target was met in 2017. The proportion of candidate officers from migrant backgrounds entering the service rose from 19.5% in 2016 to 29% in 2017. The police service also devotes plenty of attention to diversity in terms of

gender and background in senior ranks. The proportion of women in senior ranks rose from 26.1% in 2016 to 26.4% in 2017. The number of women in the strategic top 13 rose from 33% in 2016 to 40% in 2017. The police also decided to develop its leadership (strategic top management) and to bring more diverse talent into unit management.

Every unit and the Police Academy has a Diverse Skills Network to provide fellow officers with operational support, and disseminate knowledge and expertise on different lifestyles and cultures. The police have also developed a professionalisation course. All core members of the network took the course in 2018. Diversity and discrimination feature in basic police training and are also part of the police's core tasks. Cultural awareness also features strongly on the Police Academy's curriculum. This includes awareness of one's own background and cultural reference framework, as well as one's own norms and values and how they can impact on situations at work. Cultures includes street culture, the gay scene, caravan dwellers, senior citizens, young people, etc.

The police service is also enhancing its skills base with a series of measures designed to prevent ethnic profiling, or any semblance of ethnic profiling. Officers are now better trained and the service has developed a framework for action, in collaboration with pressure groups Control-Alt-Delete and Amnesty International. It emphasises the fact that proactive checks are an important point of contact that has a great impact on the public's confidence in the police. The framework sets out the four basic principles for a good check (selection, explanation, approach and reflection), and helps officers carry them out professionally. The police service has also developed and tested a 'Proactive Check' app, which it hopes will go live in 2018.

In December the police launched a special app to make it easier for people to submit complaints about their actions. A total of 46 complaints of ethnic profiling were submitted against the police in 2017. If any citizen feels he or she has been approached and treated wrongly, the police want to know. It wants to learn from this and improve its practices. The service intensified its relations with its network of partners on this issue, including the Anne Frank Foundation. Units are reviewing each other's practices more and more frequently, and share their knowledge and experience at national level.

The police organise meetings on the Polarisation Management Model. Officers in every unit follow a trainer's course so that they can introduce this method and help basic teams become aware of how polarisation works and what roles it includes.

The police are working to combat discrimination in society. The service's work processes have been tightened up and tested in pilot projects that involved sending basic teams information on discrimination every two weeks, to enable them to tackle cases better and more quickly. A new agreement has been signed with the Public Prosecution Service and the National Anti-discrimination Service to make the prosecution of discrimination cases more streamlined. The basis has also been laid for a Multi-Agency Report, which will present annual discrimination figures from the police, the Anti-discrimination Services and the Netherlands Institute for Human Rights.



**9. The Advisory Committee *urges the authorities* to firmly condemn all manifestations of intolerance, in particular in political discourse and on the Internet, with due respect to the freedom of opinion and expression.**

The Netherlands believes freedom of expression, including online political debate, is an important basic right. The government does, however, wish to draw a clear line when it comes to hate speech. We must prevent freedom of expression being abused to sow division in society. The coalition agreement includes a proposal to increase the penalty for hate speech, given the severity of this crime. This step should be viewed in the light of the social developments outlined above. By increasing the maximum penalty, the government will show that it stands firmly behind the people being insulted, discriminated against and intimidated in the Netherlands. At the same time, the heavier penalty should have a deterrent effect.

**10. The Advisory Committee *calls on the authorities* to support the participatory structures facilitating dialogue with the representatives of ethnic minority groups and to ensure the sustainability and institutionalisation of such dialogue.**

The Ministry of Social Affairs and Employment strives for sustainable relations with all communities. The most appropriate form of participation and discussion partners are chosen for each policy issue. The authorities discuss such matters with a broad range of partners, including professional experts and representatives of communities. The form of consultation is also chosen on the basis of what is most appropriate for the policy issue in question.

#### Roma and Sinti

**11. The Advisory Committee *calls on the authorities* to improve dialogue at national and local levels with the Roma and Sinti communities to discuss their concerns and interests, including through the use of Roma mediators.**

The Ministry of Social Affairs and Employment holds talks with Roma and Sinti representatives once every two months to discuss issues important to these communities. It is up to local authorities to judge whether use of Roma mediators is desirable, and to arrange for their use if they wish.

**12. The Advisory Committee *calls on the authorities* to pursue programmes and policies to encourage integration of Roma and Sinti, in close co-operation with persons concerned, as well as to address urgently the issues of statelessness of persons belonging to Roma and Sinti communities. It also asks the authorities to combat discriminatory attitudes towards the persons belonging to these communities.**

The government assumes that generic policy will be applied to Roma and Sinti, just as it is to all citizens of the Netherlands. A special programme ('Tackling Early School Leaving') is used to

prevent early school leaving. The Participation Act offers municipalities a range of instruments and services to guide people into work. Together with the decompartmentalisation of resources and other decentralisation measures, this creates more scope for an integrated approach, which is often important for this group. The government is taking rigorous action to prevent discrimination. It has introduced 44 measures to tackle discrimination in the workplace and on the labour market. The results achieved so far are set out in a letter detailing progress on the Action Plan to Combat Labour Market Discrimination. Good results have been achieved and instruments developed through the Programme to Tackle Exploitation of Roma Children. The key element of the programme is a balance between enforcement and offering future prospects. The Self-determination Action Plan (2015-2017) sets out the various activities launched by central government, including efforts to enhance the expertise of professionals in the healthcare sector and education on the issue of forced marriage. To further promote dialogue at local level, in 2015 the Ministry of Social Affairs and Employment organised three dialogue sessions with five local administrators and a select group of Roma and Sinti. In the Dutch-chaired EU working group on the protection of the rights of Roma children, the focus is on exchanging promising practices for enhancing participation in education, particularly among Roma girls. The CAHROM committee of experts (Council of Europe) has also explicitly called attention to the harmful effects of forced marriage and human trafficking and the responsibilities of the Roma themselves in these matters. A policy framework on the housing of Roma, Sinti and caravan dwellers compliant with basic human rights principles will be adopted in the first half of 2018. On the basis of this policy framework, the Minister of the Interior and Kingdom Affairs will provide members of municipal councils and executives and municipal civil servants with information in order to actively promote equal treatment of Roma, Sinti and caravan dwellers in matters of housing.

**13. The Advisory Committee *calls on* the authorities to ensure equal access to education for persons belonging to the Roma and Sinti communities with specific attention for girls. It also calls on the authorities to ensure that education for Roma children will receive adequate support and funding for measures aimed at improving their performance at school, including through the use of Roma mediators.**

In 2015 the Ministry of Social Affairs and Employment conducted a second Social Inclusion Monitor on Roma integration. It found that stricter enforcement of compulsory school attendance had slightly reduced absenteeism among Roma pupils. The communities themselves increasingly acknowledge the importance of education, and further education after completing compulsory schooling is more and more regarded as normal. However, early school leaving among Roma girls from high-school age onwards remains high, for subjective cultural reasons.

Municipalities with Roma families where such problems occur are making efforts to ensure these children attend school or college. Often, they use a combination of different interventions, such as care and coaching for both young and old, but school attendance officers can also use coercive measures in respect of parents and young people in the event of long-term absenteeism.

The Ministry of Education, Culture and Science gives schools extra support for teaching specific groups, including caravan-dweller, Roma and Sinti children. Schools may apply for additional funding if they have four or more children from these groups on their register. The Ministry also subsidises OWRS, a national platform that connects people in order to improve education for caravan dwellers, Roma and Sinti. It provides support for schools, educational consultants and municipal authorities (school attendance officers).

#### Article 9

1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.
2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.
3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.
4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

### Regarding article 9

#### Broadcasting in Frisian

**14. The Advisory Committee calls on the authorities to maintain their efforts to provide adequate support and resources both at central and provincial levels to *Omrop Fryslân* in order to safeguard adequately the Frisian language in the media.**

**15. The Advisory Committee encourages the authorities to pay due attention to the recommendations of the Hoekstra Committee and to consult the representatives of the Frisian minority widely in the process of drafting the new Media Act.**

By 'the new Media Act' the Advisory Committee is apparently referring to the bill to amend the Media Act 2008 (modernisation of regional public broadcasting). The bill was not ultimately brought before the House of Representatives, however. Nevertheless, Fryslân provincial authority and central government, having regard to the Use of Frisian Act, the European Charter for Regional or Minority Languages, the Framework Convention for the Protection of National Minorities and the report of the ad hoc committee on the preservation of the Frisian Language in the media (2013), chaired by R.J. Hoekstra, believe it is important to provide extra safeguards for the position of the Frisian language in the media. Such safeguards have been provided in the form of the Covenant on the Use of the Frisian Language in the Media 2016 (Government Gazette 2016, 68855). This covenant runs concurrently with the Covenant on the Frisian Language and Culture (BFTC), and will therefore apply until 31 December 2018. The intention is to incorporate the arrangements in the covenant as far as possible, and where they are still relevant, into the new BFTC that will apply from 1 January 2019.

The covenant guarantees the status of the Frisian language in the media. *Omrop Fryslân* broadcasts in Frisian and therefore has a special responsibility for the preservation, promotion, development, transfer and use of Frisian as a living language. The covenant guarantees full, independent, wide-ranging programming and media in Frisian, available on several platforms on a

daily basis, and with a clear profile in the media system. The funding of *Omrop Fryslân* by central government and the provincial authority is referred to in the covenant and is therefore guaranteed. The broadcaster has provided for any financial setbacks by introducing flexible staffing policies.

#### Print media in Frisian

**16. The Advisory Committee invites the authorities to maintain the available support for Frisian minority print media, in order to ensure an adequate presence of this national minority language in the print media.**

Arrangements concerning print media in Frisian have been included in the Covenant on the Frisian Language and Culture. As we have said, this applies until 31 December 2018. The new BFTC will, subject to approval, focus on radio and television, online (social) media and new forms of media, in order to reach children and young people in particular. Independently of the arrangements in the BFTC, the provincial authority focuses at macro level on supporting the print media, including magazines in Frisian.

Article 10:

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.
2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.
3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

## Regarding article 10

### Use of the Frisian language in relations with administrative authorities

**17. The Advisory Committee encourages the authorities to continue their efforts, in close consultation with the representatives of the Frisian minority, to safeguard the use of the Frisian language both in the province, in particular, in police and the judiciary, as well as in the relations with the central administration, avoiding any measures, including administrative reforms, that may alter the extent to which the language may be used.**

**18. It also invites the authorities to take adequate measures in order to allow persons belonging to the Frisian minority to use their language before the courts, in particular using a Frisian-speaking interpreter.**

The Use of Frisian Act entered into force on 1 January 2014. The legislation stipulates that Dutch and Frisian are the official languages of Fryslân province. Anyone residing in Fryslân province has the right to use Frisian in administrative matters. In the event of municipal boundary changes, special attention is paid to the position of the language. In the municipal boundary changes of 2018, for example, in the new municipalities of Leeuwarden and Súdwest-Fryslân and the newly formed municipality of Waadhoeke, special arrangements have been agreed in a covenant on Frisian language policy. As regards the changes due to take effect on 1 January 2019 (Noardeast Fryslân), a similar covenant will be drawn up in consultation between the municipal authorities concerned, central government and the provincial authority.

Any person who lives, resides or has their registered office in Fryslân province, and is obliged to address the Northern Netherlands district court or the Arnhem-Leeuwarden court of appeal in an official capacity, or is obliged to submit to questioning or is authorised to speak in court, may do so in Frisian. If a suspect, party, witness or interested party wishes to use Frisian at the hearing, the judge in charge will decide by virtue of his or her office or on request whether the services of an interpreter are required. Central government will cover the costs of hiring an interpreter.

Arrangements concerning the use of the Frisian language are also set out in the Covenant on the Frisian Language and Culture. The new BFTC will examine the extent to which it is possible to have

Frisian-speaking judges hear cases in compliance with the language preferences of the parties concerned. Any negative implications of revisions of the judicial map which mean that Frisian-speaking judges may also be deployed elsewhere, outside Fryslân province, must be kept to a minimum.

Article 11:

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.
2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.
3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

## Regarding article 11

### Topographical indications in minority languages

**19. The Advisory Committee calls on the authorities, in close consultation with Frisian associations, to step up their efforts aimed at ensuring that the local authorities apply the existing possibility regarding bilingual topographical indications throughout the territory of the province of Fryslân.**

The second report explained that in the Netherlands every municipal authority has the right to decide what name or names appear on signs indicating place names. Since this is an autonomous municipal power, there is no central government policy for encouraging the use of Frisian names. Municipal authorities are free to act as they see fit in this matter. Fryslân provincial authority recently posted on its website an alphabetical list in Frisian and in Dutch of all place names in Fryslân.



Article 12:

1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.
2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.
3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

## Regarding article 12

### Teacher training

**20. The Advisory Committee encourages the authorities to take more resolute measures to address the lack of qualified Frisian language teachers, in close consultation with representatives of the Frisian minority including through providing adequate incentives.**

The member of the provincial executive with responsibility for education holds talks at least once a year with the chairs of associations representing school boards. One of the subjects covered is the position of Frisian in education. In light of the current situation, including a teacher shortage and excessive workloads in education, these associations have indicated that increasing the number of teachers qualified to teach Frisian is not their highest priority at present.

The teaching profession keeps a register of qualified teachers. The new Covenant on the Frisian Language and Culture may highlight the importance of including qualifications to teach Frisian in the register of teachers. It is up to the profession itself to implement this.

Article 14:

1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.
2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.
3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

## Regarding article 14

### Frisian in education

**21. The Advisory Committee encourages the authorities to continue their efforts to provide high quality education in Frisian at all levels, including by developing adequate evaluation tools, and to pay due attention to the future development of the trilingual education system, taking into account the possible administrative reforms in this field.**

After adopting the administrative rule for exemptions for the teaching of Frisian in primary and secondary schools (*Beleidsregel voor het verkrijgen van ontheffing voor het vak Fries in het primair en voortgezet onderwijs*) in 2016, Fryslân provincial authority launched the Frisian Language Plan (*Taalplan Frysk*). The first step is to identify the current situation as regards education in Frisian in a 'baseline measurement'. The provincial authority will then use this to offer schools tailor-made assistance to consolidate the position of Frisian in education. The goal is for more schools in the Frisian language region to achieve all the attainment targets for the Frisian language in the long term, and thus meet their statutory obligation.

One of the core tasks of Fryslân provincial authority is to promote, stimulate and support high standards of Frisian in education. One of the goals is to introduce a continuous multilingual learning trajectory so that as many children as possible in the province can progress from childcare where Frisian is spoken to a trilingual primary school and then on to a school offering multilingual secondary education. The child will therefore not only be offered Frisian as a subject, it will also be exposed to Frisian in all types of education as the daily language of communication and instruction. This will reflect the latest insights into multilinguality and inclusivity. The provincial authority will also ensure that there are adequate facilities, including teaching methods, materials and testing and evaluation material. In recent years such facilities have mainly been made available online.

Although population shrinkage has led to school mergers, in most cases this has had no impact on how the merged school deals with Frisian. It has been found that if one of the schools was a member of the network of trilingual schools (*netwurk foar tjetalige skoallen*) prior to the merger, the merged school will often adopt this form of education.

**22. The Advisory Committee invites the authorities to consult closely with representatives of the Frisian minority, including parents, to ensure that their interests and concerns with regard to Frisian in education, including the adequate amount of teaching in Frisian, are effectively taken into account.**

The provincial authority has now launched administrative talks with the Frisian associations of school boards. It will also seek to ensure that the new covenant covers active provision of information for representatives of the Frisian minority. These activities will also be used to inform parents, in addition to the right of Frisians to use their mother tongue in legal matters.

Parental involvement in Frisian in pre-school and nursery school has been successfully organised for several years now through the 'Heit en Mem' panel, according to stakeholders in the province.

Article 15:

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

## Regarding article 15

### Institutions and consultative mechanisms

**23. The Advisory Committee calls on the authorities to take more resolute measures for effective consultations with the representatives of the Frisian minority, including in the preparation of the third state report. In addition, due attention should be paid to strengthening the existing mechanisms and to ensuring that the new Body for Frisian Language, once established, will be able to fulfil effectively its mission.**

In September 2015 DINGtiid, the body for the Frisian language, made its recommendations for the future of the language in a report entitled *Verandering en verbetering* ('Change and Improvement'). DINGtiid recommended that a *Taalschipper* be appointed for the Frisian language: 'a person who promotes collaboration and the implementation of agreements, and reports on these matters, for the purpose of actually exploiting the opportunities for Frisian offered by the law'. In close consultation it was decided that the role should be assigned to Fryslân provincial authority, which is the most appropriate level of government for safeguarding the status of the Frisian language and culture.

The duties of the *Taalschipper* include organising consultations with the subnational authorities which all have their own duty of care in respect of the Frisian language and culture. As *Taalschipper*, the provincial authority takes the lead in formulating a common long-term agenda for Frisian. The *Taalschipper* directs, coordinates and supports. The administrative bodies concerned with the Frisian language have their own responsibilities, which they will retain. The *Taalschipper* also has a responsibility to alert central government when necessary.

Central government holds regular consultations with Fryslân provincial authority at both official and civil service level. These talks cover the decentralised consultation structure and the fleshing out of the role of *Taalschipper*. The new Covenant on the Frisian Language and Culture, which will come into effect on 1 January 2019, will also lay down the tasks and responsibilities of the *Taalschipper*. The provincial authority has also been involved in drafting this report on the Framework Convention.

DINGtiid, the body for the Frisian language, was established in 2014 under chapter 4 of the Use of Frisian Act, as the immediate successor to the Advisory Body for Frisian Issues (*Consultatief Orgaan Fries*). DINGtiid is charged with promoting equality between the Frisian and Dutch languages in Fryslân province. It fulfils this responsibility by reporting on needs and wishes concerning the Frisian language and culture, advising on the creation and implementation of the Covenant on the Frisian Language and Culture, and providing support for the drafting of rules and

policy plans. DINGtiid receives provincial and central government funding. Regular talks are held between DINGtiid and central government, and between DINGtiid and Fryslân provincial authority.

### Administrative reform

#### **24. The Advisory Committee calls on the authorities to enhance their efforts to facilitate the effective and timely participation of minority representatives in all decision-making on administrative reform in the province of Fryslân.**

Under the European Charter for Regional or Minority Languages an active Frisian language policy must be developed in municipalities that have undergone or been created by boundary changes in order to maintain the language rights of residents. The provincial executive requests municipalities that are at the start of a boundary change procedure to indicate in the proposal and recommendations how they intend to pursue an active language policy.

In response to the drafting of the Covenant on Frisian Language Policy, the provincial authority plays a facilitating role in the development of language policy. This includes policy support in the form of the deployment of officials and issuing of advice on setting up projects to improve the status of the Frisian language, support for the implementation of a baseline survey to precisely identify language policies in the different municipalities, and coordinating talks on language policy. The aim is to ensure that the status of the Frisian language plays a recognisable role in the future vision of the new municipality. It is of course up to the council in the new municipality to adopt and implement such a language policy after the changes take effect. However, at an early stage in boundary change procedures the provincial authority encourages a discussion of how the Frisian language can be promoted.

Article 16:

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

## Regarding article 16

### Territorial arrangements

**25. The Advisory Committee calls on the authorities to take measures, in close consultation with persons concerned, to ensure that the possible future reform of the Northern municipalities and provinces will not have negative repercussions on the situation of persons belonging to the Frisian minority.**

As we have said, the Use of Frisian Act entered into force on 1 January 2014. The legislation stipulates that Dutch and Frisian are the official languages of Fryslân province. Anyone residing in Fryslân province has the right to use Frisian in administrative matters. In the event of municipal boundary changes, special attention is paid to the position of the language. In the municipal boundary changes of 2018, for example, in the new municipalities of Leeuwarden and Súdwest-Fryslân and the newly formed municipality of Waadhoeke, special arrangements have been agreed in a covenant on Frisian language policy. In the changes due to take effect on 1 January 2019 (Noardeast Fryslân) a similar covenant will be drawn up in consultation between central government and the provincial authority. The covenant will include arrangements for measures to ensure that municipal boundary changes do not have a negative impact on the position of Frisian speakers.

#### Article 17

1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.
2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

#### Article 18

1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.
2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

### Regarding articles 17 and 18

#### Cross-border cooperation

#### **26. The Advisory Committee encourages the authorities to further pursue and support co-operation with the organisations representing the Frisians living in other countries.**

Dutch Frisians in Fryslân province have frequent and diverse contacts with German Frisians. The Inter-Frisian Council plays a key role in these contacts. It offers several civil society organisations the opportunity for exchanges on matters like history, culture and language. The new Covenant on the Frisian Language and Culture may also call for the strengthening and further institutionalisation of inter-Frisian contacts between Fryslân province and German federal states. The provincial authority will continue to support such endeavours.

The Fryske Akademy (Leeuwarden) and the Frisian department at Groningen University have a range of contacts with institutions and organisations such as the Nordfriisk Instituut (Bräist/Bredstedt), the *Ostfriesische Landschaft* (Aurich) and Kiel University.