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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

**Second Periodical Report
presented to the Secretary General of the Council of Europe
in accordance with Article 15 of the Charter**

NETHERLANDS

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Volume I: Second report on the measures taken by the Netherlands with regard to the Frisian language and culture (1999-2000-2001)

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Ministry of the Interior and Kingdom Relations
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1 Foreword

In a letter dated 4 December 2001, ref. BW2001/U98451, the Ministry of the Interior and Kingdom Relations instructed the Fryske Akademy to prepare the second periodical report as described in Article 15 of the European Charter for Regional or Minority Languages, with particular reference to the Frisian language.

In the above-mentioned article, the European Charter provides: ‘The Parties shall present periodically to the Secretary General of the Council of Europe, in a form to be prescribed by the Committee of Ministers, a report on their policy pursued in accordance with Part II of this Charter and on the measures taken in application of those provisions of Part III which they have accepted. The first report shall be presented within the year following the entry into force of the Charter with respect to the Party concerned, the other reports at three-yearly intervals after the first report.’

The structure of the second report follows the *Outline for three-yearly periodical reports to be submitted by contracting parties*, as adopted by the Committee of Ministers.¹ In doing so, where possible and relevant, it also adheres to the structure of the first report.² In addition, the second report frequently refers to the report of the Committee of Experts of the Council of Europe on the application of the European Charter in the Netherlands of 2001 and the Covenant on the Frisian Language and Culture (2001), as adopted by the State of the Netherlands and the provincial authority of Fryslân.³

The second report was prepared and compiled for the Fryske Akademy by Dr Piet Hemminga, an expert on public administration, and Ms Sytske de Jong, research assistant. Responsible editor for this report is Auke van der Goot, senior adviser at the Dutch Ministry of the Interior and Kingdom Relations.

¹ Council of Europe, *Outline for three-yearly periodical reports to be submitted by contracting parties*, MIN-LANG (2002) 1, Strasbourg, 7 February 2002.

² Auke S. van der Goot, *European Charter for Regional or Minority Languages. Report on the measures taken by the Netherlands with regard to the Frisian language and culture*, Fryske Akademy, Ministry of the Interior and Kingdom Relations, The Hague 1999.

³ Council of Europe, *Report of the Committee of Experts on the application of the Charter: The Netherlands*, ECRML (2001)1, Strasbourg, 20 September 2001 (“Report of the Committee of Experts”).
Covenant on the Frisian Language and Culture (2001), *Government Gazette* 2001, 125.

2 Introduction

- 2.1 On 2 May 1996, the Government of the Kingdom of the Netherlands officially notified the Council of Europe that the Netherlands had accepted the European Charter for Regional or Minority Languages (ETS 148), following the adoption of a bill to this effect by the House of Representatives and the Senate of the States General, on 19 October 1995 and 23 January 1996 respectively (Bulletin of Acts and Decrees 1996, 136). In doing so, the Netherlands became the fourth member state of the Council of Europe to accept or ratify the Charter.⁴
- 2.2 The Charter entered into force on 1 March 1998, following its acceptance, ratification or approval by at least five member states of the Council of Europe, in accordance with the provisions of Article 19. Every member state of the Council of Europe that binds itself to the Charter undertakes to apply as a minimum the provisions contained in Part II of the Charter, unless it has made one or more reservations, as referred to in Article 21(1). In addition, a member state may undertake to apply certain provisions from Part III of the Charter, in accordance with Article 2(2).
- 2.3 The European Charter for Regional or Minority Languages of 5 November 1992 was concluded in English and French. The Government of the Kingdom of the Netherlands published both texts in Dutch Treaty Series 1993, 1. A Dutch translation of the Charter was published in Dutch Treaty Series 1993, 199. Dutch Treaty Series 1998, 20(C) is also relevant to the Dutch translation.
- 2.4 On accepting the Charter in 1996, the Netherlands undertook to apply the provisions contained in Part II of the Charter to the following regional or minority languages spoken within its territory:
- Frisian
 - the Lower Saxon languages
 - Yiddish
 - the Roma languages.

The provisions of the Charter entered into force for the Kingdom of the Netherlands on 1 March 1998. As far as the Kingdom of the Netherlands is concerned, the Charter applies only to the Netherlands (cf Dutch Treaty Series 1998, 20).

- 2.5 On 19 March 1997, the government of the Kingdom of the Netherlands submitted an additional declaration to the Council of Europe concerning the official recognition of Limburger as a regional language within the meaning of Article 2(1) of the Charter. In doing so, the Netherlands has also undertaken to apply the principles contained in Part II of the Charter in relation to Limburger (cf Dutch Treaty Series 1998, 20).

⁴ The Charter was previously accepted and/or ratified by Finland (9 November 1994), Hungary (26 April 1995) and Norway (10 November 1993). After the Netherlands, the Charter was accepted and/or ratified by Austria (28 June 2001), Croatia (5 November 1997), Denmark (8 September 2000), Germany (16 September 1998), Liechtenstein (18 November 1997), Slovenia (4 October 2000), Spain (9 April 2001), the United Kingdom (27 March 2001), Sweden (9 February 2000) and Switzerland (23 December 1997) (state of affairs at the end of December 2001).

- 2.6 In respect of the Frisian language in the province of Fryslân,⁵ the Netherlands has also undertaken to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter, including at least three chosen from each of the Articles 8 (Education) and 12 (Cultural activities and facilities), and at least one provision from each of the Articles 9 (Judicial authorities), 10 (Administrative authorities and public services), 11 (Media) and 13 (Economic and social life), in accordance with Article 2(2) of the Charter.
- 2.7 On accepting the Charter, the Netherlands undertook to apply forty-eight provisions in respect of the Frisian language, in accordance with the above-mentioned classification. The choice of these provisions was influenced by the prevailing government policy on Frisian language and culture. The following provisions were chosen (cf Dutch Treaty Series 1998, 20):

Nine provisions from Article 8 (Education)

Article 8(1)(a)(ii)	pre-school education
Article 8(1)(b)(ii)	primary education
Article 8(1)(c)(iii)	secondary education
Article 8(1)(e)(ii)	university and other higher education
Article 8(1)(f)(i)	adult and continuing education
Article 8(1)(g)	teaching of Frisian history and culture
Article 8(1)(h)	basic and further training of teachers
Article 8(1)(i)	supervisory body under Article 8
Article 8(2)	educational arrangements outside the province of Fryslân

Six provisions from Article 9 (Judicial authorities)

Article 9(1)(a)(ii)	in criminal proceedings: oral
Article 9(1)(a)(iii)	in criminal proceedings: documents and evidence (written and oral)
Article 9(1)(b)(iii)	in civil proceedings: documents and evidence
Article 9(1)(c)(ii)	in proceedings before administrative courts: oral
Article 9(1)(c)(iii)	in proceedings before administrative courts: documents and evidence
Article 9(2)(b)	validity of legal documents

Twelve provisions from Article 10 (Administrative authorities and public services)

Article 10(1)(a)(v)	with regard to the national authorities
Article 10(1)(c)	with regard to the national authorities
Article 10(2)(a)-(f)	with regard to local and regional authorities
Article 10(2)(g)	determination of place names
Article 10(4)(a)	additional measures with regard to translation or interpretation
Article 10(4)(c)	additional measures with regard to public service employees
Article 10(5)	family names

Five provisions from Article 11 (Media)

Article 11(1)(a)(iii)	public broadcasting (radio and television)
Article 11(1)(b)(ii)	non-public broadcasting (radio)
Article 11(1)(c)(ii)	non-public broadcasting (television)
Article 11(1)(f)(ii)	audiovisual productions
Article 11(2)	Frisian-language media communications from neighbouring countries

Nine provisions from Article 12 (Cultural activities and facilities)

Article 12(1)(a)	general promotion of culture
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⁵ As of 1 January 1997, the official name of the province previously known as Friesland is Fryslân. This report uses the name Fryslân at all times, even when referring to the situation prior to 1997.

Article 12(1)(b)	translation from regional languages into other languages
Article 12(1)(d)	bodies responsible for organising or supporting cultural activities of various kinds
Article 12(1)(e)	staff working for the above-mentioned bodies
Article 12(1)(f)	organising cultural activities
Article 12(1)(g)	creation of a repository
Article 12(1)(h)	translation and terminological research services
Article 12(2)	facilities for Frisian-speakers outside the province of Fryslân
Article 12(3)	foreign cultural policy
Five provisions from Article 13 (Economic and social life)	
Article 13(1)(a)	employment contracts, operating instructions, etc.
Article 13(1)(c)	practices designed to discourage the use of regional or minority languages
Article 13(1)(d)	general encouragement
Article 13(2)(b)	economic and social sectors under direct government control
Article 13(2)(c)	care sector: retirement homes, hospitals, etc.
Two provisions from Article 14 (Transfrontier exchanges)	
Article 14(a)	cultural agreements with neighbouring countries in which the same language is spoken
Article 14(b)	international exchanges and cooperation

- 2.8 In 1999, with a view to the periodic report, as prescribed in Article 15 of the Charter, the *Fryske Akademy* prepared an initial inventory of the measures adopted by the Netherlands in application of the provisions it had accepted from Part III of the Charter in relation to the Frisian language, at the request of the Ministry of the Interior and Kingdom Relations.⁶ The present report may be classified as a periodical follow-up report, in accordance with Article 15 of the Charter.
- 2.9 In response to this initial inventory, the Committee of Experts, as referred to in Article 16(3) of the Charter, visited the Netherlands in February 2000 to ascertain the views of the civil-society organisations involved in promoting the Frisian language. On the basis of the inventory and its working visit, the Committee published its findings and recommendations at the beginning of 2001.⁷
- 2.10 On 19 September 2001, at its 765th meeting, the Committee of Ministers of the Council of Europe took note of the Committee of Expert's report. The Committee of Ministers formulated a number of recommendations that were incorporated into the Committee of Expert's report as an annexe. In addition, the Committee of Ministers decided to make the report public. The report and the recommendations can be consulted on the Council of Europe's website on local and regional democracy, at www.coe.int/local. The recommendations are discussed in depth in section 4.5 of this report.
- 2.11 On 6 February 2002, the Committee of Ministers adopted the outline for the three-yearly reports, as described in Article 15(1) of the Charter, which had been approved three years earlier, with a few changes.⁸

⁶ Auke S. van der Goot, *European Charter for Regional or Minority Languages. Report on the measures taken by the Netherlands with regard to the Frisian language and culture*, Fryske Akademy, Ministry of the Interior and Kingdom Relations, The Hague 1999.

⁷ Council of Europe, *Report of the Committee of Experts* (2001).

⁸ Council of Europe, *Outline for three-yearly periodical reports to be submitted by contracting parties*, MIN-LANG (2002) 1, Strasbourg, 7 February 2002.

- 2.12 In accordance with the Committee of Ministers' outline, the introduction of this report (chapter 3) provides a certain amount of background information, including historical developments, the demographic situation, economic developments, administrative arrangements and key policy developments. It subsequently focuses on the socio-linguistic aspects of the Frisian language, before concluding with some recent, general government statements concerning the protection of regional or minority languages.
- 2.13 Part I of this report (chapter 4) provides an overview of legislation relating to the implementation of the European Charter for Regional or Minority Languages. In addition, it lists the organisations involved in protecting and promoting the Frisian language and cites the measures adopted to publicise the rights and duties arising from the application of the European Charter. Finally, it discusses the recommendations of the Committee of Ministers of the Council of Europe.
- 2.14 Part II of this report (chapter 5) discusses the measures adopted by the Netherlands with regard to the Frisian language in relation to Article 7 of the European Charter.
- 2.15 Part III of this report (chapters 6-12) provides an overview of measures adopted by the Netherlands to promote the use of the Frisian language in public life, in accordance with the undertakings entered into under Article 2(2) of the European Charter:
- | | |
|--|------------|
| - Education | chapter 6 |
| - Judicial authorities | chapter 7 |
| - Administrative authorities and public services | chapter 8 |
| - Media | chapter 9 |
| - Cultural activities and facilities | chapter 10 |
| - Economic and social life | chapter 11 |
| - Transfrontier exchanges | chapter 12 |

The seven chapters in Part III follow a fixed pattern. Each chapter begins with a general section focusing on policy developments, including legislation, in the relevant field. In addition, each chapter presents the general recommendations that appeared in the report of the Committee of Experts in response to the first Dutch report. On an article-by-article basis, each chapter then considers the undertakings entered into by the Netherlands, the opinions issued by the Committee of Experts and the arrangements adopted by central government and the province of Fryslân in the Covenant on the Frisian Language and Culture (2001) in the area in question, and an accurate description of the situation. Finally, each chapter concludes with a brief synopsis.

This report also includes eight annexes. Annexe 1 provides an overview of existing legislation relating to the implementation of the European Charter for Regional or Minority Languages. In doing so, it distinguishes between the legislation of central government, bye-laws and regulations issued by the province of Fryslân and bye-laws issued by the municipal authorities of Fryslân.

Annexe 2 provides an overview of positions adopted by the Dutch government in relation to the Frisian language.

Annexe 3 provides an overview of European and international agreements relevant to the Frisian language.

Annexe 4 lists reports and policy documents on the Frisian language issued during the past three years.

Annexe 5 provides an overview of bodies and organisations that were requested to provide additional information, as well as institutions that were consulted in greater depth.

Annexe 6 provides an overview of legally established institutions and organisations for the protection and development of the Frisian language that are located in the Netherlands.

Annexe 7 lists the abbreviations used in this report.

Annexe 8, finally, provides an overview of grants related to the Frisian language that were awarded by the Literary Fund between 1999 and 2001.

- 2.16 In order to implement measures promoting Frisian language and culture, central government and the provincial authority of Fryslân adopted a Covenant on the Frisian Language and Culture in 2001 for the third time in succession.⁹ Where relevant, the present report refers to the provisions of the Covenant on the Frisian Language and Culture (2001), as concluded and signed in The Hague on 5 June 2001. The third Covenant follows the European Charter in the sense that the articles of the Charter that apply to the Frisian language form the basis of the Covenant. On presenting the Covenant on the Frisian Language and Culture (2001) to the House of Representatives of the States General, the State Secretary for the Interior and Kingdom Relations indicated that it remains to be seen whether certain aspects of the Covenant require adjustment in the light of the present report.¹⁰ In any event, an official interministerial committee will be established to prepare the report on the implementation of the 2001 Covenant.¹¹ This committee will include officials from the province of Fryslân.
- 2.17 This report deals with the state of affairs on 1 March 2002, which is exactly four years after the entry into force of the Charter in the Netherlands. In a few cases, where possible and relevant to Frisian language policy, documents that appeared after this reference date have also been used.

At the end of each chapter, this report provides a brief summary of Dutch policy initiatives in the light of the commitments undertaken by the Netherlands under the Charter.

⁹ The first Covenant on the Frisian Language and Culture was signed on 4 July 1989, the second on 8 November 1993.

The covenants were published in the Government Gazette (see Government Gazette 1989, 133; 1993, 237 and 2001, 125).

¹⁰ Letter to the President of the House of Representatives, BZK 0000739, 28 August 2001.

¹¹ Parliamentary Papers II (House of Representatives) 2001-2002, 28 000 VIII, no. 133, p. 7.

3 Preliminary Section

3.1 Background

The outline for the three-yearly reports states that the preliminary section should provide a certain amount of background information. In this regard, the outline suggests that attention should first be devoted to the relevant historical developments, the demographic situation in relation to the economic data for the region in question, and the administrative organisation of the state (see sections 3.2, 3.3, 3.4 and 3.5).

Secondly, the outline requests the contracting parties to list all regional or minority languages, including non-territorial languages, as defined in Article 1(a) of the Charter, and to indicate the region where the speakers of such languages reside, the number of speakers and the criteria used to define a speaker of a regional or minority language (see section 3.6).

Thirdly, the outline requests the contracting parties to indicate the number of speakers of each regional or minority language (see section 3.6).

Finally, the outline requests the contracting parties to devote attention to recent, general statements on government policy concerning the protection of regional or minority languages, in so far as this forms a useful addition to the above-mentioned information (see section 3.7).

3.2 Historical developments

- 3.2.1 The first historical reference to the Frisian people dates from the time that the Romans came into contact with them. The beginnings of Frisian writing can be traced back to approximately 1200. At the end of the sixteenth century, Middle Dutch superseded Old Frisian as a written language, partly because of the rise of a new central authority. As a spoken language, however, Frisian has continued to fulfil its purpose, especially in the countryside.¹² The fact that Frisian managed to survive as a written language without ever enjoying the status of an official language is largely, if not exclusively, attributable to the works of the Frisian Renaissance poet Gysbert Japicx (1603-1666), whose three-volume 'Friesche Rymlerye' was published posthumously in 1668.¹³
- 3.2.2 At the beginning of the nineteenth century, an independent literary scene and national consciousness blossomed in Fryslân as in many other European countries. Three brothers by the name of Halbertsma were the first to encourage the wider public to start reading Frisian. The establishment of the Friesch Genootschap van Geschied-, Oudheid- en Taalkunde (Frisian Society for History, Antiquity and Language) in 1827 and, in particular, of the Frysk Selskip foar Fryske Tael- en Skriftekennisse (Frisian Language and Literature Society) in 1844 provided the Frisian language with its first organisational framework for linguistic emancipation.¹⁴ There would be no emancipation without education, but it was not until 1937 that the Frisian language

¹² Oebele Vries, 'Die Verdrängung des Altfriesischen als Schreibsprache', in: Horst Haider Munske (eds.), *Handbuch des Friesischen*, Max Niemeyer Verlag, Tübingen 2001, 606-612.

¹³ Anthonia Feitsma, 'Mittelfriesische Sprache und Literatur', in: Horst Haider Munske (eds.), *Handbuch des Friesischen*, Max Niemeyer Verlag, Tübingen 2001, 704.

¹⁴ S. van der Schaaf, *Skiednis fan de Fryske Biweging*, De Tille, Ljouwert 1977, 45 ff.

acquired a modest foothold within Dutch education legislation.¹⁵ The beginnings of Frisian cultural policy can be traced back ten years earlier, to the decision of the Frisian States to grant an annual subsidy to the Provinsjale Underwiisried (Provincial Education Council).

- 3.2.3 During the 1950s, the position of Frisian in the different language fields was strengthened even further. In administrative matters, in 1953 the government adopted the position that the use of Frisian in oral communications was allowed in principle, while the choice of language in written documents, provided they did not concern matters involving a statutory obligation to submit them for inspection, was left to the lower levels of government.¹⁶ Legislation followed in the fields of education (1955) and legal matters (1956).¹⁷
- 3.2.4 In 1969, central government established an interministerial committee on Frisian language politics. The committee's brief included producing recommendations regarding general government policy on issues concerning Frisian culture. The committee's final report, which was issued in 1970, was discussed in the House of Representatives of the States General on 27 September 1972.¹⁸ The report implicitly recognised the central government's responsibility for sustaining and promoting Frisian language and culture.¹⁹ The parliamentary discussion of the final report led the committee to amend its position on the position of Frisian as a subject in primary education. As a result of the amendment of the Primary Education Act in 1974, Frisian became a compulsory subject in primary education in the province of Fryslân as of 1 August 1980,²⁰ thereby gaining a regular place in education in the province. This development has since continued steadily. As of 1 August 1993, for instance, Frisian was made a compulsory subject in basic secondary education in all secondary schools in the province of Fryslân, although secondary schools may obtain an exemption from this requirement, as primary schools have been able to do since 1980. For an overview of modifications to legislation in the field of education since 1980, in so far as they relate to the position of Frisian, see chapter 6 and annexe 1.
- 3.2.5 During the 1980s, particular attention was devoted to the position of Frisian in official matters. After a lengthy process of policy preparation, the first Covenant on the Frisian Language and Culture was concluded in 1989, on the initiative of the provincial executive of Fryslân (see section 2.16).²¹ However, the legal basis for the agreement in the first Covenant concerning the use of the Frisian language in administrative matters proved to be inadequate for actual implementation. The second Covenant of 1993 therefore included an agreement to consider the use of the Frisian language in the context of the preparation of the General Administrative Law Act.²²
- 3.2.6 On 1 January 1996, the amendment of the General Administrative Law Act came into force.²³ Sections 2:6 to 2:12 of the Act regulate the use of language in administrative

¹⁵ Piet Hemminga, *Het beleid inzake unieke regionale talen*, Fryske Akademy, Leeuwarden 2000, 175.

¹⁶ Parliamentary Papers II (House of Representatives) 1953-1954, 3321, no. 1.

¹⁷ Bulletin of Acts and Decrees 1955, 225 and Bulletin of Acts and Decrees 1956, 242.

¹⁸ Parliamentary Papers II (House of Representatives) 1969-1970, 10 728, no. 1.

¹⁹ Piet Hemminga, *Het beleid inzake unieke regionale talen*, Fryske Akademy, Leeuwarden 2000, 184.

²⁰ Bulletin of Acts and Decrees 1975, 271.

²¹ Piet Hemminga, *Het beleid inzake unieke regionale talen*, Fryske Akademy, Leeuwarden 2000, 200-222.

²² *Ibid.*, 191.

²³ Bulletin of Acts and Decrees 1995, 302.

matters. With this amendment, central government formally recognised the bilingual position of the province of Fryslân (see section 8.8 et seq.).

- 3.2.7 The second Covenant also introduced an expansion in the use of Frisian in judicial and legal matters. As of 1 January 1997, the possibilities for using the Frisian language in judicial and legal matters were expanded (see section 8.34). In addition, the Notaries Act, which entered into force on 1 October 1999, expanded the possibilities for drawing up notarial deeds in Frisian (see section 7.49). Finally, as of 1 February 2002, the constitutions of Frisian associations and foundations may be drawn up in Frisian (see section 7.42).
- 3.2.8 **In summary**, it is clear that the official position of the Frisian language has improved steadily, particularly since the second half of the twentieth century. The desire of the province of Fryslân to create a legal basis for its Frisian language policy in areas where the province's own regulatory powers were previously insufficient or non-existent has thereby largely been met.

3.3 Demographics

- 3.3.1 During the past 50 years, the population of the province of Fryslân increased from 465,000 to 630,539 in 2001. A year earlier, on 1 January 2000, the Frisian population stood at 624,500. On 1 January 1999, it stood at 621,208.²⁴ This means that the population increased by over 9,300 between 1999 and 2001. This growth was the result of a positive birth rate and migration balance.²⁵ Based on the annual number of people that moved to or left Fryslân between 1995 and 2000, it appears that approximately 4.7 per cent of the population migrates each year. In 1999, the last year for which migration statistics are available, 15,587 people moved to Fryslân and 14,107 people left.²⁶
- 3.3.2 It is clear that this mobility has an impact on the use of the Frisian language, but the extent of the consequences of migration on the command and use of the Frisian language is difficult to quantify.²⁷ In fact, the results of language research conducted in Fryslân, which were published in 1969, 1984 and 1995, indicate that the position of Frisian in Fryslân has been relatively stable until now (see sections 3.6.4 to 3.6.9). In addition, the results of a survey conducted among Frisian municipalities by the Berie foar it Frysk organisation in 2000 demonstrated that eight of the twenty-five municipalities that responded devote attention to the Frisian language in their information to new residents (see also section 3.3.7).²⁸
- 3.3.3 The nature of the above-mentioned mobility is also a factor in relation to the use of Frisian. After all, if only non-Frisian-speakers were to leave the province and only Frisian speakers were to settle there, the annual migration figures would lead to an

²⁴ Engbert Boneschansker and Hannie Heemstra, *Statistisch Jaarboek voor het Noorden*, Chambers of Commerce and Industry for the three northern provinces, Groningen, Leeuwarden and Meppel 2001, 18.

²⁵ The figures for 2001 are not yet available.

²⁶ Engbert Boneschansker and Hannie Heemstra, *Statistisch Jaarboek voor het Noorden*, Chambers of Commerce and Industry for the three northern provinces, Groningen, Leeuwarden and Meppel 2001, 31.

²⁷ Durk Gorter, Alex Riemersma and Jehannes Ytsma, 'Frisian in the Netherlands', in: Guus Extra and Durk Gorter (eds.), *The other languages of Europe*, Multilingual Matters, Clevedon 2001, 104.

²⁸ Province of Fryslân, Memorandum on minorities policy (2000), 20.

increase in the use of Frisian in Fryslân. In practice, however, there is currently little information on the language of the migrants in question.

- 3.3.4 In recent years, international migration has overtaken national migration in Frisian migration figures. In fact, the influx of migrants from abroad has become particularly significant for the growth of the Frisian population.²⁹ In 1999, the last year for which figures are immediately available, 4,069 people moved to Fryslân from outside the Netherlands, while 1,141 people moved abroad.³⁰ On 1 January 2001, the number of people from ethnic minorities living in Fryslân stood at 49,706, accounting for 7.9 per cent of the total Frisian population. On the same date, the number of people from non-Western ethnic groups stood at 20,685, accounting for 3.3 per cent of the total population of Fryslân.³¹ The number of languages used in Fryslân has also risen considerably in recent years. Thus, schools in Leeuwarden now have to deal with the fact that approximately fifty foreign languages are spoken among their students.³²
- 3.3.5 During the preparations for the amendment of the Netherlands Nationality Act, the State Secretary for Justice indicated in response to a number of parliamentary questions that ‘an adequate command of Dutch suffices for the desired integration of immigrants in Frisian society. Despite the fact that, in this context, it is equally desirable that the newcomers learn to speak Frisian as well – and in practice this is often the case – it would be too stringent a requirement to incorporate a command of the Frisian language in the Act’s language requirement. Exclusively testing the immigrants’ command of the Frisian language underestimates the level of the Frisian population’s integration in the wider Dutch social framework as well as the importance that should therefore be given to the integration of immigrants in that wider framework.’³³
- 3.3.6 A recent study of the command of Frisian among ethnic minorities living in Fryslân indicates that an overwhelming majority of Iraqis have great difficulty understanding Frisian. The same observation applies to at least half the Moroccans living in Fryslân. Speaking Frisian is a problem for at least three-quarters of the members of these groups. According to a study by the Economisch Bureau Coulon, however, almost one in eight Moroccan youngsters can get by well in Frisian. Over a third of Surinamese in Fryslân claim to be able to understand Frisian well or very easily, but at least 80 per cent have great difficulty speaking Frisian or cannot speak it at all.³⁴
- 3.3.7 On 19 March 1999, the provincial advisory body on Frisian language policy, the Berie foar it Frysk, held an afternoon workshop on integration issues and Frisian. This workshop resulted in the publication of a report, as well as consultation between

²⁹ Jacob van der Vaart, ‘De wenjende Fries’, in: Piet Hemminga (ed.), *De Aktuele Steat fan Fryslân*, Ljouwert 2001, 15-16.

³⁰ Engbert Boneschansker and Hannie Heemstra, *Statistich Jaarboek voor het Noorden*, Chambers of Commerce and Industry for the three northern provinces, Groningen, Leeuwarden and Meppel 2001, 31.

³¹ Statistics Netherlands, *Demografische kerncijfers per gemeente 2001*, Voorburg/Heerlen 2001, 8-9.

³² Durk Gorter, ‘De meartalige Fries’, in: Piet Hemminga (ed.), *De Aktuele Steat fan Fryslân*, Ljouwert 2001, 103.

³³ Parliamentary Papers II (House of Representatives) 1998-1999, 25 891 (R 1609), no. 5, pp. 18-19. During the debate on a bill amending the Netherlands Nationality Act concerning the acquisition, granting and loss of Dutch nationality, the Calvinist Party (SGP) asked whether the entry into force of the European Charter for Regional or Minority Languages should not have certain implications for the formulation or assessment of the language requirement.

³⁴ E. Boneschansker, M. Janssens and I. van der Tuin, *Allochtonen in Fryslân*, Economisch Bureau Coulon, Leeuwarden/Ljouwert, as yet unpublished.

representatives of the Berie foar it Frysk and representatives of the Frisian municipalities and the province of Fryslân, which took place on 4 June 1999.³⁵ The topic of discussion was the opinion of the Frisian authorities regarding the recommendations formulated during the workshop, in order to facilitate the drafting of an advisory report concerning the issue in question at a later date.³⁶ The provincial authority of Fryslân expressed its intention to bring about the development of special information material, glossaries of everyday Frisian words and phrases for social and professional use, and language courses, as well as to enter into consultations with the Frisian municipalities in order to produce informational material and simple glossaries in various languages.³⁷

3.3.8 In response to a questionnaire sent by the Berie foar it Frysk to the municipalities in Fryslân in 2000, four of the twenty-five municipalities responding indicated that they devote attention to Frisian language and culture in their information material for asylum seekers with residence status and foreign nationals who intend to stay in Fryslân for an extended period.³⁸

3.3.9 **In summary**, it is clear that current migratory patterns have led to a significant increase in language diversity in the Netherlands, and thus also in Fryslân. The consequences of this development for the position of Frisian are as yet unknown, although the province of Fryslân and a number of Frisian municipalities have devoted more attention to the integration of foreign nationals in Frisian-speaking society in recent years. The aforementioned provincial advisory body, the Berie foar it Frysk, has also been involved in these efforts.

3.4 Economic situation

3.4.1 Although the share of agriculture in Frisian employment remains marginally higher than in the Dutch economy, i.e. 7 per cent and 6 per cent respectively, the Frisian economy long ago ceased to be an agrarian economy. The reduced relevance of agriculture is also apparent from the comparison of the above-mentioned 7 per cent to the 34 per cent that still applied in 1947.³⁹ An examination of the structure of employment in Fryslân indicates that industry accounted for the largest share of employment in 1999, with 18 per cent of jobs requiring at least 15 hours of work per week, followed by commerce and repair work, with 14.9 per cent, and the health and welfare sector, with 12.1 per cent.⁴⁰ The position of Frisian in the business and health care sectors is discussed further in sections 3.4.4 and 3.4.5 and in chapter 11.

3.4.2 Like its Dutch counterpart, the Frisian economy has developed in a relatively favourable manner in recent years. It has even caught up to some extent, as the growth rate of Frisian employment has exceeded the national average by roughly a quarter of

³⁵ G.I. Jellema and A.M.J. Riemersma (eds.), *Meiinoar thús yn Fryslân/Je thuisvoelen in Fryslân*, Ljouwert/Leeuwarden 1999.

³⁶ Berie foar it Frysk, *Rapportaaazje fan de wurksumheden oer de jierren 1999-2001*, Berie report no. 20, Ljouwert 2002, 33.

³⁷ Province of Fryslân, Memorandum on minorities policy (2000), 20.

³⁸ Berie foar it Frysk, *Bestjoere en foarútsjen*, Berie report no. 17, Ljouwert 2000, 35.

³⁹ Tom van der Meulen, 'De warbere Fries', in: Piet Hemminga (ed.), *De Aktuele Steat fan Fryslân*, Fryske Akademy, Ljouwert 2001, 38.

⁴⁰ *Ibid.*, 38-39.

a per cent in recent years.⁴¹ Since 1990, moreover, the rise in the number of jobs in Fryslân has been slightly higher than at national level.⁴² Nevertheless, these figures do not spell the imminent end of Frisian unemployment, which is caused by a growing labour supply, in particular by the rise in the number of women on the labour market.⁴³ In December 2000, 23,167 people – out of a workforce of 263,000 – were registered as jobseekers in the province of Fryslân,⁴⁴ which was at least 4,000 people less than at the beginning of the year. In relation to the figures for the whole of the Netherlands, however, Frisian unemployment is still three percentage points higher.⁴⁵

- 3.4.3 Income in Fryslân is structurally lower than at national level. In 1997, average disposable income per worker stood at €14,113 per year. At national level, the equivalent sum was €15,111. Also in 1997, average disposable income per capita stood at €8,985 in Fryslân and €9,983 in the Netherlands as a whole.⁴⁶
- 3.4.4 Research indicates that company managers in Fryslân do not devote systematic attention to bilingualism or the government’s language policies. Although the general opinion of the business sector is that bilingualism has no effect on the realisation of corporate objectives, there has been resistance to the policy on official Frisian-language place names, as developed by a number of Frisian municipalities (see section 11.2).⁴⁷
- 3.4.5 The command of Frisian among workers in the health care sector does not differ from that among the inhabitants of Fryslân. There is very little focus in the health care sector on policy concerning the use of Frisian. Frisian is used primarily in informal situations, between colleagues and in conversations with clients, while Dutch is the predominant choice for communicating with managers and in formal situations (see sections 11.35 to 11.39).⁴⁸ Central government and the province of Fryslân are both interested in strengthening the position of Frisian in the care sector, as indicated *inter alia* by the objectives set out in the Covenant (Covenant 7.4 et seq.).
- 3.4.6 **In summary**, it appears that economic development in Fryslân has maintained a similar position in relation to the national economy over the years. Although a certain amount of progress has been evident in 1999-2001, no change has occurred in the inferior position that the province has traditionally occupied in relation to the national economy. In the business sector, Frisian mainly appears to be of interest in connection with official Frisian-language place names. As in the business sector, there is very little focus in the health care sector on policy concerning the use of Frisian.

⁴¹ L. Broersma and T. M. Stelder, *Regionaal Economische Verkenningen 2000*, RUG, Groningen 2000, 3.

⁴² *Ibid.*, 12.

⁴³ *Ibid.*, 4.

⁴⁴ Engbert Boneschansker and Hannie Heemstra, *Statistisch Jaarboek voor het Noorden*, Chambers of Commerce and Industry for the three northern provinces, Groningen, Leeuwarden and Meppel 2001, 63.

⁴⁵ Tom van der Meulen, ‘De warbere Fries’, in: Piet Hemminga (ed.), *De Aktuele Steat fan Fryslân*, Fryske Akademy, Ljouwert 2001, 54.

⁴⁶ Province of Fryslân, *Fryslân yn sifers/Fryslân in cijfers*, Ljouwert/Leeuwarden 2001, 14.

⁴⁷ Ab van Langevelde, *Bilingualism and Regional Economic Development, A Dooyeweerdian Case Study of Fryslân*, Royal Dutch Geographical Society/Faculty of Geographical Sciences, Utrecht/Groningen 1999, 18.

⁴⁸ Jasper Blömer, Engbert Boneschansker and Iris van der Tuin, *Taal in de zorg/Taal yn ‘e soarch*, Economisch Bureau Coulon, Leeuwarden/Ljouwert, October 2001, 33.

3.5 Administrative structure

- 3.5.1 The basic administrative structure of the Netherlands, which consists of central government, provinces and municipalities, is laid down in the Dutch Constitution. In this context, two issues are relevant to this report. Article 123 of the Constitution provides that provinces and municipalities may be established and dissolved, and provincial and municipal boundaries redrawn, by law. Article 124 provides that provinces and municipalities have the authority to manage their own economic and administrative affairs (autonomy), although the state can take over the running of provinces and municipalities by or in accordance with the law (shared government). These provisions apply equally to the whole of the Netherlands, and thus also to the province of Fryslân and the Frisian municipalities.
- 3.5.2 The two issues mentioned in the preceding paragraph are discussed in greater depth below:
- for the reorganisation of provinces and municipalities and/or the redrawing of provincial borders and municipal boundaries, see sections 3.5.3 to 3.5.6;
 - for the tasks and responsibilities of provinces and municipalities, see sections 3.5.7 and 3.5.8.
- In these sections, this report examines the extent to which the presence of the Frisian language has an effect on policies concerning the reorganisation of, and the distribution of tasks and powers to, the province of Fryslân and the Frisian municipalities.
- 3.5.3 The consolidation of the administrative structure of the Netherlands, by increasing the scale of municipalities through amalgamation and reorganisation, was an important feature of government policy between 1998 and 2002. During this time, the government also discussed the role and requisite scale of the provinces. In fact, the combination of provinces into regions was raised on a number of occasions in the academic literature on public administration. The government chose not to speak out on this matter, but invited the provinces to consider the issue themselves.
- 3.5.4 In spring 2002, the provinces jointly issued a report on regional government in the twenty-first century, which addressed the above-mentioned issue. The report already regards provincial expansion in the Randstad conurbation as unavoidable, but does not advocate such expansion – at least not for the moment – in respect of the other provinces of the Netherlands, including Fryslân. However, the report does regard the effective cooperation of Fryslân with both its neighbours as an important issue from the point of view of administrative power. The official position of the province of Fryslân regarding the above-mentioned report was not available at the time of writing.
- 3.5.5 In matters relating to the province of Fryslân, central government has committed itself to respecting the administrative unit that is the province of Fryslân as a foundation for its policies. Through this undertaking, which was laid down in the Covenant on the Frisian Language and Culture (2001) (Covenant 1.2), the government continues to implement undertakings entered into by the Netherlands under Article 7(1)(b) of the European Charter for Regional or Minority Languages

- 3.5.6 Since the redrawing of the municipal boundaries in 1984, the province of Fryslân has comprised 31 municipalities.⁴⁹ The national debate on the further expansion of municipalities has had no consequences for Fryslân during the past three years, although the provincial authority of Fryslân has taken the initiative of analysing the problem areas and shortcomings of Frisian local government.⁵⁰
- 3.5.7 With regard to the tasks and powers of the province of Fryslân and the Frisian municipalities, it is important to note that central government's recognition of Fryslân as a bilingual province does not imply that the province has a special autonomous status (see section 3.2.4). Nevertheless, the provincial authority of Fryslân does have a number of special responsibilities that have been laid down by law, including the authority to grant exemptions to primary schools from teaching Frisian as a compulsory subject (see section 6.56). In addition, all local and regional administrative bodies in Fryslân are authorised to establish rules concerning the use of the Frisian language in written documents (see sections 8.25, 8.26 and 8.27).
- 3.5.8 In 1969, the provincial authority of Fryslân gave itself the power to determine the official spelling of the Frisian language.⁵¹
- 3.5.9 The Committee of Experts has determined that, in the case of the Frisian language, the Netherlands has complied with Article 7(1)(b) of the European Charter for Regional or Minority Languages.⁵² This article relates in particular to the existence, borders and responsibilities of the province of Fryslân, which have not undergone any changes. As mentioned earlier, central government respects the administrative unit that is the province of Fryslân (see section 3.5.5). The province of Fryslân is expected to issue a more detailed statement of its position, in accordance with the relevant provisions of the Covenant on the Frisian Language and Culture (2001).
- 3.5.10 **In summary**, it is clear that central government has recognised the bilingual character of the province of Fryslân, in the sense that Frisian has acquired a legally protected position in judicial and administrative matters, education and various sectors of society. In addition, the province of Fryslân possesses a limited number of specific powers in respect of the Frisian language, which are generally grounded in national legislation. Even so, the existence of the Frisian language has no consequences for the administrative position of the province of Fryslân in the Netherlands' overall administrative structure.

3.6 The Frisian language

- 3.6.1 The present report limits itself primarily to Frisian in Fryslân, that is to say, the language in respect of which the Netherlands has undertaken to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter. For Frisian spoken outside the province of Fryslân only the provisions of Part II of the Charter are applicable, as well as Articles 8(2) and 12(2) of the Charter.

⁴⁹ The redrawing of municipal boundaries in 1984 initially reduced the number of Frisian municipalities by thirteen. For the Frisian names of the newly created municipalities, see section 8.41.

⁵⁰ A.J.H. Smallenbroek and J.M. Bakker, *It lokaal bestjoer yn Fryslân en hoe fierder?* SGBO, The Hague 2001.

⁵¹ Provincial Bulletin 1969, 116.

⁵² Council of Europe, *Report of the Committee of Experts*, 16.

- 3.6.2 Frisian complies with the definition of a regional or minority language in the Charter, in the sense that it is a living language traditionally spoken within the territory of what is now the province of Fryslân by citizens of the Kingdom of the Netherlands, who form a group numerically smaller than the rest of the population of the state. Seventy-four per cent of the population of the province of Fryslân, which stood at 630,000 in 2001, currently speaks Frisian (see section 3.6.4). In practice, Frisian is a living language.⁵³
- 3.6.3 The Frisian language differs from Dutch, but is nevertheless related to it. Frisian belongs to the West Germanic languages located, together with Dutch, somewhere between German and English. In addition to its existence in the Netherlands, Frisian also belongs to the indigenous languages spoken in Germany, although this involves variants that differ to a greater or lesser extent from the Frisian used in the Dutch province of Fryslân.
- 3.6.4 This report regards people with an active or passive command of the Frisian language as users of Frisian. A recent study (1995) into the linguistic background, knowledge, behaviour and attitude of Frisians questioned over 1,300 inhabitants of Fryslân on these matters.⁵⁴ This study indicated that 74 per cent of the Frisian population is able to speak Frisian. A significant part of this group (19 per cent) probably learnt Frisian as a second language, as 55 per cent claim to have learnt Frisian as their mother tongue. Over half the Frisian population speaks Frisian at home. Approximately 94 per cent can understand Frisian, 65 per cent can read Frisian and 17 per cent can write Frisian.
- 3.6.5 Furthermore, on the basis of similar research published in 1969⁵⁵ and 1984⁵⁶, there appears to have been a slight decline in the ability to speak and read Frisian since the early 1970s, while the ability to write Frisian appears to have increased.⁵⁷ In general, however, it may be concluded that the position of Frisian in Fryslân is relatively stable.⁵⁸

Command of Frisian, 1967-1994, in per cent⁵⁹

	1967	1980	1994
Comprehension	97.2	94.3	94.3
Speaking	84.9	73.4	74.0
Reading	68.9	64.9	64.5
Writing	11.5	10.6	17.0
Number of respondents (N)	800	1,126	1,368

⁵³ As far as the territory of the province of Fryslân is concerned, it should be noted that, in the municipalities of Ooststellingwerf and Weststellingwerf (total population over 51,000) in the south of the province and in the municipality of het Bildt (population over 10,000) in the north, Frisian is spoken alongside the Stellingwerf (a Lower Saxon variant) and Bildt dialects (see section 3.6.9). On the Frisian Islands (total population over 10,000), almost no Frisian is spoken on Ameland and Vlieland. On Terschelling and Schiermonnikoog, a small minority still speaks Frisian dialects, some of which differ substantially from standard Frisian.

⁵⁴ Durk Gorter and Reitze J. Jonkman, *Taal yn Fryslân op 'e nij besjoen*, Fryske Akademy, Ljouwert 1995.

⁵⁵ L. Pietersen, *De Friezen en hun taal*, Laverman, Drachten 1969.

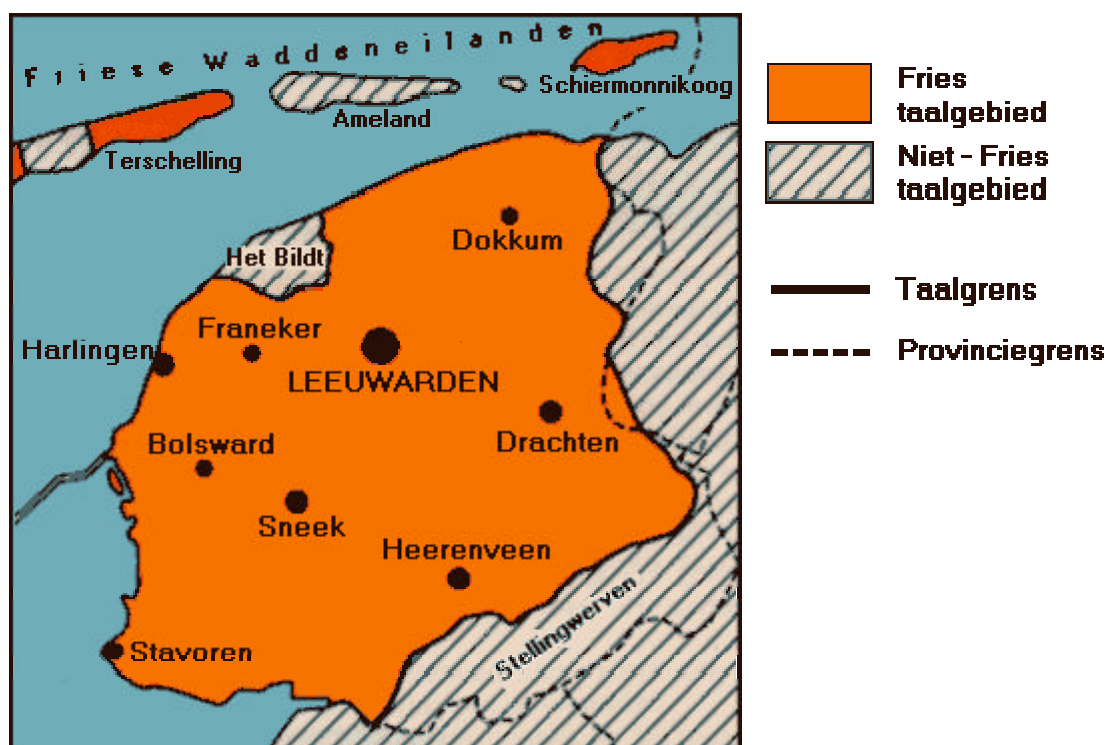
⁵⁶ D. Gorter, G.H. Jelsma, P.H. van der Plank and K. de Vos, *Taal yn Fryslân*, Fryske Akademy, Ljouwert 1984.

⁵⁷ Durk Gorter, Alex Riemersma and Jehannes Ytsma, 'Frisian in the Netherlands', in: Guus Extra and Durk Gorter (eds.), *The other languages of Europe*, Multilingual Matters, Clevedon 2001, 104-105.

⁵⁸ Durk Gorter and Reitze J. Jonkman, *Taal yn Fryslân op 'e nij besjoen*, Fryske Akademy, Ljouwert 1995, 8.

⁵⁹ *Ibid.*, 8.

3.6.6 The relatively stable position of Frisian is characterised by diglossia, a separation between a community's spoken and written languages, in which the lower variant – Frisian – is used for everyday speech, and the higher variant – Dutch – for written texts.⁶⁰ At the same time, however, it is clear that Dutch is in a stronger position than Frisian as regards position and use in today's multilingual Fryslân.⁶¹



Legend of the Frisian language map
 Fries taalgebied = Frisian language area
 Niet – Fries taalgebied = Non-Frisian language area
 Taalgrens = Language boundary
 Provinciegrens = Provincial border

3.6.7 The superior status of Dutch as regards position and use also applies in relation to the non-Frisian local languages and dialects spoken in Fryslân, which constitute the mother tongue of 11 per cent of the population. The total number of active speakers of local languages is estimated at approximately 48,000. An overwhelming majority of this number speaks one of the urban dialects. Mention should also be made of the Stellingwerf and Bildt dialects, which account for 11,500 and 3,200 speakers respectively.⁶² In view of the rapidly declining transmission of regional or minority languages from generation to generation, the future looks bleak for the local languages and dialects in question.⁶³

⁶⁰ Durk Gorter, 'It Frysk lêze: kinne en dwaan', in: Rolf H. Bremmer, Jr., Lammert G. Jansma and Piet Visser (eds.), *Speculum Frisicum*, Fryske Akademy, Ljouwert 2001, 435.

⁶¹ Durk Gorter, 'De meartalige Fries', in: Piet Hemminga (ed.), *De Aktuele Steat fan Fryslân*, Ljouwert 2001, 104.

⁶² *Ibid.*, 99.

⁶³ *Ibid.*, 101.

- 3.6.8 An examination of the use of Frisian in various sectors of society reveals the following patterns. In the family, the workplace and the countryside, the position of Frisian is relatively strong, but in more formal sectors, such as the written media, government, legislation and education, its position is relatively weak, although there has been a certain increase in the use of Frisian in these sectors in recent decades.⁶⁴ With regard to attitudes towards Frisian, 80 per cent of those questioned disagreed with statements such as ‘Frisian is a dialect’, ‘Frisian is no longer relevant’ or ‘I don’t want anything to do with Frisian’.⁶⁵ The same study indicates that Frisian means a great deal to 65 per cent of the respondents, while to 13 per cent of those questioned it is only of marginal importance.
- 3.6.9 At the end of 2001, the Ried fan de Fryske movement conducted a random telephone survey of 285 inhabitants of Fryslân to determine the level of support for granting equal treatment to Frisian. The main questions were whether the possibility of using Frisian in all situations and/or sectors would generate problems and whether it is reasonable to expect everyone to have a passive knowledge of Frisian. The overwhelming majority of respondents did not believe that the possibility of using Frisian in all situations and/or sectors would lead to problems. In addition, a comfortable majority felt that an ability to understand Frisian could be regarded as a basic social requirement. However, the respondents did not expect that everyone should be able to read and write Frisian.⁶⁶
- 3.6.10 **In summary**, there appears to have been a slight decline in the ability to speak and read Frisian since the beginning of the 1970s, while the ability to write Frisian appears to have increased. In general, the position of Frisian in Fryslân is relatively stable.

3.7 Policy

- 3.7.1 The most important policy document on the Frisian language during the period under discussion is without doubt the Covenant on the Frisian Language and Culture, which was signed by central government and the province of Fryslân on 5 June 2001. This report has already touched upon the nature of the new Covenant and the interaction between the Covenant and the Charter (see section 2.16). The following paragraphs examine various issues that are of particular relevance to the implementation of the Covenant (see sections 3.7.2 to 3.7.5). This is followed by a summary of the degree to which national and provincial policy documents currently address the implications of the policy proposals concerning the Frisian language in various policy areas (see section 3.7.6 et seq.).
- 3.7.2 This focus on the position of Frisian in policy documents is a direct consequence of the new Covenant. In the general provisions of the Covenant, the parties agree that central government and the province of Fryslân will ensure that all policy documents relating to areas regarded as falling within the scope of the Covenant, having regard to the provisions of the European Charter accepted by the Netherlands, will consider the consequences of the policy intentions for the Frisian language (Covenant 1.1).

⁶⁴ Ibid., 106.

⁶⁵ Durk Gorter and Reitze J. Jonkman, *Taal yn Fryslân op ‘e nij besjoen*, Fryske Akademy, Ljouwert 1995, 34.

⁶⁶ Arjen Versloot, ‘Opinypeiling draachflak Fryske taal’, *De Pompeblêden* 73(1), 2002, 2-5.

- 3.7.3 Two advisory bodies support Frisian language policy: the Consultative Committee on the Frisian Language and the Berie foar it Frysk (Covenant 1.3 and 1.4). The first body advises the Dutch government on all matters concerning the Frisian language by reporting the needs and wishes in relation to the Frisian language and culture to the Minister of the Interior and Kingdom Relations.⁶⁷ The second body, the Berie foar it Frysk, advises the provincial executive of Fryslân on general policy developments and trends within society relating to the language policies of the province of Fryslân.
- 3.7.4 In the final provisions of the third Covenant, central government and the province of Fryslân agree to use the 2001-2004 period to explore ways of operationalising the provisions of the European Charter. The periods between 2004 and 2007 and 2007 and 2010 will be used for this purpose, where necessary by means of supplementary legislation (Covenant 9.2 and 9.3).
- 3.7.5 In consultations that are to take place at least once every three years between central government and the province of Fryslân concerning the implementation of activities in the framework of the Covenant, the parties will conclude implementation covenants for the above-mentioned periods that include agreements on funding. In addition, the parties will issue annual reports on the implementation of the Covenant and the related implementation covenants. These reports will be submitted to the House of Representatives of the States General and the provincial council of Fryslân (Covenant 9.6).
- 3.7.6 The following paragraphs examine the manner in which central government and the province of Fryslân are currently implementing Article 1(1) of the new Covenant. The paragraphs follow the structure employed in Part III of the Charter, first for central government and then for the province of Fryslân.
- 3.7.7 **Government policy documents on education (Article 8 of the Charter).** At present, the government is preparing a number of changes in primary and secondary education that may also have implications for the position of Frisian in education. With regard to primary education, a committee established by the Ministry of Education, Culture and Science issued a report that was subsequently submitted to the Education Council for an advisory report (see section 6.3). The government's position regarding the above-mentioned reports was not available at the time of writing.
- 3.7.8 With regard to the proposed changes in secondary education, the Education Council indicated in its advisory report on basic secondary education that, in its opinion, Frisian belongs in the optional curriculum and that the relevant attainment targets should therefore be developed and brought up to date (see *inter alia* section 6.5). Notwithstanding the agreements in Article 1(1) of the Covenant on the Frisian Language and Culture (2001), the government did not comment on this section of the Education Council's advisory report.⁶⁸

⁶⁷ The decree establishing the Consultative Committee on the Frisian Language was amended by a decree of 14 March 2002 to the extent that the committee's tasks now include advising on the implementation of the Covenant on the Frisian Language and Culture (2001) and the associated implementation covenants. In addition, a decision was made to increase the number of members from three to five, as well as to admit observers (Government Gazette 2002, 62).

⁶⁸ Parliamentary Papers II (House of Representatives) 2001-2002, 26 733, no. 13.

- 3.7.9 **Government policy documents on the use of language in judicial and administrative matters (Articles 9 and 10 of the Charter).** Policy measures concerning the use of the Frisian language in this area have been laid down in legislation, and no policy documents that are relevant to the position of Frisian are currently under discussion. However, the State Secretary for the Interior and Kingdom Relations has pointed out on a number of occasions – for instance at the signing of the Covenant on the Frisian Language and Culture (2001) – that government agencies whose jurisdiction encompasses Fryslân ought to examine whether, in the light of the Charter, a regulation needs to be drafted concerning the use of the Frisian language in oral and written communications between such agencies and citizens in Fryslân.
- 3.7.10 **Government policy documents on the media (Article 11 of the Charter).** Policy measures concerning the use of the Frisian language have been laid down in legislation, and no policy documents that are relevant to the position of Frisian are currently under discussion.
- 3.7.11 **Government policy documents on culture (Article 12 of the Charter).** The policy document on culture for 1997-2000, which was issued in 1996, explicitly discusses the presence of Frisian as a second language in the Netherlands.⁶⁹ This is not the case in the new policy document on culture for 2001-2004. The explanation for this is that the new policy document devotes no attention to language as an element of Dutch cultural policy, including both Frisian and Dutch. None of this has any implications for policy concerning the Frisian language, however, as the new policy document – like the policy document of 1996 – lists the Frisian-language faculties and activities that will be receiving grants (see further section 10.1).
- 3.7.12 **Government policy documents on economic and social life (Article 13 of the Charter).** Specific policy memorandums that are relevant to the position of the Frisian language are currently unavailable.
- 3.7.13 **Government policy documents on international cultural relations (Article 14 of the Charter).** Specific policy documents that are relevant to the position of the Frisian language are currently unavailable.
- 3.7.14 **Other.** On 1 February 1995, the Netherlands signed the Framework Convention for the Protection of National Minorities (ETS 157), which was concluded in Strasbourg on the same day.⁷⁰ On 4 February 1999, a bill for the approval of the Framework Convention was submitted to the House of Representatives.⁷¹ After its approval, the protection of national minorities sought by the Convention will in any event apply to the Frisians. In addition, the government has proposed to extend the intended protection to the new minorities, i.e. persons residing in the Netherlands who belong to the target groups of Dutch integration policy. The House of Representatives approved the bill on 28 March 2000. At present, the bill is before the Senate. At the

⁶⁹ Auke S. van der Goot, *European Charter for Regional or Minority Languages. Report on the measures taken by the Netherlands with regard to the Frisian language and culture*, Fryske Akademy, Ministry of the Interior and Kingdom Relations, The Hague 1999, para. 8.5.

⁷⁰ Dutch Treaty Series 1995, 73 and 197 (Dutch translation).

⁷¹ Parliamentary Papers II (House of Representatives) 1998-1999, 26 389, nos. 1 and 2.

request of the then Minister for Urban Policy and Integration of Ethnic Minorities, however, the Senate has suspended its discussion of the bill.⁷²

- 3.7.15 **Provincial policy documents on education (Article 8 of the Charter).** With regard to the position of Frisian in education, two provincial policy memorandums were particularly relevant at the time of writing. The first memorandum is entitled ‘Plan fan Oanpak Frysk yn it ûnderwiis Provinsje Fryslân’ (Action Plan on Frisian in Education) (see *inter alia* sections 6.12, 6.28, 6.51, 6.59, 6.80, 6.85, 6.90, 6.91, 6.128 and 6.134). The second memorandum is entitled ‘Aan de slag met onderwijskansen’ (Educational opportunities at work) (see section 6.52). It was developed by the province of Fryslân for primary schools in Frisian municipalities, excluding Leeuwarden, at the request of the Ministry of Education, Culture and Science.⁷³ Language is one of a number of possible regional themes mentioned in the memorandum. For this purpose, the following key question was formulated: ‘Under what circumstances would it be possible to set up bilingual primary education in such a manner that students at ‘educational opportunity’ schools would also achieve good results in Dutch and Frisian?’⁷⁴
- 3.7.16 **Provincial policy documents on the use of language in judicial and administrative matters (Articles 9 and 10 of the Charter).** The province has no powers of its own with regard to the use of language in legal matters. Recent provincial policy documents on this issue are therefore unavailable. However, the provincial authority of Fryslân does intend to adopt a policy document on language policy in 2002 (see sections 3.7.21 and 3.7.22).
- 3.7.17 **Provincial policy documents on the media (Article 11 of the Charter).** In 2001, the provincial council of Fryslân adopted a memorandum on regional broadcasting, entitled ‘Finansjele Ympuls Omrop Fryslân’, (Financial incentives for broadcasting in Fryslân) which partially implements another memorandum on regional broadcasting, entitled ‘Provinsjale Omroptysje’, which was adopted in 1999. The 2001 memorandum is based on the section on the media in the new Covenant on the Frisian Language and Culture. In addition, given the importance of the Frisian language, the memorandum sets aside additional resources for Omrop Fryslân (the Frisian broadcasting agency) during the 2001-2003 period, to help it create original Frisian drama, broadcast major events and programmes on location, and improve the range and quality of its daily television broadcasts (see section 9.24).
- 3.7.18 **Provincial policy documents on culture (Article 12 of the Charter).** With regard to cultural policy, the province of Fryslân adopted a memorandum in 2000, entitled ‘Kultuer yn Fryslân 20.01\04’. This memorandum highlights the province of Fryslân’s primary responsibility and initiatory role with regard to the Frisian language (see sections 10.4 and 10.5). In 1998, the province of Fryslân adopted a separate memorandum on literature policy. Through this memorandum, entitled ‘Notysje Letterebelied’, provincial literature policy in Fryslân acquired a new legal foundation as of 1 January 1999.

⁷² Proceedings I (Proceedings of the Senate) 2000-2001, no. 31, p. 1408 and Appendix to Proceedings II (Proceedings of the House of Representatives) 2001-2002, no. 1058.

⁷³ Province of Fryslân, *Project Onderwijskansen, Plan van Aanpak*, Leeuwarden, December 2001.

⁷⁴ *Ibid.*, 6.

- 3.7.19 **Provincial policy documents on economic and social life (Article 13 of the Charter).** Specific policy documents that are relevant to the position of the Frisian language are currently unavailable, but the new policy document on language policy will deal with these issues (see sections 3.7.21 and 3.7.22).
- 3.7.20 **Provincial policy documents on international cultural relations (Article 14 of the Charter).** Specific policy documents on this issue are currently unavailable.
- 3.7.21 **Other.** In 2002, the provincial authority of Fryslân intends to adopt a policy document on language that will give shape to its vision on Frisian language policy. This policy document will replace the one issued by the provincial executive of Fryslân in 1991, which was entitled ‘Ramtnota Taalbelied’ (Framework Document on Language Policy) The administrative instruction for the new policy document, as discussed in the provincial committee on welfare on 12 March 2002, indicates that the motto of the policy document will be ‘Fan rjocht nei praktyk’ (From law to practice). The starting point remains the equality and equal treatment of Frisian.
- 3.7.22 The administrative instruction was followed on 5 June 2002 by a memorandum, entitled ‘Notysje Utgongspunten Nota Taalbelied’, which was discussed in the provincial committee on welfare. This memorandum lists eight starting points for the forthcoming policy document:
1. implementing the objective of strengthening Frisian in all sectors of society;
 2. implementing the Covenant on the Frisian Language and Culture (2001);
 3. developing a ‘made-to-measure’ approach;
 4. different provincial roles (directing, initiating, coordinating, etc.);
 5. participation of subsidised institutions;
 6. systematic communication;
 7. strategy development; and
 8. model function.

3.7.23 In summary, it is clear that the Frisian language is receiving attention from central government as well as from the province of Fryslân. The most important policy document is the Covenant on the Frisian Language and Culture (2001), which is of great significance from the point of view of both policy and procedure. As far as further policy documents of central government and the province of Fryslân are concerned, developments are to be expected primarily in the field of education and in relation to the use of Frisian in administrative matters

PART I

4 General measures

- 4.1 According to the outline of the Committee of Ministers of the Council of Europe for the preparation of the periodical reports, Part I should provide an overview of existing laws and regulations that are relevant to the implementation of the European Charter for Regional or Minority Languages. The overview provided in annexe 1 distinguishes between national laws and regulations, bye-laws and regulations issued by the province of Fryslân and bye-laws issued by the municipal authorities of Fryslân.

The most important policy document concerning the Frisian language is the new Covenant on the Frisian Language and Culture (2001-2010), which was signed on 5 June 2001 (Government Gazette 2001, 125). In the framework of the Covenant, central government and the province of Fryslân concluded numerous agreements to improve the status of the Frisian language and culture. Chapter 3 of the current report also includes an overview of policy documents relevant to the Frisian language (see sections 3.7.1 to 3.7.23). This overview distinguishes between central government policy documents and those of the province of Fryslân. The province of Fryslân is currently in the middle of implementing the provisions of the European Charter in its own policies, thereby implementing the agreements made within the framework of the Covenant. In this context, it has issued, or is currently drafting, the following policy documents:

- an educational action plan, entitled ‘Plan fan oanpak Frysk yn it ûnderwiis Provinsje Fryslân’;
- an action plan concerning educational opportunities;
- a memorandum on broadcasting, entitled ‘Finansjele Ympuls Omrop Fryslân’;
- a memorandum on cultural policy, entitled ‘Kultuer yn Fryslân 20.01\04’;
- a policy document on language policy.

No new case law concerning the Frisian language came into being between 1999 and 2001.

- 4.2 Annexe 6 provides an overview of legally established institutions and organisations for the safeguarding and development of the Frisian language that are located in the Netherlands.
- 4.3 Annexe 5 provides an overview of the bodies and organisations that were requested to provide additional information during the preparation of this report, as well as the institutions that provided additional comments or corrections regarding an earlier version of this report.
- 4.4 According to Article 6 of the Charter the parties undertake to see to it that the authorities, organisations and persons concerned are informed of the rights and duties established by the Charter. the following activities are worth mentioning:

First, the Dutch government has involved the responsible regional authorities, institutions and associations as much as possible in the preparation of the periodical reports, to ensure that they are well informed regarding the rights and duties arising from the Charter. The Ministry of the Interior and Kingdom Relations instructed the

Fryske Akademy to prepare the report on the Frisian language, and the latter duly involved the relevant authorities, institutions and associations in the preparation of the report. In addition, the signing of the new Covenant on the Frisian Language and Culture (2001) has also contributed to the fulfilment of the obligation contained in Article 6 of the Charter. In cooperation with the Council of Europe, finally, the Ministry of the Interior and Kingdom Relations organised an international conference on the European Charter, which took place in Noordwijkerhout on 30 November and 1 December 2001.

Second, it is worth mentioning the activities of the Consultative Committee on the Frisian Language (see section 5.13). The task of this body, as already mentioned (see section 3.7.3), is to report to the Minister of the Interior and Kingdom Relations on wishes and needs of Frisian-language groups in relation to the Charter. With this in mind, the Committee holds periodic discussions with representatives of Frisian civil-society organisations. On 23 June 1999, the Committee held a one-day workshop in Leeuwarden that was attended by numerous organisations and institutions. The Committee has used the conclusions from the above-mentioned discussions and the workshop in its advice to central government.

Third, it is also worth mentioning the activities of the Berie foar it Frysk (see section 5.13). During the period covered by this report, these activities included an afternoon workshop for Frisian municipal officials on 22 May 2001.⁷⁵ Prior to this, on 12 October 2000, the organisation held a workshop for Frisian municipal administrators, in cooperation with the Association of Frisian Municipalities, which examined ways in which municipalities can give fresh impetus to policies on Frisian language and culture on the basis of the European Charter.⁷⁶

Fourth, it is worth drawing attention to activities that took place in Fryslân in 2001 in the framework of the European Year of Languages. These activities also helped to increase awareness of the European Charter (see sections 10.68-10.70).

Fifth, in recent years, a number of articles on the European Charter have appeared in a Frisian-language journal, entitled *De Pompeblêden, tydskrift foar Fryske stúdzje*, which is published by the Algemene Fryske Underrjocht Kommissje (AFUK).⁷⁷

Finally, it is worth noting that the publication of the European Charter, as well as the overview of signatures and ratifications, the monitoring mechanism and the publication of, *inter alia*, the Committee of Experts' findings, ensure that a wide range of relevant information is always available.⁷⁸ The visit of the Committee of

⁷⁵ Berie foar it Frysk, *Rapportazje fan de wurksumheden oer de jierren 1999-2001*, Berie report no. 20, Ljouwert 2002, 42.

⁷⁶ *Ibid.*, 28.

⁷⁷ Alex Riemersma, 'Europeesk Hânfest foar regionale of minderheidstalen fan krêft', *De Pompeblêden* 69(3), 1998, 29-31.

Auke van der Goot, 'Fryske-taalbelied foarlein oan de Ried fan Europa', *De Pompeblêden* 70(1), 1999, 2-6.

Rindert Straatsma, 'Frysk yn it offisjele ferkear: it Europeesk Hânfest en belied fan provinsje en gemeenten', *De Pompeblêden* 72(2), 2001, 26-30.

Alex Riemersma, 'Stipe foar minderheidstalen yn Europa noch net wetlik regele', *De Pompeblêden* 72(4), 2001, 46-81.

Alex Riemersma, 'Nije politike ûntjouwings oangeande it Frysk op skoalle', *De Pompeblêden* 73(2), 2002, 28-29.

⁷⁸ See http://www.coe.int/T/E/Legal_Affairs/Local_and_regional_Democracy/Regional_or_Minority_languages/.

Experts to the Netherlands and Fryslân, on 23-24 February 2000, received a considerable amount of publicity. The same applies to the report of the Committee of Experts, which was published at the end of 2001.

4.5 On 19 September 2001, the Committee of Ministers of the Council of Europe took note of the report of the Committee of Experts and formulated a number of recommendations. In these recommendations, which were included in the report of the Committee of Experts as an annexe, the Committee of Ministers recommends that the Netherlands take account of all the observations of the Committee of Experts and, as a matter of priority:

1. take the necessary steps to ensure that a substantial part of pre-school and primary education is available in Frisian. In order to achieve the authorities' objectives in respect of Frisian, the quality and the continuity of the teaching of Frisian throughout the education process, and in particular in secondary education, should be improved. Further efforts should be made to ensure and improve the necessary basic and further teacher training at primary and secondary level, as far as Frisian is concerned;
2. ensure the practical implementation of existing legal provisions as regards the use of Frisian in relation to the judicial and administrative authorities;
3. take into account the special needs of broadcasting in Frisian and consider increasing its financial support;
4. develop a general national language policy for those languages covered only by Part II of the Charter, based on the objectives and principles laid down therein.

The implementation of these recommendations is currently in progress. It is worth noting in this regard that, in anticipation of the Council of Europe's recommendations, central government and the province of Fryslân signed a new Covenant on the Frisian Language and Culture, which implements many of the provisions of the Charter, on 5 June 2001. The implementation of the Covenant will also address the first three recommendations of the Committee of Ministers. The fourth recommendation, which relates to languages covered by Part II of the Charter, will be dealt with separately.

4.6 With regard to the steps it has undertaken to inform the government bodies, judicial authorities and civil-society organisations concerned of the above-mentioned recommendations, the Dutch government has noted with satisfaction, on the basis of letters and comments from the relevant provincial authorities and organisations, that the authorities and associations in question have already taken note of the report of the Committee of Experts and the recommendations of the Committee of Ministers of the Council of Europe by other means, for example, via the websites of the Council of Europe and the Dutch committee of the European Bureau for Lesser Used Languages. In due course, the Ministry of the Interior and Kingdom Relations also intends to post the report and the recommendations on its website.⁷⁹ Furthermore, the Ministry of Justice is liaising with the judicial authorities in Fryslân regarding the implementation of the recommendations relating to Article 9 of the European Charter.

⁷⁹ See <http://www.minbzk.nl>.

- 4.7 In answer to the question of how the government has involved the government bodies, judicial authorities and civil-society organisations concerned in the implementation of the recommendations, the reader is referred to sections 4.5 and 4.6 above.

PART II

5 Objectives and principles

- 5.1 Under Article 7 of the European Charter for Regional or Minority Languages, the Netherlands has undertaken to base its policies, legislation and practical measures in respect of the Frisian language, within the territories in which the Frisian language is used and according to the situation of the Frisian language, on the following objectives and principles:

Article 7(1)(a): recognition of the Frisian language as an expression of cultural wealth

- 5.2 The Committee of Experts has determined that Article 7(1)(a) implies a recognition of the existence of the Frisian language, as well as the legitimacy of its use.⁸⁰ In practice, this provision is a precondition for taking the specific features and needs of the language in question into consideration and for taking appropriate action on its behalf. Furthermore, with its inclusion within the scope of the European Charter, the Netherlands fully recognises the importance of the Frisian language as an expression of cultural wealth.

Article 7(1)(b): respect of the administrative division of the language area

- 5.3 The Committee of Experts considers that Article 7(1)(b) has been fulfilled for the Frisian language.⁸¹ This provision particularly concerns the existence, borders and tasks of the province of Fryslân, which have not been subject to change. As already mentioned, central government and the province of Fryslân confirmed in the Covenant on the Frisian Language and Culture (2001) (Covenant 1.2) that central government will respect the administrative unit that is the province of Fryslân (see section 3.5.5).

Article 7(1)(c): need for resolute action

- 5.4 It is clear that the Dutch authorities at national, provincial and municipal level are generally aware of the need to safeguard the Frisian language. This is also indicated by the fact that central government and the province of Fryslân, by signing a new Covenant on the Frisian Language and Culture, are seeking to implement the undertakings entered into by the Netherlands under Part III of the European Charter. The actual implementation of these undertakings is discussed in greater depth in Part III of this report.

⁸⁰ Council of Europe, *Report of the Committee of Experts*, 15.

⁸¹ *Ibid.*, 16.

Article 7(1)(d): facilitation and/or encouragement of the use of the Frisian language

- 5.5 The actions taken by the Dutch government to facilitate and/or encourage the use of the Frisian language in speech and writing in public and private life are described in Part III of this report.

Article 7(1)(e): maintenance and development of links between groups using the Frisian language and other groups employing a language used in identical or similar form

- 5.6 The actions taken by the Dutch government to maintain and develop links between Frisian-speakers and other groups using identical or similar languages are described in Part III, chapters 10 and 12, of this report.

Article 7(1)(f): teaching and study of the Frisian language

- 5.7 The actions taken by the Dutch government to provide appropriate forms and means for the teaching and study of the Frisian language at all appropriate stages of education are described in Part III, chapter 6, of this report.

Article 7(1)(g): facilities enabling non-speakers of the Frisian language living in Fryslân to learn the Frisian language

- 5.8 The actions taken by the Dutch government to provide the facilities enabling non-speakers of the Frisian language living in Fryslân to learn the Frisian language if they so desire are described in Part III, chapters 6 and 10, of this report.

Article 7(1)(h): study and research of the Frisian language at universities

- 5.9 The actions taken by the Dutch government to promote the study and research of the Frisian language at universities or equivalent institutions are described in Part III, chapters 6 and 10, of this report.

Article 7(1)(i): transnational exchanges

- 5.10 The actions taken by the Dutch government to promote appropriate types of transnational exchanges, in the fields covered by the European Charter, for Frisian-speakers in the Netherlands and Germany are described in Part III, chapter 12 of this report.

Article 7(2): eliminating any unjustified distinction, exclusion, restriction or preference

- 5.11 On accepting the European Charter, the Netherlands undertook to eliminate, if it had not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of the Frisian language and intended to discourage or endanger its maintenance or development. The adoption of special measures in favour of the Frisian language, aimed at promoting equality between users of the Frisian language and the rest of the population, or which take due account of their specific conditions, is not considered to be an act of discrimination against the users of more widely-used languages. The Committee of Experts considers that in general the Netherlands fulfils this undertaking.⁸²

Article 7(3): promoting mutual understanding

⁸² Ibid., 45.

- 5.12 On accepting the European Charter, the Netherlands undertook 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 the Frisian language among the objectives of education and training provided within the Netherlands and encouragement of the mass media to pursue the same objective. The Committee of Experts considers that there is no evidence, apart from some efforts concerning the position of the Frisian language in the media, that the Netherlands has undertaken any initiatives of the kind described in Article 7(3).⁸³ In so far as specific actions to promote mutual understanding are concerned, this report is also unable to provide any evidence of initiatives during the period it covers, with the exception of the aforementioned workshop and the subsequent report and consultations on integration issues and Frisian (see section 3.3.7).

Article 7(4): advisory mechanisms

- 5.13 On accepting the European Charter, the Netherlands undertook, in determining its policy with regard to the Frisian language, to take into consideration the wishes and needs of Frisian-language groups. These groups are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to the Frisian language.

On 15 January 1998, the Ministry of the Interior and Kingdom Relations issued a decree establishing a Consultative Committee on the Frisian Language for the purpose of advising the Dutch government on all matters pertaining to the Frisian language (*Government Gazette* 1998, 33).⁸⁴ This Committee, which was inaugurated on 19 January 1998 in Leeuwarden, currently comprises five members and a secretary who is a civil servant.⁸⁵ In June 2000, the Consultative Committee issued a memorandum in the form of an advisory report on the first report concerning the measures adopted by the Netherlands in respect of the Frisian language to the State Secretary for the Interior and Kingdom Relations.⁸⁶ The Berie foar it Frysk advises the provincial authority of Fryslân on language policy and related general policy issues. In addition, the organisation is also responsible for advising the provincial authority on the relationship between provincial language policy and that of the Frisian municipalities and central government, actions to ensure that provincial language policy is not isolated from provincial policies in other areas, the policies of other government bodies and developments in society, and issues requiring further study and research.⁸⁷

⁸³ Ibid., 47.

⁸⁴ The decree establishing the Consultative Committee on the Frisian Language was amended by the decree of 19 February 2002, ref. BW2002/U58332, to the extent that a new second paragraph has been added, as a result of which the Committee's responsibilities now include advising the Minister of the Interior and Kingdom Relations on the implementation of the Covenant on the Frisian Language and Culture (2001) and the associated implementation covenants, in relation to the European Charter for Regional or Minority Languages (*Government Gazette* 2002, 62).

⁸⁵ By a decree of 19 February 2002, ref. BW2002/U58333, the State Secretary for the Interior and Kingdom Relations appointed or reappointed the five members of the consultative body on the Frisian language, while taking account of the relevant retirement schedule.

⁸⁶ Consultative Committee on the Frisian Language, *Memorandum 2000*, Leeuwarden, June 2000.

⁸⁷ Berie foar it Frysk, *Rapportazje fan de wurksumheden oer de jierren 1999-2001*, Berie report no. 20, Ljouwert 2002, 11.

The Committee of Experts has established that the provincial authority of Fryslân and the Fryske Akademy were consulted prior to the adoption of the report as well as during its preparation.⁸⁸ A similar procedure was followed for the adoption and preparation of the present report (see annexe 6).

Article 7(5): non-territorial languages

5.14 Article 7(5) regulates the application of the principles listed in paragraphs 1 to 4 to non-territorial languages. It therefore does not apply to the Frisian language.

PART III

6 Article 8: Education

6.1 Pre-school facilities – such as playgroups and childcare centres – do not fall under the responsibility of the Ministry of Education, Culture and Science in the Netherlands and are not formally part of the Dutch education system. On the basis of section 4 of the Social Welfare Act (Bulletin of Acts and Decrees 447), responsibility for providing pre-school education is decentralised and belongs to the municipalities. Funding for pre-school education comes from the Municipalities Fund.

6.2 Primary education in the Netherlands is aimed at children between the ages of four and twelve and lasts eight years, which in practice are divided into eight year groups. Although primary schools admit children from the age of four, compulsory education starts at the age of five.⁸⁹ Ninety-nine per cent of children begin attending school at the age of four. Primary education and special schools for primary education are regulated by the Primary Education Act (WPO) (Bulletin of Acts and Decrees 1998, 495). The WPO replaced the Primary Education Act (WBO) of 1981, but differs from it on only a few points and did not modify the requirements regarding the subject of Frisian.⁹⁰ This means that, pursuant to section 9, subsection 4 of the WPO, primary schools and special primary schools for primary education must also provide education in the Frisian language in the province of Fryslân, unless the provincial executive of Fryslân has granted an exemption (see section 6.50). Pursuant to section 9, subsection 8 of the WPO, primary schools and special primary schools for primary education may also use Frisian as a language of instruction (see sections 6.50 and 6.51). Pursuant to section 9, subsection 5 of the WPO, attainment targets for the Frisian language are established by means of an order in council (see section 6.3). Section 134, subsection 2 of the WPO regulates the annual reimbursement for of the cost of maintaining Frisian-language education (see section 6.54). Finally, section

⁸⁸ Ibid., 48.

⁸⁹ The bill amending the Primary Education Act, the Expertise Centres Act and the Compulsory Education Act 1969 in respect of certain age limits and other matters provides that compulsory education shall start at the age of four: see Parliamentary Papers II (House of Representatives) 2001-2002, 28 085, nos. 1 and 2.

⁹⁰ In the past, special schools did not fall under the Primary Education Act. As of 1998, however, the old MLK and LOM schools for children with learning difficulties or with learning and behavioural difficulties (now known as special schools for primary education) fall under the new Primary Education Act. Children with severe learning difficulties and children with physical, visual and other disabilities follow a form of special education that does not fall under the Primary Education Act, but under the Expertise Centres Act (WEC) (Bulletin of Acts and Decrees 1998, 496) (see section 6.56).

186, subsection 5 of the WPO determines which certificates of competence authorise qualify teachers to teach in Frisian (see section 6.169).

- 6.3 In 1993, for the first time, the Minister of Education set attainment targets for all compulsory subjects in primary education.⁹¹ Since then, primary schools have been required to treat the attainment targets in each subject as goals that must be achieved by the end of primary education. In 1998, the attainment targets of 4 May 1993 were revised. The Primary Education (Attainment Targets) Decree of 1998 (Bulletin of Acts and Decrees 1998, 354) set new attainment targets for the Frisian language that are compulsory only for schools in the province of Fryslân. These targets are the same as the attainment targets for Dutch. The Primary Education (Attainment Targets) Decree came into force on 1 August 1998 and includes a three-year transitional period.
- 6.4 In January 2002, the Committee on Attainment Targets in Primary Education, chaired by W.H.F.W. Wijnen, issued an advisory report on the use of attainment targets in primary education, entitled ‘Verantwoording Delen’ (Sharing Responsibility).⁹² This advisory report differentiates between a core component, consisting of subjects that are compulsory in all schools, and a differentiated component, which enables each school to make an individual selection from the national curriculum, based on the nature of the student population, parental preferences and the mission, objectives and identity of the school. The advisory report accords the Frisian language an intermediate position in primary education. In its recommendations, the Committee placed Frisian in the differentiated component, but with the proviso that it did not mean to tamper with established requirements regarding the teaching of Frisian in Fryslân. [Deleted final sentence of paragraph.]
- 6.5 Secondary education in the Netherlands is regulated by the Secondary Education Act (WVO). There are various types of secondary education:
- pre-vocational secondary education (VMBO), a combination of what was formerly known as junior general secondary education (MAVO) and pre-vocational education (VBO). VMBO was launched on 1 August 1999 and lasts four years;
 - practical training (formerly special secondary education for children with learning difficulties) and learning support (formerly special secondary education for children with learning and behavioural difficulties);
 - senior general secondary education (HAVO), lasting five years;
 - pre-university education (VWO), lasting six years.
- Compulsory education ends at the end of the school year in which a student reaches the age of sixteen.
- 6.6 In theory, since the 1993-1994 school year, all secondary schools start with the same general programme, known as basic secondary education. The programme lasts for a period of two to four years, with an average length of three years (ages twelve to fifteen).⁹³ In the interests of the students, each school can design its basic secondary

⁹¹ Primary Education (Attainment Targets) Decree of 4 May 1993 (Bulletin of Acts and Decrees 264).

⁹² Enclosure accompanying the letter from the State Secretary for Education, Culture and Science to the House of Representatives, 24 January 2002, ref. PO/KB/02 1342.

⁹³ The first stage of secondary education includes:
- the first three years of VWO and HAVO

education programme in such a manner that students achieve the relevant attainment targets in a minimum of two or a maximum of four years. As of 1 August 2001, the requirement to conclude basic secondary education with a series of final tests no longer applies (Bulletin of Acts and Decrees 2001, 340).

- 6.7 The recommended timetable for basic secondary education comprises fifteen subjects that are compulsory for all students, but in practice schools are able to introduce considerable variations. For schools in Fryslân, basic secondary education also includes the teaching of Frisian (see section 6.84).

The Education Inspectorate has now evaluated the first five years of basic secondary education (1993-1998) and published its findings in a report, entitled ‘Werken aan de basis; evaluatie van de basisvorming na vijf jaar’ (see sections 6.90 to 6.92). The Inspectorate also published sub-reports for each subject, including Frisian.⁹⁴ The main report identifies a number of problems in basic secondary education, including fragmentation and overloading of the syllabus and insufficient allowance for differences between students. In October 2001, at the request of the State Secretary for Education, Culture and Science, the Education Council issued an advisory report on how to adapt basic secondary education in the short term (resolving the most important problems as quickly as possible) and the long term (performing a thorough review of basic secondary education).⁹⁵ These developments, and their implications for the position of Frisian in basic secondary education, are discussed in greater depth in sections 6.93 to 6.98.

- 6.8 Basic secondary education is followed by the second stage of secondary education or *studiehuis*. It was introduced on 1 August 1998 and consists of the upper years of HAVO (years 4 and 5) and VWO (years 4, 5 and 6). The term ‘second stage’ refers to the syllabus. The term *studiehuis* refers to the way in which the syllabus is taught, for example, the number of traditional classes and the amount of time that students study independently. The objectives of the *studiehuis* are that students ‘learn how to learn’, are better prepared for higher education and acquire greater general knowledge.⁹⁶

In the second stage, students can choose between four subject combinations: culture and society, economics and society, science and health and science and technology. Each subject combination includes a number of subjects that are common to all subject combinations, a component that is specific to the chosen subject combination and an optional component (section 12, subsections 2, 3 and 4 of the Secondary

- all years of VMBO.

⁹⁴ Education Inspectorate, *Fries in de basisvorming. Evaluatie van de eerste vijf jaar*, Utrecht 1999.

⁹⁵ Education Council, *De basisvorming: aanpassing en toekomstbeeld*, advisory report, The Hague 2001. The Education Council is the government’s advisory body on education. In this capacity, it advises the government on key policy and legislative issues in the field of education. It occupies an independent position in relation to both the Ministry of Education, Culture and Science and the Ministry of Agriculture, Nature Management and Fisheries, as well as to the education sector. Not only does the Council advise the relevant ministers and state secretaries – either at their request or on its own initiative – but the House of Representatives and the Senate can also seek its advice. In addition, in certain special cases regulated by law, municipalities may also consult the Council. The Council consists of a maximum of nineteen members who are appointed in a personal capacity for a period of four years by Royal Decree. Following their initial appointment, members may be reappointed twice. They are independent and do not represent any interest groups. The members of the Council are appointed on the basis of their expertise and come from various sectors of society (education, science, public administration, etc.).

⁹⁶ See <http://www.slo.nl>.

Education Act).⁹⁷ Students can opt to study Frisian as an exam subject in the second stage of HAVO and VWO (see sections 6.100 to 6.104).

- 6.9 After basic secondary education, students at VMBO schools can choose between four programmes: a theoretical programme, a middle-management vocational programme, a basic vocational programme and a combined theoretical and vocational programme (sections 10 to 10d of the Secondary Education Act). The programmes consist of a common component, which is compulsory for all students, a sectoral component, which depends on whether the student has opted for engineering and technology, care and welfare, agriculture or economics, and an optional component, in which students can choose between a number of subjects, depending on the programme they have chosen. The various programmes all link up with secondary vocational education (MBO). Finally, secondary education in the Netherlands also includes learning support and practical training, which incorporate what was previously known as individualised pre-vocational training (IVBO).⁹⁸ Students can also opt to study Frisian as an exam subject in pre-vocational secondary education (see sections 6.100 to 6.106).
- 6.10 Higher education in the Netherlands encompasses higher professional education (HBO), university education (WO) and university-level distance learning through the Open University (OU). Higher education is regulated by the Higher Education and Research Act of 8 October 1992 (Bulletin of Acts and Decrees 593). A number of amendments have since brought about the adjustment of certain aspects of the Act. In 2000, the full text of the Act, as it stood on 1 January 2000, was published in the Bulletin of Acts and Decrees (2000, 11).
- 6.11 On 19 June 1999, the European ministers of education adopted the Bologna Declaration, which foresees the eventual creation of a European education area.⁹⁹ The implications of this development still need to be determined in greater depth, but it is already clear that the desired international coordination at least implies the introduction of an undergraduate/graduate model, including a statutory system of bachelor's and master's degrees. Every country is entitled to implement the BA/MA structure as it sees fit, and the Netherlands has opted to maintain the existing binary structure, that is to say, the distinction between university education and higher professional education. Under the new structure, Dutch universities offer two cycles: the *doctoraal*, which is equivalent to a master's degree at international level, and the *kandidaats* stage, which educates students to the level of a bachelor's degree. Higher professional education consists of one cycle, which is equivalent to a bachelor's degree at international level. It has been decided that colleges of higher professional education will also offer master's degrees, but the question of whether and how these degrees will be funded has yet to be answered. A number of academic institutions will introduce the new structure at the beginning of the 2002-2003 academic year. It is not yet clear, however, what the position of research training and teacher training, including teacher training in Frisian, will be in the new structure. Under the new BA/MA structure, the position of Frisian as a subject at the University of Amsterdam also remains unclear.¹⁰⁰

⁹⁷ See <http://www.ocw.nl>: Dossier on the second stage.

⁹⁸ See <http://www.ocw.nl>: VMBO in the Netherlands.

⁹⁹ The Bologna Declaration was signed by 29 European countries, including the Netherlands.

¹⁰⁰ Fryske Akademy, *Jierferslach 2000/2001*, Ljouwert 2001, 109.

- 6.12 The Adult and Vocational Education Act (WEB) (Bulletin of Acts and Decrees 1995, 501) came into force in January 1996.¹⁰¹ As its name suggests, the Act addresses vocational education (section 7.2.2) and adult education (section 7.3.1). The purpose of the Act was to combine all existing institutions for secondary vocational education and adult education into a network of approximately fifty Regional Training Centres (ROCs) through a process of mergers. This has now been achieved. There are currently two ROCs in the province of Fryslân, the Friese Poort and the Friesland College, as well as an Agricultural Training Centre (AOC) for education in the field of agriculture and the natural environment. AOCs also fall under the Adult and Vocational Education Act.
- 6.13 In the Netherlands, teacher training for the various levels of education is part of higher education, with the exception of teacher training for pre-school education, which falls within the scope of secondary vocational education (MBO) (see section 6.167).
- 6.14 In its report, the Committee of Experts encourages the Dutch government to make available a substantial part of pre-school education in Frisian.¹⁰² The Committee of Experts then invites the government to make available a substantial part of primary education in Frisian.¹⁰³
- 6.15 The Committee of Experts further encourages the government to take the necessary steps to improve the present position of Frisian in secondary education. The Committee advocates the establishment of clear attainment targets for Frisian. In addition, it encourages the government to ensure that the quality and continuity of the educational process are improved so that these objectives can be met. This would certainly make Frisian a more attractive choice for students in the second stage of secondary education.¹⁰⁴
- 6.16 The Committee of Experts encourages the government to pursue a more active approach with respect to the provision of facilities for the study of the Frisian language as a subject in higher education.¹⁰⁵
- 6.17 The Committee encourages the government to arrange for the provision of adult and continuing education courses in Frisian.¹⁰⁶
- 6.18 The Committee encourages the government to ensure the provision of an adequate level of Frisian education in the initial and in-service training of all teachers required to implement those provisions of Article 8(1)(a) to (g) of the European Charter that were accepted by the Netherlands when it ratified the Charter.¹⁰⁷

¹⁰¹ Adult and Vocational Education Act (Bulletin of Acts and Decrees 1995, 501).

¹⁰² Council of Europe, *Report of the Committee of Experts* 59.

¹⁰³ *Ibid.*, 62.

¹⁰⁴ *Ibid.*, 65.

¹⁰⁵ *Ibid.*, 68.

¹⁰⁶ *Ibid.*, 69.

¹⁰⁷ *Ibid.*, 71.

- 6.19 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that established central government policies regarding the position of Frisian in education would serve as a foundation for the education section. This applies in particular to the following statements:
- central government will decide general policies on education, culture and the media and will be directly or indirectly responsible for ensuring compliance with the European Charter as regards the Frisian language;
 - the province of Fryslân will decide policies on the Frisian language and will be responsible for ensuring that they are implemented;
 - central government will make resources available to enable the province of Fryslân to implement its policies on the Frisian language;
 - the Frisian language policies of the province and the general education, culture and media policies of central government must wherever possible be complementary.¹⁰⁸
- 6.20 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that central government will award a special-purpose grant to the province of Fryslân for use in relation to Frisian-language education under such conditions as may be imposed at the time the grant is awarded. This grant will be used by the province to safeguard and improve the position of Frisian within education. (Covenant 2.3.1). To implement this agreement, the province of Fryslân has drafted a policy document, entitled ‘Plan fan oanpak Frysk yn it ûnderwiis’, which sets out how the grant will be spent (see section 6.21).
- 6.21 In November 2001, the provincial authority of Fryslân issued a preliminary draft of the above-mentioned policy document presenting its action plan for education. After the reference date selected for this report, the preliminary draft was replaced with a final document, which is not considered here.¹⁰⁹ At any rate, the policy document is part of an attempt to implement provincial undertakings entered into under the Covenant on the Frisian Language and Culture (2001). This chapter provides an in-depth discussion of the provincial action plan:
- pre-school sector (section 6.29)
 - primary education (sections 6.54 n, 6.56, 6.58, 6.67 and 6.71)
 - secondary education (sections 6.97, 6.102, 6.106 and 6.109)
 - secondary vocational education and adult education (sections 6.145 and 6.149)
 - teacher training (sections 6.170 and 6.182 n)
 - higher professional education (sections 6.129 and 6.130)
 - teaching of Frisian history and culture (section 6.155)

Article 8(1)(a)(ii): pre-school education

- 6.22 On accepting the European Charter, the Netherlands undertook ‘to make available a substantial part of pre-school education’ in Frisian. ‘Substantial’ implies that more than a symbolic number of teaching periods are conducted in Frisian, in other words, that Frisian is used as one of the languages of instruction.¹¹⁰

¹⁰⁸ Covenant on the Frisian Language and Culture (2001), chapter 2, Introduction (Government Gazette 2001, 125).

¹⁰⁹ On 5 June 2002, the provincial committee on welfare considered a revised version of the action plan.

¹¹⁰ Parliamentary Papers II (House of Representatives) 1994-1995, 24 092, no. 5, p. 7.

- 6.23 In its report, the Committee of Experts notes that pre-school education is not within the competence of the Ministry of Education, Culture and Science and that it is therefore not formally part of the Dutch education system. Pre-school education falls within the competence of the Ministry of Health, Welfare and Sport and is organised and supervised by the municipal authorities. The Committee also notes that no statutory measures have been taken to ensure the use of Frisian at pre-school level. Furthermore, the Committee has received information that out of 225 playgroups in Fryslân only seven operate in Frisian. There is insufficient teaching material in Frisian and no adequate training of playgroup workers in Frisian. The Committee therefore considers that the Netherlands is not fulfilling this undertaking.¹¹¹
- 6.24 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that, when preparing a statutory regulation to satisfy the relevant provisions of the European Charter, central government will take account of Frisian-language activities in pre-school settings and liaise with the province of Fryslân on how best to do this (Covenant 2.1.1). In addition, central government will contact the province of Fryslân to discuss the position of Frisian in pre-school education whenever legislation is to be enacted on quality objectives for this part of the education system (Covenant 2.2.1). In both cases, the provisions of the Charter that have been endorsed by the Netherlands will form the basis of any relevant legislation.
- 6.25 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that central government will consult with the social partners on whether it is practicable for the initial training of playgroup and childcare workers in Fryslân to include active and passive Frisian language skills and the specific educational skills needed to teach bilingual and multilingual children at pre-school level (Covenant 2.1.2). The parties agreed that this objective would be realised by 2004.
- 6.26 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that each party will provide a one-off grant of NLG 240,000 to encourage the development of Frisian-language educational materials for use in playgroups and childcare centres (Covenant 2.1.3).¹¹² The parties agreed that this objective would be realised by 2004.
- 6.27 For the longer term, i.e. for the period until 2010, central government and Fryslân agreed in the Covenant on the Frisian Language and Culture (2001) that both parties will work to improve the position of Frisian in playgroups by encouraging municipalities to include Frisian in local ordinances on playgroups (B.A. 2.1.4).
- 6.28 Section 20, subsection 1 of the Social Welfare Act 1994 states that quality requirements for certain types of childcare designated by order in council shall be established by municipal bye-law. On this basis, the Minister of Health, Welfare and Sport established a number of minimum quality requirements in the Childcare Quality Requirements (Temporary Measures) Decree of 1 January 1996 (Bulletin of Acts and Decrees 1995, 578). In all other cases, quality requirements are to be established by

¹¹¹ Council of Europe, *Report of the Committee of Experts*, 57-59.

¹¹² The equivalent sum in euros is €108,907.

municipal bye-law. Playgroups do not fall within the scope of the Childcare Quality Requirements (Temporary Measures) Decree, but an order in council on quality requirements for playgroups is currently in preparation. The question of whether Frisian will have a place among these requirements is still the subject of further research.¹¹³

In the near future, the government intends to regulate childcare separately by means of a new piece of legislation, namely, the Basic Childcare Provision Act, which is expected to come into force on 1 January 2004. Until then, the above-mentioned decree will continue to apply. A plan exists to include the quality requirements established by the Basic Childcare Provision Act in relation to the Frisian language in an order in council.¹¹⁴ For the time being, playgroups will not be included in the law.¹¹⁵

- 6.29 According to the aforementioned action plan of November 2001, the province of Fryslân is planning to increase the number of Frisian-language or bilingual pre-school education facilities by ten playgroups and/or childcare centres per year.¹¹⁶ In addition, the province has provided the Stichting Partoer, a provincial support organisation for care and welfare in Leeuwarden, with €122,500 to develop Frisian-language teaching material for playgroups and childcare centres, in cooperation with the Stifting Pjutteboartersplak, between 2000 and 2004.¹¹⁷
- 6.30 The objective of the Stifting Pjutteboartersplak, founded in 1989 on the initiative of parents, is the preservation of Frisian-language playgroups. The organisation strives to provide a Frisian-language setting for young children to play in. These Frisian-language playgroups, or *pjutteboartersplakken*, are open to Frisian-speaking and Dutch-speaking children, as well as children that speak other languages. The first Frisian-language playgroups developed in urban centres where parents were unhappy about the fact that local pre-school facilities gave little or no consideration to the Frisian-language background of their children. In 2001, the organisation was responsible for approximately 200 children in five playgroups in various towns and villages in Fryslân.¹¹⁸ In addition, there are two Frisian-language playgroups in the municipality of Leeuwarden, namely, in Lekkum and Leeuwarden.¹¹⁹
- 6.31 On 3 December 2001, the first bilingual childcare centre, Bernestate, was opened in Leeuwarden. The centre allows parents to choose a Dutch-speaking or a Frisian-speaking group for their children. Children from both groups interact with each other

¹¹³ Statement of the Ministry of Health, Welfare and Sport, 4 June 2002.

¹¹⁴ Ibid.

¹¹⁵ Parliamentary Papers II (House of Representatives) 2001-2002, 26 587, no. 9, p. 16: policy document on the key aspects of the Basic Childcare Provision Act, 16 June 2000;

Parliamentary Papers II (House of Representatives) 2001-2002, 26 587, no. 17: letter from the State Secretary for Health, Welfare and Sport, 3 December 2001.

¹¹⁶ The provincial committee on welfare discussed the 'Plan fan oanpak Frysk yn it ûnderwiis' on 26 November 2001. The official adoption of the action plan is expected to take place during 2002.

¹¹⁷ Province of Fryslân, *Plan fan oanpak Frysk yn it ûnderwiis*, November 2001, 14, 36.

¹¹⁸ Burgwerd, Dokkum, Franeker, Gauw and Stiens.

¹¹⁹ The Stifting Pjutteboartersplak previously ran these two playgroups as well. A local welfare organisation, the Stichting Hulp en Welzijn Leeuwarden, has now taken over responsibility for these two Frisian-language facilities. This transfer, which has preserved the Frisian-language character of the facilities in question, reflects municipalities' growing preference to work with a single umbrella organisation on welfare issues, including playgroup facilities (see section 6.32).

in the main playroom. Bernestate was established on the initiative of the Stifting Pjutteboartersplak, in cooperation with Catalpa, a national childcare organisation for children up to the age of 13.

- 6.32 In addition, in September 1999, an association called the Feriening Frykstalige Berneopfang (FBO) was established on the initiative of the Stifting Pjutteboartersplak. The FBO's objective is to strengthen and develop the use of Frisian in playgroups and childcare centres. For this purpose, it has established a review committee that advises and supports the teachers and the boards of the relevant playgroups and childcare centres. In addition, the FBO can officially designate playgroups and childcare centres as Frisian-speaking if they meet the necessary requirements. The FBO was established because more and more municipalities are creating umbrella organisations for all playgroups and childcare centres, including both Dutch-language and Frisian-language facilities. This is easier for the municipalities, as they now need to fund just one organisation, which then takes care of distributing the money. However, this development has made it more difficult for the Stifting Pjutteboartersplak to establish playgroups independently. It established the FBO in order to be able to continue guaranteeing Frisian-language childcare.¹²⁰

In addition, the Stifting Pjutteboartersplak is seeking to participate in a European project, entitled *Mehrsprachigkeit in der Vor- und Grundschulperiode* (Multilingualism in preschool and primary school). The organisers were approached in 1999 and it is currently waiting for a European grant.

- 6.33 Apart from the activities of the Stifting Pjutteboartersplak, a 'substantial' part of pre-school education in Frisian is realised only with difficulty. In fact, a recent study by the Economisch Bureau Coulon into the use and position of Frisian in playgroups and childcare centres in the province of Fryslân indicates that the situation has hardly changed since the first Dutch report to the Council of Europe.¹²¹ There is a lack of Frisian-language teaching material, only seven of the 225 playgroups are fully Frisian-speaking and training for childcare workers devotes little if any attention to multilingualism in general and Frisian in particular. However, in the framework of the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân have agreed that their policies will aim to improve this situation in the coming years (see sections 6.24-6.27).
- 6.34 Researchers from the Economisch Bureau Coulon have concluded that more Frisian is spoken in playgroups than in childcare centres. This is because Frisian is more common in the countryside, where there are more playgroups than in urban areas, where childcare centres are more common. It was also found that playgroups and childcare centres do not operate an official language policy; whether or not Frisian is spoken depends to a large extent on the language background of the childcare workers and the children. In 'mixed' situations, for example, in a group of children with different language backgrounds or during parent evenings, people generally speak Dutch. Possession and use of Frisian-language books, music cassettes and CDs trails far behind that of the equivalent Dutch-language material. Both in the countryside and

¹²⁰ Stifting Pjutteboartersplak, *Jierferslach 2000*, Ljouwert 2001, 9.

¹²¹ E. Boneschansker and M. le Rütte, *Pjuttepraat, Friestaligheid in peuterspeelzalen en kinderdagverblijven*, Economisch Bureau Coulon, Leeuwarden 2000. The Economisch Bureau Coulon – i.e. an economic research agency – is part of the Fryske Akademy.

in urban areas, the language of communication during group activities is generally Dutch.

- 6.35 Almost all childcare workers can understand Frisian, and 80 per cent can speak and read Frisian moderately to well. Writing appears to be more of a problem. Frisian is the mother tongue of more than half of all childcare workers, but appears to be in decline among those that completed their training more recently. It is therefore possible that the proportion of childcare workers with a Frisian-language background will decline in the future. At any rate, a large majority of childcare workers have had no formal education in the Frisian language.
- 6.36 Frisian occupies a disadvantaged position in playgroups and childcare centres, both in the countryside and in urban areas. The Economisch Bureau Coulon has discovered that there is a discrepancy between attitudes towards Frisian and its actual use. In fact, in situations where a choice can or must be made between Dutch and Frisian, positive attitudes towards Frisian rarely result in a choice to actually use the language.
- 6.37 Municipal language policy for playgroups and childcare centres is almost non-existent, even in municipalities that have introduced language policies regarding certain aspects of municipal organisation, such as Frisian-language place names, responding in Frisian to Frisian-language correspondence and internal communication in Frisian (see sections 8.35 and 8.36). In fact, the municipalities have left responsibility for language policy in pre-school education to the institutions concerned. None of these institutions have established explicit language policies. At most, their approach can be described as reactive: in individual cases, children that speak Frisian are spoken to in Frisian. With a certain amount of good will, however, this might be described as a modest form of language policy on the part of the institutions.
- 6.38 On the basis of the results of the above-mentioned study, the Economisch Bureau Coulon has concluded that it would be desirable to incorporate the requirement under Article 8(1)(a)(ii) of the European Charter into national legislation.¹²² In this context, reference may be made to the Social Welfare Act 1994 or the new Basic Childcare Provision Act and the associated orders in council applying to childcare and playgroups (see section 6.28).
- 6.39 **In summary**, it is clear that no statutory measures have yet been taken regarding the position and use of Frisian in playgroups in the province of Fryslân. Furthermore, no statutory provision has been made for the integration of Frisian in the ordinary training of playgroup and childcare workers in the province of Fryslân. Formally speaking, that is to say, with regard to legislation, no changes have occurred since the publication of the previous periodic report. It remains to be seen when and how central government and the province of Fryslân will operationalise the agreements reached within the framework of the Covenant on the Frisian Language and Culture (2001), as described in section 6.24 above.

¹²² Ibid., 8.

- 6.40 On accepting the European Charter, the Netherlands undertook ‘to make available a substantial part of primary education’ in Frisian. ‘Substantial’ implies that more than a symbolic number of teaching periods are conducted in Frisian, in other words, that Frisian is used as one of the languages of instruction.¹²³
- 6.41 In its report, the Committee of Experts notes that it is difficult to determine whether this undertaking has been fulfilled, as the most recent report of the Education Inspectorate with regard to Frisian as a language of instruction at primary-school level dates from 1988-1989.¹²⁴ This is due to the fact that the Committee did not have access to the Education Inspectorate’s 2001 report during its deliberations.
- 6.42 The Committee of Experts also notes that although there is a statutory framework and the authorities have adopted attainment targets for Frisian at primary-school level, there is much doubt whether these objectives can be achieved in practice. According to the information reaching the Committee, few primary schools teach in Frisian and, if they do, it is only one lesson per week, which cannot be interpreted as a ‘substantial part of primary education’.¹²⁵
- 6.43 The Committee of Experts considers that the undertaking entered into by the Netherlands is not being fulfilled.¹²⁶ With the Covenant on the Frisian Language and Culture (2001), however, the Netherlands is seeking to strengthen the position of Frisian in primary education, in accordance with the undertaking it entered into under the European Charter (see sections 6.44-6.49).
- 6.44 Pursuant to the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân will encourage primary schools which include Frisian in their syllabus and use it as a language of instruction to implement quality assurance policies in this respect. The instruments available to schools for this purpose will be reviewed to see whether they are suitable for use in relation to Frisian; where necessary they will be modified, and information about them will be given to the schools (Covenant 2.4.1). The parties agreed that this objective will be realised by 2004.
- 6.45 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that together they will systematically collect data on the place of Frisian in the quality assurance policies of schools and on the objectives schools set for themselves with regard to the Frisian-language skills of their staff. There will be consultations with the Regional Training Centres¹²⁷ in Fryslân in order to encourage them to integrate active Frisian-language skills and the educational skills required to teach bilingual and multilingual children into their training courses for teaching assistants, or to make them a compulsory part of the examination syllabus (Covenant 2.4.2). The parties agreed that this objective will be realised by 2004.

¹²³ Parliamentary Papers II (House of Representatives) 1994-1995, 24 092, no. 5, p. 7.

¹²⁴ Council of Europe, *Report of the Committee of Experts*, 60.

¹²⁵ *Ibid.*, 61.

¹²⁶ *Ibid.*, 62.

¹²⁷ On the place of Regional Expertise Centres in education, see sections 6.12 and 6.13.

- 6.46 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed that they will jointly encourage primary schools to include in their plans for in-service training activities to train their teaching staff in classroom and educational skills relating to the Frisian language and culture, if their quality assurance policy reveals the need for such action (Covenant 2.4.3). The parties agreed that this objective will be realised between 2004 and 2010.
- 6.47 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed that the province of Fryslân will pay attention to the Frisian language and culture when developing projects in the field of cultural education (Covenant 2.4.4). The parties agreed that this objective will be realised between 2004 and 2010.
- 6.48 In order to guarantee that the regular professional educational support system provides good supervision and support with regard to the teaching of Frisian, central government and the province of Fryslân agreed that there will be an educational support institution in the province of Fryslân funded jointly by the Minister of Education, Culture and Science and the province of Fryslân. Within the existing educational infrastructure for the teaching of the Frisian language and culture, this institution will focus on providing support for bilingualism and multilingualism in education generally and the Frisian language in particular. At the time the Covenant on the Frisian Language and Culture (2001) was entered into, that institution was the GCO Fryslân organisation in Leeuwarden (Covenant 2.9.1). This support for the teaching of Frisian focuses not only on primary education, but also on pre-school and secondary education.
- 6.49 If the Minister of Education, Culture and Science and the provincial executive of Fryslân deem the provisions of article 2.9.1 of the Covenant on the Frisian Language and Culture (2001) to be insufficient to achieve the objectives relating to the supervision and support of the teaching of Frisian, they will consult together on alternative ways of achieving them (Covenant 2.9.2).
- 6.50 To provide pupils with the ability to function in a bilingual society, section 9, subsection 4 of the Primary Education Act 1998 requires all primary schools in the province of Fryslân to teach Frisian as a compulsory subject for all pupils, unless the provincial executive of Fryslân has granted an exemption.
- 6.51 During the 1988-1989 school year, the provincial executive of Fryslân granted an exemption from the statutory requirement to teach Frisian to approximately 10 per cent of the 572 primary schools in the province of Fryslân. Since then, the policy of the provincial executive of Fryslân has been aimed at gradually reducing the number of exemptions.

During the 1999-2000 school year, there were 497 primary schools and 42 special primary and/or secondary schools in the province of Fryslân. During the 2000-2001 school year, there were 495 primary schools and 12 special primary schools in the province of Fryslân. Finally, during the 2001-2002 school year, there are 495 schools and 11 special primary schools in the province of Fryslân.¹²⁸ At present, the

¹²⁸ See http://www.fryslan.nl/html-ned/teksten/FIC_nl_onderwijs.htm (28 March 2002).

provincial executive of Fryslân has only granted an exemption, pursuant to section 9, subsection 4 of the Primary Education Act, to eleven of the twelve primary schools located on the Frisian Islands. The primary schools in Ooststellingwerf and Weststellingwerf did not receive exemptions, but have chosen to devote attention to both the Stellingwerf dialect and Frisian in the framework of the study of local history and culture. In comparison to the 1988-1989 school year, the number of exemptions for 2000-2001 has dropped from 10 per cent to just over 2 per cent.

- 6.52 Section 9 of the Primary Education Act 1998 lists the subjects that all primary schools are required to teach. There are no statutory provisions regarding the manner in which these subjects are to be taught or the amount of time that is to be devoted to each of them, but attainment targets have been set for all compulsory subjects, and thus also for Frisian, by means of an order in council (see section 6.3). Each school can choose how to integrate Frisian into its curriculum and must justify its decision in the school plan. The Primary Education Act 1998 stipulates that these school plans must also contain an explanation of each school's quality assurance policies. Schools are required to produce a school plan every four years (see sections 12 and 16 of the Primary Education Act 1998).
- 6.53 Section 9, subsection 8 of the Primary Education Act 1998 provides that primary schools in the province of Fryslân may use Frisian as their language of instruction. A recent Education Inspectorate report indicates that 56 per cent of primary schools use Frisian as their language of instruction for subjects other than Frisian. In comparison with 1988, the use of Frisian as a language of instruction has declined slightly.¹²⁹
- 6.54 As a result of the second Covenant on the Frisian Language and Culture (1993) and by Act of 4 July 1996 (Bulletin of Acts and Decrees 403), section 100, subsection 2 of the Primary Education Act 1981 and section 97, subsection 2 of the Special Education Interim Act provide that central government shall reimburse the province of Fryslân for the annual cost of maintaining Frisian-language education. The province of Fryslân is responsible for the distribution of these funds to the schools on the basis of the number of pupils receiving Frisian-language education. In 1997, the Ministry of Education, Culture and Science provided NLG 450,000 (€204,201) for this purpose. This amount has since been index-linked and stands at €224,000 for 2002.¹³⁰

The provision concerning the annual reimbursement of the cost of maintaining Frisian-language education was incorporated in section 134, subsection 2 of the Primary Education Act 1998. The Special Education Interim Act has meanwhile been superseded by the Expertise Centres Act (Bulletin of Acts and Decrees 1998, 496), which contains no separate funding for Frisian. The expertise centres are discussed in greater depth in sections 6.57 and 6.58.

- 6.55 In addition to the above-mentioned reimbursement of the cost of maintaining Frisian-language education, the province of Fryslân also receives an annual specific-purpose grant from the Ministry of Education, Culture and Science to safeguard and improve the position of Frisian within education, on the basis of the Covenant on the Frisian

¹²⁹ Education Inspectorate, *Het onderwijs in het Fries op de basisscholen in Friesland. De stand van zaken*, Utrecht 2001, 26-27.

¹³⁰ Province of Fryslân, *Plan fan oanpak Frysk yn it ûnderwiis*, November 2001, chapter 7.

Language and Culture (2001) (Covenant 2.3.1). This specific-purpose grant for Frisian is not only intended for primary education, but may be used for a wide range of purposes, including pre-school education, primary and secondary education, educational support, and initial and in-service teacher training. In 2001, the grant amounted to €50,450. The grant is index-linked to wage and price developments. Central government also awarded a one-off payment of €68,000 to increase the level of support for Frisian in education. In addition to the specific-purpose grant from the Ministry of Education, Culture and Science, the province of Fryslân annually provides a further €204,200. Total support for Frisian-language education thus amounted to €22,714 in 2001,¹³¹ of which the GCO Fryslân foundation received €40,355.¹³² The two colleges of higher professional education in Fryslân, the Christian College of Higher Professional Education of the Northern Netherlands and the Northern College of Higher Professional Education in Leeuwarden, each received €4,033 for the initial and in-service training of teachers of Frisian. Finally, in addition to the above-mentioned specific-purpose grant, a certain proportion of central government resources for the educational opportunity policy can also be allocated in support of Frisian as a subject and as a language of instruction, but only in those primary schools that fall under the educational opportunity policy (see sections 6.59 to 6.61).

- 6.56 As of 1998, some special schools that previously fell under the Special Education Interim Act now fall under the Primary Education Act 1998. The schools concerned are the MLK and LOM schools, that is to say, schools for children with learning difficulties and schools for children with learning and behavioural difficulties. Since 1998, these schools must therefore also comply with the statutory provisions that apply in all primary schools in the province of Fryslân with regard to the teaching of Frisian. Neither the Plan fan oanpak Frysk yn it ûnderwiis' nor the Covenant on the Frisian Language and Culture (2001) devote any attention to MLK and LOM schools. A specific reference is not strictly necessary in the case of the Covenant on the Frisian Language and Culture, however, as MLK and LOM schools fall under the measures adopted in relation to mainstream primary schools in the province of Fryslân. It is up to the province to operationalise these measures, in consultation with the education sector.
- 6.57 As of 1998, other special schools that previously fell under the Special Education Interim Act now fall under the new Expertise Centres Act (Bulletin of Acts and Decrees 1998, 496). Children with severe learning difficulties (ZMLK) and children with physical, visual or other disabilities follow a form of special education that falls under the Expertise Centres Act, which differentiates between four types of schools providing special primary and secondary education, namely:
- schools for children with visual disabilities (blind and partially sighted children and children with multiple disabilities)
 - schools for children with hearing and communication disabilities (deaf and partially deaf children, children with multiple disabilities and children with severe speech impediments)
 - schools for children with physical and mental disabilities
 - schools for children with behavioural and psychiatric problems.

¹³¹ Not including the resources available for pre-school education, which amount to €122,500 during the 2000-2004 period.

¹³² With regard to GCO Fryslân, see sections 6.48 and 6.49.

- 6.58 Schools falling under the Expertise Centres Act are allowed to use Frisian as a language of instruction and offer Frisian as a subject (sections 13, subsection 6 and 18, subsection 1 of the Expertise Centres Act).¹³³ In practice, however, this happens rarely, if at all. Section 5.5 of the ‘Plan fan oanpak Frysk yn it ûnderwiis’ focuses on schools that fall under the Expertise Centres Act. According to the province’s action plan, these schools should draw up language policies addressing the manner in which they link up with the pupils’ home language in education, objectives for the teaching of Frisian and the manner in which they maintain professional standards in relation to Frisian or bilingual education (see also Covenant 2.6).¹³⁴
- 6.59 In order to tackle educational disadvantage in primary schools, the Ministry of Education, Culture and Science issued a policy document on educational opportunities in June 2000.¹³⁵ Under the educational opportunity policy, municipalities, school boards and schools work closely together. In consultation with the Education Inspectorate, these organisations make specific agreements at local level to improve the educational achievement of pupils. The educational opportunity policy initially focused on schools in large and medium-sized municipalities and was subsequently extended to small towns and rural municipalities, starting with a pilot project for cooperation between municipalities in the province of Zeeland. Other provinces, including the province of Fryslân, are now also involved in the implementation of this policy.
- 6.60 Information provided to the House of Representatives by the government indicates that 13 municipalities in Fryslân are cooperating for the benefit of 20 educational opportunity schools.¹³⁶ The project initially focuses on carrying out a preliminary assessment of the situation in the schools, based on Education Inspectorate reports, and then determines which specific issues require attention. The following issues are regarded as applying to all the schools in the area in question:
- the minimum amount of training required to deliver quality education (problem of small schools);
 - command of the Dutch and Frisian languages;
 - transfer to secondary education; and
 - the rise in the number of referrals to special schools for primary education.
- 6.61 At the request of the Ministry of Education, Culture and Science, the province of Fryslân has developed an action plan for the educational opportunity project for primary schools in Frisian municipalities, with the exception of Leeuwarden.¹³⁷ The province’s plan distinguishes between four potential regional issues, including the command of the Dutch and Frisian languages. The key question on the issue of language is: ‘Under what circumstances would it be possible to organise bilingual primary education in such a manner that pupils at educational opportunity schools also achieve good results in Dutch and Frisian?’¹³⁸ The plan is to be implemented

¹³³ In Fryslân, this concerns a total of 14 schools, of which one is a school for children with hearing and communication disabilities, eleven are schools for children with physical and mental disabilities and two are schools for children with behavioural and psychiatric problems.

¹³⁴ Province of Fryslân, *Plan fan oanpak Frysk yn it ûnderwiis*, November 2001, 21.

¹³⁵ Parliamentary Papers II (House of Representatives) 1999-2000, 27 020, no. 14.

¹³⁶ Letter dated 28 February 2002 from the State Secretary for Education, Culture and Science to the House of Representatives: Parliamentary Papers II (House of Representatives) 2001-2002, 27 020, no. 32, pp. 3-4).

¹³⁷ Province of Fryslân, *Project Onderwijskansen*, action plan, December 2001.

¹³⁸ *Ibid.*, 6.

between 2002 and 2006. A school-specific approach applies to the 20 participating schools mentioned in the previous paragraph. In addition, there will be nine follow-up schools. The project requires €1.36 million in funding, which will be provided in its entirety by the Ministry of Education, Culture and Science.

- 6.62 In the framework of the European Charter, the Dutch government undertook to report periodically on measures taken and progress achieved in establishing or developing the teaching of the Frisian language, as well as to draw up periodic reports (Article 8(1)(i) of the European Charter). In 2001, the Education Inspectorate published a report regarding Frisian-language education at primary schools in Fryslân. The report addresses a number of issues, including the attainment targets for Dutch and Frisian that apply to primary schools in Fryslân. These attainment targets, which were set in 1998 (see sections 6.3 and 6.4), describe the knowledge and skills that pupils must develop to be able to use both languages effectively in everyday situations. In practice, they imply that pupils must be able to understand, speak, read and write both languages – Frisian and Dutch – by the time they leave primary school. The Education Inspectorate’s 2001 report notes that the amount of time currently invested in primary education in the Frisian language is insufficient for achieving the attainment targets.¹³⁹
- 6.63 The Education Inspectorate’s 2001 report also notes that remarkably little attention is devoted to differentiation (the act of distinguishing between pupils according to their language level) and transposal (the application of skills learnt in other subjects to the teaching of Frisian) in lessons. In fact, differentiation was applied in only 29 per cent of the lessons evaluated, and transposal in only 31 per cent. The lack of differentiation is particularly remarkable, as teachers are aware of the home language of their pupils in over 95 per cent of all cases. Furthermore, it is remarkable that over a third of teachers are not familiar with the previous year’s Frisian teaching materials. In fact, only 25 per cent of schools keep track of pupil development in Frisian.¹⁴⁰ Most primary schools use the textbooks developed by GCO Fryslân, entitled ‘De Fryske Taalrotonde’. However, research by the Fryske Akademy indicates that these textbooks are often not used in a systematic manner.¹⁴¹ In its report, the Education Inspectorate concluded that the quality of teaching was insufficient in 71 per cent of the Frisian lessons evaluated and that only 26 per cent of schools possessed teaching materials that complied with the attainment targets.¹⁴²
- 6.64 In response to the above-mentioned report of the Education Inspectorate, the government informed the House of Representatives in a letter dated 10 September 2001 that it does not support a lowering of the attainment targets.¹⁴³ However, the

¹³⁹ Education Inspectorate, *Het onderwijs in het Fries op de basisscholen in Friesland. De stand van zaken*, Utrecht 2001, 32.

¹⁴⁰ *Ibid.*, 26, 27.

¹⁴¹ *Ibid.*, 36. M. le Rütte, *Evaluasje Fryske Taalrotonde/Evaluatie Friese Taalrotonde*, Fryske Akademy, Leeuwarden 1998, 37.

¹⁴² Education Inspectorate, *Het onderwijs in het Fries op de basisscholen in Friesland. De stand van zaken*, Utrecht 2001, 28.

¹⁴³ Letter dated 10 September 2001 from the State Secretary for Education, Culture and Science, ref. PO/KB/01-33976, concerning the government’s position on the Education Inspectorate’s report. The government’s position paper also considered a study, conducted by the Institute of Applied Sociology in Nijmegen on the instructions of the Ministry of Education, Culture and Science, on the achievements of pupils and the use of Frisian as a language of instruction. See Annemarie van Langen and Madeleine

government did ask the committee on attainment targets to examine the attainment targets for Frisian from the perspective of applying skills learnt in the pursuit of the attainment targets for Dutch. The purpose of this exercise is to achieve greater coherence between education in Frisian and Dutch, at least in relation to the attainment targets.

- 6.65 Furthermore, in a follow-up letter dated 3 April 2002, the government informed the House of Representatives that central government will decide general education policy and be directly or indirectly responsible for ensuring compliance with the European Charter as regards the Frisian language, while the province of Fryslân will decide policies on the Frisian language and be responsible for ensuring that they are implemented.¹⁴⁴ Central government will provide the province of Fryslân with funding for the implementation of policies on the Frisian language (see section 6.55). These basic principles are consistent with the agreements reached on these matters in the framework of the Covenant on the Frisian Language and Culture (2001) (chapter 2).

The above-mentioned principles are addressed in greater depth in the action points that appear in the Covenant. These action points indicate which tasks belong to the province, which belong to central government and which are carried out jointly. The action points appear in the various sections of the Covenant and serve as a guideline for the implementation of the agreements. According to the State Secretary for Education, Culture and Science, in a letter dated 3 April 2002 to the House of Representatives, this proves that central government retains independent responsibility with regard to Frisian in education.

- 6.66 The follow-up letter of 3 April 2002 also discusses the Committee of Experts' report on the implementation of the European Charter in the Netherlands.¹⁴⁵ The letter notes that the conclusions of the report of the Committee of Experts, which was established by the Council of Europe, are in harmony with the conclusions of the Education Inspectorate's 2001 report, entitled 'Het onderwijs in het Fries op de basisscholen in Friesland'. In response to this report, central government and the province of Fryslân had already reached agreement on a number of supplementary initiatives for primary education, which were then incorporated in the Covenant on the Frisian Language and Culture (2001). According to the State Secretary for Education, Culture and Science, these supplementary initiatives include measures that address the shortcomings identified by the Committee of Experts.
- 6.67 The various problems concerning the achievement of the attainment targets for Frisian (see sections 6.63 and 6.64) have been recognised in Fryslân for some time. Thus, in June 1999, the Berie foar it Frysk, the province of Fryslân's advisory body on language policy, advised the provincial executive of Fryslân to maintain the existing attainment targets, but at the same time to develop a flexible policy on exemptions. This would enable the provincial executive of Fryslân to be more flexible with regard

Hulsen, *Prestaties van leerlingen en het gebruik van Fries als voertaal op basisscholen in Friesland*, Institute of Applied Sociology, Nijmegen 2001.

¹⁴⁴ Letter dated 3 April 2002 from the State Secretary for Education, Culture and Science to the House of Representatives: Parliamentary Papers II (House of Representatives) 2001-2002, 28 000 VIII, no. 133, pp. 7-8.

¹⁴⁵ *Ibid.*, pp. 6 and 7.

to primary schools in its use of the statutory exemption instrument provided under section 9, subsection 4 of the Primary Education Act 1998 (see section 6.50). Schools could thus obtain a temporary exemption with regard to some of the attainment targets for Frisian.¹⁴⁶ The province of Fryslân incorporated the recommendation of the Berie foar it Frysk into the 'Plan fan oanpak Frysk yn it ûnderwiis', a draft version of which was published in 2001 (see sections 3.7.15 and 6.21).

- 6.68 In order to realise the attainment targets for Dutch, Frisian and English in primary education, the Taalsintrum Frysk language centre (part of GCO Fryslân) and the Fryske Akademy launched a trilingual schools project in 1997. Seven primary schools in Fryslân are currently participating in this project and are using Dutch, Frisian and English as their languages of instruction. In years 1 to 6 (ages four to nine) Frisian and Dutch are used in equal measure as the languages of instruction, in years 7 and 8 (ages ten to twelve) English is added as the third language of instruction. The distribution of the languages of instruction in the last two years of primary education is 40 per cent Frisian, 40 per cent Dutch and 20 per cent English.¹⁴⁷ During the 2003-2004 school year, the participating primary schools will start dealing with education in three languages, as the first group of pupils concerned will have entered year 7.
- 6.69 In 1998, on the instructions of and in cooperation with GCO Fryslân, the National Institute for Educational Measurement developed a Frisian reading test for primary schools, known as the Twa-Minute-Toets (TMT). The development costs of the test amounted to NLG 21,760, and the foundation received 500 copies of the test.¹⁴⁸ According to the foundation, however, the test has hardly been used in practice.
- 6.70 **In summary**, it is clear that a majority of primary schools in the province of Fryslân comply with the statutory requirement to teach Frisian. The Education Inspectorate's 2001 report indicates that a majority of primary schools dedicate 30 to 45 minutes per week to Frisian in years 3 to 5. This means that the amount of time dedicated to Frisian in these years has remained unchanged since 1988-1989. The report has also identified an increase in the amount of time dedicated to Frisian in the upper years (years 6 to 8) from 30-45 minutes per week in 1988 to an hour or more in 2001. On average, primary schools dedicate 25 minutes per week to the Frisian language.¹⁴⁹ At the same time, the Education Inspectorate's report indicates that the quality of Frisian-language primary education remains far from satisfactory: schools have not developed language policies, teaching materials do not meet the attainment targets and the lessons of many teachers are of poor quality.¹⁵⁰
- 6.71 The province of Fryslân's 'Plan fan oanpak Frysk yn it ûnderwiis' recognises these problems. The aim of the province's action plan is to help primary schools meet existing attainment targets for Frisian in the future. In this context, it is vital that the schools draw up a language policy plan, which should involve the creation of a

¹⁴⁶ Berie foar it Frysk, *Advys fan it Berie foar it Frysk oer de keardoelen Frysk yn it basisûnderwiis/Advies van het Berie foar it Frysk over de kerndoelen Fries in het basisonderwijs*, ref. 8-2458.

¹⁴⁷ M. Bakker, H. de Haan and W. Tjerkstra, 'De drietalige school in Fryslân', *Byntwurk* 11(2), 2000, 17. J. Ytsma, 'Trilingual Primary Education in Friesland', in J. Cenoz and U. Jessner (eds.) *English in Europe: The Acquisition of a Third Language*, Multilingual Matters, Clevedon 2000, 227-228.

¹⁴⁸ Letter dated 4 March 2002 from the National Institute for Educational Measurement, ref. 02-302-006.

¹⁴⁹ Education Inspectorate, *Het onderwijs in het Fries op de basisscholen in Friesland. De stand van zaken*, Utrecht 2001, 23 and 32.

¹⁵⁰ *Ibid.*, 33.

specific step-by-step plan regarding the classroom and educational skills involved in teaching Frisian. These language policy plans should always cover a three-year period, and the status of Frisian as a subject should be evaluated on an annual basis.¹⁵¹ The ‘Plan fan oanpak Frysk yn it ûnderwiis’ also announced that the province of Fryslân will in due course consider the recommendation of the Berie foar it Frysk to adopt a system of partial exemptions from the attainment targets for Frisian (see section 6.67). As previously noted, the action plan contributes to the implementation of the province’s undertakings under the Covenant on the Frisian Language and Culture (2001) (see section 6.21).

- 6.72 The undertakings of the Ministry of Education, Culture and Science, as described in the Covenant on the Frisian Language and Culture (2001), are aimed at implementing the recommendations drawn up by the Council of Europe. Thus, central government contributes to the establishment of the teaching of Frisian in primary schools by funding the cost of maintaining Frisian-language education and by awarding a specific-purpose grant to safeguard and develop the position of Frisian in education (see sections 6.54 and 6.55). Furthermore, central government will ensure that the Education Inspectorate will publish a three-yearly report on the status of bilingual and multilingual education in the province of Fryslân (see section 6.187).

Article 8(1)(c)(iii): secondary education

- 6.73 On accepting the European Charter, the Netherlands undertook ‘to provide, within secondary education, for the teaching of the [Frisian language] as an integral part of the curriculum.’ The complex structure of secondary education in the Netherlands – basic secondary education and the various school types – is discussed at the beginning of this chapter. For the sake of brevity, the reader is referred to sections 6.5 to 6.9.
- 6.74 During the process that led to the acceptance of the European Charter, the Dutch government opted for the above-cited subparagraph iii, not subparagraph ii, in relation to secondary education. The government made the following observation in relation to subparagraphs ii and iii: ‘Article 8(1)(c)(ii) of the Charter implies that Frisian should become the language of instruction for a substantial part of secondary education, while Article 8(1)(c)(iii) of the Charter concerns the teaching of the relevant regional or minority language as a separate subject.’¹⁵² The government also pointed out that schools are in fact free to choose whether to use Frisian as the language of instruction. Such a choice will depend on local and regional circumstances.
- 6.75 In its report, the Committee of Experts notes that, in the Netherlands, secondary education initially follows a programme of basic secondary education, before continuing with the second stage of secondary education. Basic secondary education, which may be regarded as an orientation period, can last between two and four years, depending on the pupil’s abilities. According to existing education legislation, the teaching of Frisian is obligatory in basic secondary education, whereas it is only an optional subject during the second stage of secondary education.¹⁵³

¹⁵¹ Ibid., 23 and 32.

¹⁵² Parliamentary Papers II (House of Representatives) 1994-1995, 24 092, no. 5, p. 7. Page 6 indicates that Frisian is a compulsory subject in primary education and basic secondary education.

¹⁵³ Council of Europe, *Report of the Committee of Experts*, 63.

- 6.76 The Committee of Experts further notes that schools offering Frisian only teach it for one year at the level of basic secondary education. This makes it impossible to achieve the attainment targets, which happen to be identical to the attainment targets for the Dutch language. Furthermore, because Frisian is offered only in the first year of basic secondary education and in the final year of the second stage of secondary education, a large gap is created in the intervening years. As a result, pupils often refrain from choosing Frisian as an optional subject for their school-leaving examinations in the last year of the second stage. During the 1996-1997 school year, only fourteen pupils chose Frisian as an optional subject for their school-leaving examinations. This low number is also ascribed to the low quality of teaching, a lack of interest on the part of teachers, parents and the pupils themselves and insufficient teaching materials.¹⁵⁴
- 6.77 The Committee of Experts considers that the undertaking entered into by the Netherlands is not being fulfilled.¹⁵⁵ The Committee encourages the government to take the necessary steps to improve the present position of Frisian and the quality of Frisian lessons in secondary education. In this regard, it is worth noting that a number of secondary schools in the province of Fryslân have recently launched a project that is meant to tackle the problems identified in the preceding paragraph. As a result, the number of pupils choosing Frisian as an optional subject for their school-leaving examinations has already increased significantly (see sections 6.101 and 6.102).
- 6.78 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân concluded various agreements to improve the position of Frisian in secondary education. With regard to the attainment targets for Frisian in basic secondary education, the parties agreed that, subject to any statutory amendments consequent on the results of the Education Inspectorate's 1999 evaluation of basic secondary education, central government will include attainment targets for Frisian in the Basic Secondary Education (Attainment Targets and Recommended Number of Periods per Subject 2003-2010) Decree (Covenant 2.5.1). In addition, central government and the province of Fryslân agreed that they will together strive to ensure that all schools that are not exempted achieve the attainment targets for Frisian in basic secondary education and have sufficient (multimedia) material and qualified teachers to enable them to do this (Covenant 2.5.6). The parties agreed that this objective will be fulfilled between 2004 and 2010.
- 6.79 In the framework of the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân also concluded a number of specific agreements concerning the position of Frisian in the second stage of secondary education. Towards 2003, first of all, when the fixed subject combinations for the second stage of secondary education are being reviewed, central government will consider whether there is any reason to bring the pre-university education (VWO) examination syllabus into line with the senior general secondary education (HAVO) examination syllabus (Frisian 1 and Frisian 2) (Covenant 2.5.2). In addition, central government and the province of Fryslân will jointly strive to increase pupils' interest in Frisian so that more of them opt to take it as an exam subject (Covenant 2.5.4). The parties agreed that this objective will be realised by 2004. Finally, central government

¹⁵⁴ Ibid., 64.

¹⁵⁵ Ibid., 65.

and the province of Fryslân will jointly encourage the development of an annual international exchange with other minority languages in Europe as an optional part of the syllabus for pupils opting for Frisian as a full examination subject. Relevant materials will also be developed (Covenant 2.5.8). The parties agreed that this objective will be realised by 2010.

- 6.80 The Covenant on the Frisian Language and Culture (2001) also focuses on the quality of Frisian lessons in secondary education. First of all, central government and the province of Fryslân agreed that both parties will jointly encourage secondary schools that include Frisian in their syllabus and use it as a language of instruction to implement quality assurance policies in this respect. The instruments available to schools for this purpose will be reviewed to see whether they are suitable for use in relation to Frisian; where necessary they will be modified, and information about them will be offered to the schools (Covenant 2.5.5). In addition, the parties agreed that they will jointly encourage secondary schools to include training in classroom and educational skills relating to the Frisian language and culture in their plans for in-service training activities, if their quality assurance policies reveal the need for such action (Covenant 2.5.7). The parties agreed that both objectives will be realised by 2004.
- 6.81 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân also agreed that the province will ensure that attention is paid to Frisian language and culture when developing projects in the field of cultural education (Covenant 2.5.9). The parties agreed that this objective will be realised by 2010.
- 6.82 In the framework of the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed that both parties will consider in 2004 what action may be required to improve the position of Frisian in secondary education. Such action may then be included in the second implementation covenant for the 2004-2007 period. This agreement focuses specifically, though not exclusively, on the attainment targets for Frisian in basic secondary education (Covenant 2.5.3).
- 6.83 With regard to the position of Frisian as a subject in secondary education, this report first considers basic secondary education, that is to say, the lower forms of secondary education (sections 6.84 to 6.98). Section 6.98 takes stock of the position of Frisian in basic secondary education. The report then considers the position of Frisian as a subject in the upper forms of pre-vocational secondary education (VMBO) and in the second stage of secondary education, that is to say, senior general secondary education (HAVO) and pre-university education (VWO) (sections 6.99 to 6.106). Finally, the report considers the use of Frisian as a language of instruction in secondary education, both in basic secondary education and beyond (sections 6.107 and 6.108). In conclusion, section 6.109 provides a synoptic evaluation of the position of Frisian in secondary education as a whole.
- 6.84 With the introduction of basic secondary education in 1993, Frisian became the sixteenth compulsory subject for the lower forms of secondary schools in the province of Fryslân (section 11a, subsection 2 (b) of the Secondary Education Act). This was the first time that Frisian became a compulsory subject in secondary schools in

Fryslân, albeit only in the lower forms, that is to say, in basic secondary education. Section 11a of the Secondary Education Act regulates the syllabus and the attainment targets of basic secondary education. With regard to the teaching of Dutch and Frisian in schools in Fryslân, section 11a, subsection 2 (b) of the Act provides as follows: ‘The Dutch language may be understood as including the Frisian language. Basic education in secondary schools in the province of Fryslân shall include the teaching of the Frisian language, unless the inspector concerned has granted a full or partial exemption from this requirement at the request of the competent authority.’ This statutory provision regarding the teaching of Frisian was described as ‘insubstantial’ during the parliamentary discussion of the Basic Secondary Education Bill, as it allows schools to request exemptions from the teaching of Frisian. To exacerbate matters, the Education Inspectorate does little to test the validity of such requests.¹⁵⁶

- 6.85 A number of secondary schools have requested and obtained the exemption described in the preceding paragraph. As a result, according to the Education Inspectorate, more than one in three secondary schools in Fryslân did not offer Frisian as a subject in 1997-1998. In fact, schools enjoying a full exemption accounted for 37.5 per cent of all educational establishments in Fryslân. If the total number of educational establishments is considered, however, it emerges that one in four (22 per cent) did not offer Frisian as a subject.¹⁵⁷
- 6.86 The Education Inspectorate recommends adopting the approach used in primary education in relation to the exemption procedure for basic secondary education. In its advisory report, the Berie foar it Frysk agrees with the Education Inspectorate on this issue. The Education Inspectorate and the Berie foar it Frysk both recommend that the authority to grant exemptions should be vested in the provincial executive, as is currently the case with regard to primary education. In this manner, the role of the government (regulation) and the role of the Education Inspectorate (supervision) will remain clearly separated.¹⁵⁸
- 6.87 With the statutory regulation of the position of Frisian in basic secondary education, the Netherlands has formally complied with its undertaking to provide for the teaching of the Frisian language as an integral part of the curriculum, in accordance with the relevant provision of the European Charter. Schools receive no additional funding for the teaching of Frisian, however, as the Ministry of Education, Culture and Science is of the opinion that the costs can be covered from the regular funding of the schools concerned. In fact, the specific-purpose grant for improving the quality of Frisian-language education also applies to Frisian in basic secondary education (see section 6.55).
- 6.88 In 1993, the government first established attainment targets for basic secondary education by means of an order in council. Since then, the government has also

¹⁵⁶ Education Inspectorate, *Fries in de basisvorming. Evaluatie van de eerste vijf jaar*, Utrecht 1999, 28-29.

¹⁵⁷ *Ibid.*, 29. See table 6.

¹⁵⁸ Education Inspectorate, *Het onderwijs in het Fries op de basisscholen in Friesland. De stand van zaken*, Utrecht 2001, 65.

Berie foar it Frysk, *Advys by it ynspeksjerapport, Fries in de basisvorming/Advies Berie bij het inspectierapport Fries in de basisvorming*, ref. 8-2529.

established new attainment targets for the 1998-2003 period.¹⁵⁹ No statutory attainment targets were established for Frisian in basic secondary education, however, although guidelines corresponding to the attainment targets for Dutch were published in the bulletin of the Ministry of Education, Culture and Science.¹⁶⁰ The National Institute for Educational Measurement has developed final tests for Frisian in basic secondary education and has sent them to all secondary schools in Fryslân. These tests are based on the 1993 attainment targets.¹⁶¹

- 6.89 Between 1993 and 1996, central government and the province of Fryslân employed a coordinator of Frisian in basic secondary education to supervise the introduction of Frisian as a subject in basic secondary education. The coordinator submitted two reports to the Ministry of Education, Culture and Science. In response to the second report, the State Secretary for Education, Culture and Science chose to wait for the Education Inspectorate's report before deciding whether additional measures were required with regard to Frisian in basic secondary education. During the same period, secondary school teachers were entitled to take a course, designed by the National Intermediary Education and Training Organisation, at the Northern College of Higher Professional Education in Leeuwarden to obtain a grade two teaching qualification in Frisian. In addition, central government provided funding for the development of the 'Flotwei Frysk' textbooks for the Frisian language (see section 6.90).¹⁶²
- 6.90 The development of teaching materials for Frisian as a subject in basic secondary education has meanwhile continued. The 'Flotwei Frysk' textbooks, which were developed by GCO Fryslân with the help of grants from the Ministry of Education, Culture and Science and the European Commission, have existed since 1995.¹⁶³ Besides the children's magazine 'Sjedêrrr!!!', which is also produced by the GCO Fryslân foundation, the 'Flotwei Frysk' textbooks are the most widely used in basic secondary education. In addition, schools make use of the educational television and radio programmes of the Omrop Fryslân broadcasting organisation. Finally, 36 per cent of teachers occasionally use one of the literary anthologies published by the Algemene Fryske Underrjocht Kommisje (AFUK). The Education Inspectorate has noted that schools devoting one teaching period per week to Frisian during the first year of basic secondary education will have difficulty completing the 'Flotwei Frysk' textbooks, which requires at least one teaching period per week for a period of three years.¹⁶⁴
- 6.91 The Education Inspectorate's 1999 report on Frisian in basic secondary education concludes that the amount of Frisian in basic secondary education provides too small a contribution to the development of fluency in and knowledge of Frisian (see section 6.7). Too few attainment targets are being achieved in a satisfactory manner, and the

¹⁵⁹ Basic Secondary Education (Attainment Targets and Recommended Number of Periods per Subject 1998-2003) Decree (*Bulletin of Acts and Decrees* 1997, 484).

¹⁶⁰ Ministry's regulations no. 31 of 10 December 1997.

¹⁶¹ National Institute for Educational Measurement, *Toetsen Fries in de basisvorming*, e-mail message, 4 March 2002.

¹⁶² Education Inspectorate, *Het onderwijs in het Fries op de basisscholen in Friesland. De stand van zaken*, Utrecht 2001, 21.

¹⁶³ J. Bangma et al., *Flotwei Frysk and Katern Frysk fersteane en lêzen* (workbook for Dutch-speaking pupils, including a teachers' manual and video and audio cassettes), AFUK/Wolters-Noordhoff, Groningen/Leeuwarden 1995.

¹⁶⁴ Education Inspectorate, *Het onderwijs in het Fries op de basisscholen in Friesland. De stand van zaken*, Utrecht 2001, 24.

lenient attitude towards the Frisian-language syllabus (no mandatory attainment targets and therefore no teaching periods in the table showing the recommended number of periods per subject) and the general availability of just one teaching period per week (and often only during the first year) do little to improve the quality of what is on offer.¹⁶⁵ Frisian-language departments in secondary schools often consist of just one teacher who is not qualified to teach Frisian and was appointed to teach other subjects. In fact, it is not even possible to speak of a department in most cases. As a result, the registration and assessment of pupil progress is extremely poor.¹⁶⁶

- 6.92 The Education Inspectorate's 1999 report on Frisian in basic secondary education also notes that Frisian exams are infrequent and poor in quality. The National Institute for Educational Measurement has developed final tests for Frisian (see section 6.88), but the status of these exams is unclear. Strictly speaking, the subject falls under the requirement stipulated in section 11a, subsection 5 of the Secondary Education Act.¹⁶⁷ However, due to the non-mandatory character of the attainment targets (guidelines) and the limited amount of time that schools have available, it is almost impossible to meet this requirement. The Education Inspectorate has advised the government to clarify whether offering Frisian as an optional subject in basic secondary education complies with the relevant statutory requirement. In addition, the Education Inspectorate has advised the government to tailor the guidelines for Frisian to the available teaching time and to carry out a technical study of the requirements for Frisian-language education to determine the extent to which schools can increase the amount of Frisian offered under existing regulatory and budgetary conditions.¹⁶⁸
- 6.93 In its advisory report of October 2001 (see section 6.7), the Education Council recommended grouping the attainment targets into a core curriculum and an optional curriculum. The Education Inspectorate made the same recommendation. The Education Council would like to place the Frisian language in the optional curriculum, together with German, French and the classical languages.¹⁶⁹
- 6.94 The government has decided that it is impossible to introduce a core curriculum and an optional curriculum in the short term. To meet the needs of secondary schools, however, it introduced a number of temporary measures on 1 August 2001.¹⁷⁰ For example, schools may now choose between the attainment targets (Bulletin of Acts and Decrees 2001, 340). This measure has no particular implications for the attainment targets for Frisian, however, since the latter serve merely as a guideline and are not, as previously noted, prescribed by law.
- 6.95 At present, the Ministry of Education, Culture and Science is in the process of evaluating basic secondary education.¹⁷¹ The government intends to introduce the recommended changes in basic secondary education as of 1 August 2004.¹⁷² In doing

¹⁶⁵ Ibid., 39, 40.

¹⁶⁶ Ibid., 57, 58 and 62.

¹⁶⁷ Section 11a, subsection 5 of the Secondary Education Act states: 'Schools are required to treat the attainment targets described in subsection 4 as goals that must be achieved by the end of basic secondary education.'

¹⁶⁸ Education Inspectorate, *Fries in de basisvorming. Evaluatie van de eerste vijf jaar*, Utrecht 1999, 65.

¹⁶⁹ Education Council, *De basisvorming: aanpassing en toekomstbeeld*, The Hague 2001, 49.

¹⁷⁰ Bulletin of Acts and Decrees 2001, 340.

¹⁷¹ Parliamentary Papers 26 733.

¹⁷² Parliamentary Papers II (House of Representatives) 2001-2002, 26 733, no. 13, pp. 8-9.

so, it will adopt the recommendation of the Education Council and the Education Inspectorate to place Frisian in the optional curriculum. However, in a letter dated 4 March 2002 to the House of Representatives, the State Secretary for Education, Culture and Science indicated that the freedom of choice of secondary schools regarding the development of the optional curriculum would be restricted by the relevant provision of the European Charter concerning the position of Frisian within secondary education in the province of Fryslân.¹⁷³

- 6.96 In a letter dated 12 April 2002, the State Secretary for Education, Culture and Science announced the establishment of a taskforce on basic secondary education. One of the missions of this taskforce will be to formulate attainment targets for the core curriculum, on the basis of the existing attainment targets and their use by schools in relation to the syllabus of the upper forms and the examination syllabus (see section 3.7.8).¹⁷⁴ The above-mentioned letter, which includes a detailed description of the taskforce's duties, does not indicate whether the taskforce will be responsible for implementing the agreements on the attainment targets for Frisian concluded in the Covenant on the Frisian Language and Culture (2001) (see section 6.78). The Parliamentary Papers on the evaluation of basic secondary education also fail to indicate how these agreements will be implemented.
- 6.97 The agreements reached in the framework of the Covenant on the Frisian Language and Culture (2001) are designed to bring the current state of affairs in secondary education into harmony with the undertaking entered into by the Netherlands under the Charter. Through the 'Plan fan oanpak Frysk yn it ûnderwiis', the province of Fryslân is seeking to implement the undertakings it entered into under the Covenant. With regard to basic secondary education, the province's action plan indicates that the provincial executive will seek to encourage every secondary school in Fryslân to draw up a language policy plan within the next two years. This language policy plan should identify the relevant attainment targets and establish methods for dealing with differences between pupils, with regard to fluency as well as attitudes towards the Frisian language. According to the province's action plan, all schools must complete a model curriculum for Frisian and bilingual secondary education within a year.¹⁷⁵ In addition, within three years, each language policy plan must be supplemented by a policy plan regarding the position of Frisian as a language of instruction for other subjects. In accordance with section 6a of the Secondary Education Act, these policy plans should also include a code of conduct concerning the use of the Frisian language, drawn up by the competent authority of each school (see section 6.107). The "Plan fan oanpak Frysk yn it ûnderwiis" was approved by The the provincial council of Fryslân **approved** the Plan fan Oanpak Frysk yn it Underwiis during the course ofin 2002.
- 6.98 **In summary**, it is clear that statutory measures have been taken to offer Frisian as a regular subject in basic secondary education, in accordance with the European Charter. According to the Education Inspectorate's report, however, the current state of affairs in secondary education is not consistent with the undertaking entered into by the Netherlands to provide for the teaching of Frisian as an integral part of the curriculum in secondary education in the province of Fryslân.

¹⁷³ Ibid., no. 14, p. 2.

¹⁷⁴ Ibid., no. 16.

¹⁷⁵ Province of Fryslân, *Plan fan oanpak Frysk yn it ûnderwiis*, November 2001, 19.

In October 2001, the Education Council published an advisory report on changes in basic secondary education, in which it recommended placing Frisian in the optional curriculum. The Ministry of Education, Culture and Science has heeded the council's recommendation, and structural changes will probably be implemented in August 2004. In the meantime, schools may choose between the attainment targets as a temporary solution to their main problems. Around the time of the reference date of this report (spring 2002), the implementation of the agreements concerning the position of Frisian in basic secondary education, as concluded in the framework of the Covenant on the Frisian Language and Culture (2001), still required further elaboration at national and provincial level.

- 6.99 The second stage of senior general secondary education (HAVO) and pre-university education (VWO) and the upper forms of pre-vocational secondary education (VMBO), in their current form, were introduced on 1 August 1998. A number of problems have since become apparent in the education programme for HAVO and VWO, including overloading and fragmentation of the curriculum and a lack of coherence and coordination between practical assignments.¹⁷⁶ In August 2000, the Ministry of Education, Culture and Science introduced a number of temporary measures to lighten the curriculum, in order to allow schools to solve problems relating to the introduction of the second stage.¹⁷⁷ In a memorandum on continuity and innovation in the second stage of HAVO and VWO, the State Secretary for Education, Culture and Science made a number of recommendations for structural changes in the second stage, which will probably not be introduced before 2005. Until then, it therefore makes sense to extend the temporary mitigatory measures.¹⁷⁸
- 6.100 Schools are allowed, but not required, to offer Frisian as an optional subject in the second stage of secondary education. In addition, pupils in VWO, HAVO and VMBO are free to choose Frisian as an examination subject.¹⁷⁹ These and other matters are regulated by the school-leaving examinations decree for secondary education (see sections 6.103 to 6.105). Obviously, pupils are only able to choose Frisian if the school concerned, where necessary in cooperation with other schools, offers it as an optional subject.
- 6.101 A limited number of secondary schools offers Frisian as an examination subject during the final year of studies. In 2001, 25 pupils in junior general secondary education (MAVO), 41 pupils in HAVO and 20 pupils in VWO took the Frisian school-leaving examination. In 2000, the figures were 29 for MAVO, 35 for HAVO and 12 for VWO. In 1999, the figures were 21, 6 and 2 respectively.¹⁸⁰
- 6.102 In order to offer a Frisian exam syllabus for HAVO and VWO in more schools than is currently the case, the province of Fryslân has provided an incentive grant of NLG 180,000 (€80,865) for experiments at four combined schools for secondary education

¹⁷⁶ Education Inspectorate, *De tweede fase een fase verder*, October 2001, 12.

¹⁷⁷ Parliamentary Papers II (House of Representatives) 1999-2000, 26 800 VIII, no. 70.

¹⁷⁸ Memorandum on continuity and innovation in the second stage of HAVO and VWO, with accompanying letter dated 18 January 2002 from the State Secretary for Education, Culture and Science, ref. VO/BOB/2001/50050.

¹⁷⁹ VWO-HAVO-MAVO-VBO Leaving Examinations Decree of 15 November 1997 (Bulletin of Acts and Decrees 1997, 588).

¹⁸⁰ Information Management Group, Survey of pupils taking Frisian school-leaving examinations, 1991-2001.

in Fryslân since 1997-1998.¹⁸¹ The aim of the project is to encourage pupils to choose Frisian as an examination subject and to generate a more positive attitude towards Frisian among pupils and teachers. GCO Fryslân is advising the schools that are involved in the project by helping them to draw up a language policy plan and by alerting them to the importance of continuity, as schools frequently offer Frisian during the first year of studies and as an examination subject, but fail to offer it in the intervening years. The Committee of Experts also noted this interruption in the teaching of Frisian and described it as one of the causes of the low number of pupils choosing Frisian as an examination subject (see section 6.76).

The above-mentioned project will last five years and reaches its final stage during the 2002-2003 school year. The achievements of the project will be published during the course of 2003. In the meantime, it already appears that more fifth-form HAVO pupils have taken the Frisian school-leaving examination in the four participating schools (26 in 1999-2000 and 43 in 2000-2001), although a similar increase has not occurred in VWO.¹⁸²

In the 'Plan fan oanpak Frysk yn it ûnderwiis', the province of Fryslân recommends introducing a similar project for VMBO. It intends to allocate €45,380 a year for this purpose for a period of three years.¹⁸³

- 6.103 The amended VWO-HAVO-MAVO-VBO (Organisation of Teaching) Decree and VWO-HAVO-MAVO-VBO Leaving Examinations Decree entered into force on 1 August 1998. The changes introduced concern the second stage of HAVO and VWO and the upper forms of VMBO. The Secondary Education (Organisation of Teaching) Decree was adopted in May 1999 in connection with the new learning pathways in MAVO and VBO (VMBO) (see section 6.9). The Leaving Examinations Decree was subsequently adopted in March 2000. Secondary schools in the province of Fryslân are not legally obliged to offer Frisian as an examination subject, but they have the option, where necessary in cooperation with other schools, of offering Frisian as an optional examination subject.
- 6.104 Article 26b, paragraph 5 (a) of the VWO-HAVO-MAVO-VBO (Organisation of Teaching) Decree and the VWO-HAVO-MAVO-VBO Leaving Examinations Decree, lists Frisian language and literature as one of the subjects that can be chosen as part of the specialised component of the VWO subject combination Culture and Society. In addition, article 26b, paragraph 7 (a) stipulates that Frisian language and literature can be part of the optional component of all four VWO subject combinations (see section 6.8).

Article 26c, paragraph 1 (a) of the Secondary Education (Organisation of Teaching) Decree lists Frisian language and literature 1 as a half-subject that can be chosen as part of the common component of all HAVO subject combinations. Article 26c, paragraph 1 (a) of the Decree lists Frisian as a possible choice of subject within the subject combination Culture and Society, as a supplement to and in combination with

¹⁸¹ Dockingacollege (Dokkum), Scholengemeenschap Bogerman (Sneek), OSG Piter Jelles (Leeuwarden) and OSG Singelland (Drachten).

¹⁸² Province of Fryslân, *Plan fan oanpak Frysk yn it ûnderwiis*, November 2001, 5, 18 and 19.

¹⁸³ *Ibid.*, 20, 21 and 37.

Frisian language and literature 1 and 2. In addition, the above-mentioned elements can be offered as part of the optional component of all HAVO subject combinations.

The Leaving Examinations Decree is linked to the subject combinations. Frisian language and literature will therefore remain as an optional examination subject.

- 6.105 The Leaving Examinations Decree of 24 March 2000 is linked to the various programmes available in MAVO and VBO (VMBO). Article 22, paragraph 1 (c) of the Decree lists the Frisian language as part of the optional component of the theoretical programme. In addition, article 25, paragraph 1 (c) of the Decree lists the Frisian language as part of the optional component of the combined theoretical and vocational programme. Obviously, pupils are only able to take the Frisian school-leaving examination if the school concerned offers Frisian as an optional subject.
- 6.106 In the draft ‘Plan fan oanpak Frysk yn it ûnderwiis’, the provincial authority of Fryslân recommends that all secondary schools, including VMBO schools, develop a language policy within three years. It also recommends that they develop a model curriculum for Frisian and bilingual secondary education, as well as a digital learning environment for all final-year HAVO and VWO pupils, within a year. In 2000, the province of Fryslân allocated the sum of NLG 80,000 (€36,300) for the development of a digital learning environment.¹⁸⁴ As already mentioned, the aim of the ‘Plan fan oanpak Frysk yn it ûnderwiis’ is to implement the province’s undertakings under the Covenant on the Frisian Language and Culture (2001). The province’s action plan also focuses on Frisian as a language of instruction. For the use of Frisian as the language of instruction in subjects other than Frisian, the approval of a linguistic code of conduct by the competent authority in the school is required by law (see section 6.107).
- 6.107 Section 4.46 of the first Dutch periodic report to the Council of Europe, which took 1 March 1998 as its reference date, indicated that there existed no legal impediment to the use of Frisian as a language of instruction in secondary schools in the province of Fryslân, either in basic secondary education or thereafter. Since then, a provision prescribing the use of Dutch as the language of instruction in secondary education and during examinations has been included in the Secondary Education Act. This provision came into force on 1 August 1998.

According to section 6a of the Secondary Education Act, however, another language can be used:

- where the teaching of that language is concerned, or
- if the particular character, organisation or quality of the education, or the origin of the participants, requires as much, in accordance with a code of conduct approved by the competent authority.

Under this statutory regulation, the Frisian language can be used as the language of instruction for the teaching of Frisian without the need for further regulation. In all other cases, a code of conduct is required. However, as far as can be ascertained, no secondary schools have yet adopted a code of conduct regarding the use of Frisian as the language of instruction in other subjects.

¹⁸⁴ Ibid., 37.

6.108 No studies have recently been conducted into the use of Frisian as a language of instruction in secondary education as a whole, although the Education Inspectorate's report on basic secondary education does devote attention to the use of Frisian as a language of instruction during the initial years of secondary education. In practice, Frisian is only used as a language of instruction for the teaching of Frisian, while in oral and informal communication it is used only sporadically. Frisian is used mainly in informal communication between teachers (64 per cent of teachers regularly use Frisian amongst themselves) and in individual contacts between teachers and pupils (43 per cent of teachers and pupils regularly use Frisian in individual contacts). The Frisian language barely features in official written documents in the field of education. In fact, with the exception of an occasional Frisian-language item in school newspapers (43 per cent of the schools visited occasionally publish a Frisian-language item in their school newspapers), the use of written Frisian is minimal.¹⁸⁵ These figures are consistent with the fact that secondary schools in Fryslân have so far not adopted linguistic codes of conduct.

6.109 **In summary**, it is clear that a significant number of statutory provisions aiming to provide for the teaching of Frisian to all pupils as an integral part of the curriculum have been adopted in the field of basic secondary education. However, the Education Inspectorate's 2001 report indicates that the implementation of these provisions is insufficient. The legislature has established no mandatory requirements with regard to the teaching of Frisian in the upper forms of secondary education, although the law does enable schools to offer Frisian as an optional subject and as an examination subject. In the 'Plan fan oanpak Frysk yn it ûnderwiis', the province of Fryslân recommends a number of specific measures, including a project, to encourage the teaching of Frisian in secondary schools. In this context, it is also worth considering the use of Frisian as a language of instruction, while taking account of the provisions of section 6a of the Secondary Education Act. Section 6.98 notes that the implementation of the agreements concerning the position of Frisian in basic secondary education, as included in the Covenant on the Frisian Language and Culture (2001), still required further elaboration at national and provincial level at the time of the reference date of this report (spring 2002). This observation applies not just to basic secondary education, but to secondary education as a whole.

Article 8(1)(e)(ii): university and other higher education

6.110 On accepting the European Charter, the Netherlands undertook 'to provide facilities for the study of [the Frisian language] as a university and higher education subject'.

6.111 In its report, the Committee of Experts notes that three colleges of higher professional education are situated in the province of Fryslân. Frisian is included in teacher training courses aimed at primary and secondary school teachers at two colleges. The Committee further notes that Frisian is apparently not taught at the third college, the Van Hall Institute, which specialises in nutrition, environment and agriculture. Furthermore, Frisian language and literature can be studied at the Universities of Groningen and Amsterdam.¹⁸⁶

¹⁸⁵ Education Inspectorate, *Fries in de basisvorming. Evaluatie van de eerste vijf jaar*, Utrecht 2001, 33.

¹⁸⁶ Council of Europe, *Report of the Committee of Experts*, 66. The Committee of Experts fails to note that Frisian is also taught, as a subsidiary subject, at the University of Leiden (see section 6.126).

- 6.112 According to the information it has received, the Committee of Experts concludes that there is no adequate funding to ensure a satisfactory level of teaching of Frisian at colleges of higher professional education in Fryslân. This also partly accounts for the fact that, outside the above-mentioned teacher training courses, there are no general Frisian courses at these colleges.¹⁸⁷
- 6.113 The Committee of Experts considers that the undertaking entered into by the Netherlands is being partially fulfilled. It therefore encourages the government to pursue a more active approach with respect to the provision of facilities for the study of the Frisian language in higher professional education.¹⁸⁸ Sections 6.129 and 6.130 of this report consider the Committee's observations in greater depth. First, however, the report provides a description of the current situation with regard to the teaching of Frisian and Frisian language and literature at universities and colleges of higher professional education.
- 6.114 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that they will jointly encourage closer contacts between universities and colleges of higher professional education in Europe offering courses in regional and minority languages and cultures. A framework plan and materials will be developed for this purpose (Covenant 2.8.2). The parties agreed that this objective will be realised by 2004.
- 6.115 With regard to the study of Frisian language and literature at Dutch universities, central government and the province of Fryslân agreed as follows in the Covenant on the Frisian Language and Culture (2001): 'The Minister of Education, Culture and Science will guarantee a basic level of funding for the study of Frisian language and literature at a university. In concrete terms this will mean the continued existence, at the University of Groningen, of a department offering a first-degree course (Covenant 2.8.3). The arrangements mentioned above for a degree course at the University of Groningen are without prejudice to the possibility of a second first-degree course being offered elsewhere. If and when a second such course is established, this will be funded (wholly or partly) by the province of Fryslân on the basis of an agreement with the university in question (Covenant 2.8.4).'
- 6.116 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed that central government will encourage institutions of higher education in Fryslân to include information in their annual reports concerning their policies in relation to the use and promotion of the Frisian language and culture (Covenant 2.8.5). The parties agreed that this objective will be realised by 2004.
- 6.117 Finally, in the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that the province of Fryslân will encourage consultations with higher education institutions in Fryslân or elsewhere in the Netherlands which teach Frisian to encourage them to include training in

¹⁸⁷ Ibid., 67.

¹⁸⁸ Ibid., 68.

classroom and educational skills relating to the Frisian language and culture in their plans for in-service training activities (Covenant 2.8.6).

- 6.118 Fryslân has three colleges of higher professional education: the Christian College of Higher Professional Education of the Northern Netherlands (CHN), the Northern College of Higher Professional Education in Leeuwarden (NHL) and the Van Hall Institute, which specialises in nutrition, environment and agriculture. In addition, the Dutch Technical Teacher Training College has a branch in Leeuwarden. Together, these colleges offer a wide range of courses, including teacher training, agriculture, hotel management, business administration and public administration.
- 6.119 There are no universities in the province of Fryslân, although the universities of Groningen, Twente and Wageningen allow students in certain courses to spend their foundation year in Leeuwarden. In addition, the Open University operates a study centre in Leeuwarden.
- 6.120 With regard to the study of Frisian language and literature at Dutch universities, it is worth noting that in 1999 the heads of the humanities faculties of six universities endorsed a document, entitled ‘Humanities Covenant 2000+’, which describes how a well-balanced range of humanities courses can be maintained by increasing cooperation and complementarity between the institutions.¹⁸⁹ This covenant was followed more than two years later by a follow-up document considering, among other things, the implications of the BA/MA structure for humanities courses.¹⁹⁰ In this document, the heads of the humanities faculties agreed to withdraw the University of Amsterdam’s course in Frisian language and literature, recommending that the study of Frisian language and literature should be concentrated at the University of Groningen.¹⁹¹
- 6.121 The agreement between the heads of the humanities faculties to transfer the University of Amsterdam’s course in Frisian language and literature to the University of Groningen encountered a significant amount of resistance from the Fryske Akademy and the provincial authority of Fryslân and led to protests from many individuals and institutions in the Netherlands and abroad. The Fryske Akademy and the provincial authority of Fryslân instituted interim injunction proceedings against the University of Amsterdam to prevent it from removing the course in Frisian language and literature from the Central Register of Higher Education Study Programmes before the end of the applicable statutory periods. The proceedings were won by the University of Amsterdam. The impending withdrawal of the course in

¹⁸⁹ This Humanities Covenant was endorsed by the heads of the humanities faculties of the University of Amsterdam, the University of Groningen, the University of Leiden, the University of Nijmegen, the University of Utrecht and the Free University of Amsterdam. The heads of the humanities faculties of the Erasmus University, Rotterdam, the University of Tilburg, the Open University and the University of Maastricht also gave their assent to the covenant.

¹⁹⁰ Association of Dutch Universities, *Convenant Letteren 2000+: nadere aanvulling, toelichting en uitwerking*, Utrecht, 12 September 2001.

¹⁹¹ In his answer to questions submitted by Van der Hoek, Hoeke ma, Atsma and Rijkstra (MPs) on 28 December 2000, the Minister of Education, Culture and Science indicated that he did not regard the possibility of merging the Amsterdam and Groningen facilities for the study of Frisian language and literature as inconsistent with the Covenant on the Frisian Language and Culture (1993) or the European Charter. The Minister did not foresee an active role for himself in this regard, in view of the rule concerning the self-management of the institutions, but he undertook to ensure that due care is exercised during the implementation of the procedure. See Appendix to Parliamentary Papers II (House of Representatives) 2000-2001, no. 664, pp. 1373-1374.

Frisian language and literature was eventually averted when the central works council and the central students' council refused to accept the University of Amsterdam's decision.¹⁹²

- 6.122 In an advisory report, entitled 'Vensters op de wereld', the Committee on the Humanities of the Royal Netherlands Academy of Arts and Sciences notes that there are ample reasons to concentrate the study of Frisian language and literature at the University of Groningen. In view of the status of Frisian as the second official state language, however, the Committee argues in favour of maintaining a minor facility at the University of Amsterdam.¹⁹³
- 6.123 During the 1999-2000 academic year, a total number of 68 students were enrolled in the course in Frisian language and literature at the University of Groningen. Six students took the course as their main subject and 62 took it as their subsidiary subject. During the 2000-2001 academic year, the corresponding figures were 60, 7 and 53, respectively. During the 1999-2000 academic year, no students took the 'doctoraal' examinations in Frisian. During the 2000-2001 academic year, two students took the examinations.¹⁹⁴
- 6.124 On the initiative of the province of Fryslân, the special chair in Frisian language and literature, which is funded by the province, was transferred to the 'doctoraal' course in Frisian language and literature at the University of Amsterdam at the beginning of the 1994-1995 academic year. Since then, the university has taught Frisian language and literature as a main subject. The province of Fryslân funds the above-mentioned chair through the Fryske Akademy. The chair is part of the 'doctoraal' course in Frisian language and literature, which receives financial and staff support from both the University of Amsterdam and the Fryske Akademy.
- 6.125 During the 1999-2000 academic year, a total number of 31 students were enrolled in the course in Frisian language and literature at the University of Amsterdam. One student took the course as a main subject. The majority of students were mature students who sat in on the course and did not on the whole take the interim examinations. Eight students did take the interim examinations. During the 2000-2001 academic year, a total of 55 students were enrolled in the course. Two students took the course as a main subject. Once again, the majority of students were mature students. Twenty-seven students took the interim examinations.¹⁹⁵
- 6.126 The University of Leiden and the Fryske Akademy maintain a special chair in Frisian language and literature at the University of Leiden. Students can only study Frisian language and literature as a subsidiary subject at the university. Since January 2002, moreover, teaching is no longer provided by researchers associated with the Fryske Akademy. During the 1999-2000 academic year, a total number of fourteen students

¹⁹² Fryske Akademy, *Jierferslach 2000/2001*, Ljouwert 2001, 108-109.

¹⁹³ Royal Netherlands Academy of Arts and Sciences, *Vensters op de wereld. De studie van de zogenoemde 'Kleine Letteren' in Nederland*. Report of the Committee on the Humanities, Amsterdam 2002, 27. Under the BA-MA structure, students will be able to devote two-thirds of their study time to their main subject and one-third to their subsidiary.

¹⁹⁴ Letter dated 7 February 2002 from the Department of Dutch, Frisian and Lower Saxon, Frisian Institute, Faculty of Humanities, State University of Groningen, ref. 12.18F 20509.

¹⁹⁵ Fryske Akademy, *Jierferslach 1999/2000*, Ljouwert 2000, 97-98.
Fryske Akademy, *Jierferslach 2000/2001*, Ljouwert 2001, 110-111.

and occasional students attended the lectures on Frisian language and literature (twelve of them *à la carte*)¹⁹⁶. No students took the interim examinations. During the 2000-2001 academic year, thirteen students and occasional students attended the lectures (eight of whom *à la carte*). Three students took an interim examination testing their command of the Frisian language.¹⁹⁷

- 6.127 Finally, it is worth noting that Dutch is the statutorily prescribed language of instruction in higher education. The law mentions a number of exceptions, such as the teaching of other languages (cf. section 7.2 of the Higher Education and Research Act). Institutions of higher education are required to adopt a linguistic code of conduct that stipulates all the exceptions to the above-mentioned statutory rule, for example, with regard to the use of Frisian or English (see section 7.2 (c) of the Higher Education and Research Act).
- 6.128 All the colleges of higher professional education in the province of Fryslân have adopted their own linguistic codes of conduct, as described in the preceding paragraph. The linguistic code of conduct of the CHN came into force on 1 September 2000. The linguistic code of conduct of the NHL of April 1997, which entered into force in September 1997, also still applies. The Van Hall Institute, finally, has extended its linguistic code of conduct for 1995-2000 by another five years, and the latter therefore applies until 2005. Generally speaking, Frisian is used only as one of the languages of instruction in primary teacher training courses. Staff members and students are allowed to use Frisian in individual contacts, provided this does not hinder cooperation. Students may also submit their reports and essays in Frisian. At the universities, Frisian is used as the language of instruction in the courses in Frisian language and literature.
- 6.129 At the colleges of higher professional education in the province of Fryslân, Frisian is only taught as part of the training courses for primary and secondary school teachers, in accordance with the undertaking entered into by the Netherlands under Article 8(1)(h) of the European Charter regarding the initial and in-service training of teachers. In order to maintain the teaching of Frisian in their teacher training courses, the CHN and the NHL both receive an annual grant of €34,033. The Dutch government is of the opinion that this grant is sufficient to maintain an acceptable facility for the teaching of Frisian. In addition, the province of Fryslân's 'Plan fan oanpak Frysk yn it ûnderwiis' also devotes attention to teacher training for Frisian teachers (see sections 6.157 to 6.183).
- 6.130 In the opinion of the Dutch government, Article 8(1)(e)(ii) of the European Charter does not suggest that Frisian must be taught in higher professional education courses other than teacher training courses. If they so desire, however, the colleges of higher professional education in the province of Fryslân are free to include Frisian as a compulsory or optional subject in all or some of their courses. If necessary, they can use the specific-purpose grant from the Ministry of Education, Culture and Science to the province of Fryslân for this type of Frisian language education, but only if an

¹⁹⁶ Studying *à la carte* means that anyone can attend lectures as an occasional student, regardless of age or prior qualifications, but without being entitled to take interim examinations.

¹⁹⁷ Fryske Akademy, *Jierferslach 1999/2000*, Ljouwert 2000, 105.
Fryske Akademy, *Jierferslach 2000/2001*, Ljouwert 2001, 118-119.

agreement has been concluded to this effect in the framework of the ‘Plan fan oanpak Frysk yn it ûnderwiis’ (see sections 6.20 and 6.21).

In the opinion of the Dutch government, Article 8(1)(e)(ii) of the European Charter suggests that central government should undertake to maintain a basic facility for the study of Frisian language and literature at university level and the teaching of Frisian in higher professional education courses for primary and secondary school teachers. This undertaking is being fulfilled by the Netherlands.

- 6.131 **In summary**, it is clear that the Netherlands has thus fulfilled the undertaking it entered into under the European Charter to provide facilities for the study of the Frisian language as a subject in university and other higher education.

Article 8(1)(f)(i): adult and continuing education

- 6.132 On accepting the European Charter, the Netherlands undertook ‘to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in [the Frisian language]’.
- 6.133 In its report, the Committee of Experts notes that although there is a statutory basis for the provision of adult and continuing education that is taught mainly or wholly in Frisian, there is no evidence that such teaching exists in practice, apart from private initiatives like those of the AFUK. According to government sources, adult and continuing education lies within the responsibility of the local authorities. The Committee considers that the undertaking entered into by the Netherlands is not being fulfilled.¹⁹⁸ It therefore encourages the government to arrange for the provision of adult and continuing education courses in Frisian.
- 6.134 The Covenant on the Frisian Language and Culture (2001) contains no specific agreements on adult and continuing education, but does include various sections concerning the province of Fryslân’s two regional training centres. As previously noted (see sections 6.12 and 6.13), adult education, like secondary vocational education, has been transferred to the regional training centres, which fall under the new Adult and Vocational Education Act as of 1996. Any provisions appearing in the Covenant concerning the regional training centres therefore apply equally to secondary vocational education.
- 6.135 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that they will jointly strive, by means of consultation with institutions and municipalities, to ensure that oral skills in the Frisian language are included as a compulsory part of the examination syllabus of the relevant regional training centres. For some specific occupational profiles, written skills in the Frisian language will also be a compulsory part of the examination (Covenant 2.7.1).
- 6.136 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed that they will jointly strive, by means of consultation with institutions, to ensure that the regional training centres follow the example of the colleges of higher professional education and draw up linguistic codes

¹⁹⁸ Council of Europe, *Report of the Committee of Experts*, 69.

of conduct specifying the status and use of the Frisian language (Covenant 2.7.2). The parties agreed that this objective will be addressed by 2004.

- 6.137 In accordance with the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân will jointly strive to improve the status of Frisian in the regional training centres. Use will be made of historical survey data and central government and the province will collect further data, if necessary in collaboration with the Inspectorate and research institutions, in order to identify trends in quality and the effect of incentive schemes on the quality and status of Frisian in all sectors of education. The aim will be to clarify at any rate matters such as the place of Frisian in the quality assurance policies of schools, Frisian language skills among teaching staff, the amount of time devoted to Frisian language as a subject, the extent to which Frisian is chosen as an examination subject, the use of Frisian as the language of instruction in other subject areas, and the teaching materials developed and used for the teaching of Frisian (Covenant 2.7.3). The parties agreed that this objective will be addressed by 2004.
- 6.138 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed that they will jointly encourage the regional training centres to include in-service training activities for their teaching staff in their quality assurance plans, including training to improve their knowledge of Frisian (Covenant 2.7.4). The parties agreed that this objective will be addressed by 2004.
- 6.139 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed that the province will pay attention to Frisian language and culture when developing projects in the field of cultural education (Covenant 2.7.5). The parties agreed that this objective will be addressed by 2004.
- 6.140 This section of the report, which deals with the current status of Frisian in regional training centres, focuses mainly on adult education courses within the meaning of the Adult and Vocational Education Act and Frisian-language courses for adults falling within the scope of adult and continuing education within the meaning of the European Charter. This section devotes only a limited amount of attention to the status of Frisian in technical and vocational education, as the Netherlands did not endorse the provisions concerning these forms of education. In support of its decision, the Dutch government stated that there is no statutory requirement to teach Frisian as an integral part of the curriculum in secondary vocational education, as provided for in Article 8(1)(c)(iii) of the European Charter. There are no statutorily prescribed subjects or examination subjects in vocational education, and institutions for vocational education can therefore not be placed under any obligations in this area.¹⁹⁹ If they desire, regional training centres may, in consultation with municipalities and the private sector, incorporate requirements concerning Frisian into the curriculum. Future reports will examine how more attention can be devoted to the status of Frisian in secondary vocational education, in view of the agreements concluded in the framework of the Covenant on the Frisian Language and Culture (2001) with regard to the regional training centres.

¹⁹⁹ Parliamentary Papers II (House of Representatives) 1994-1995, 24 092, no. 5, pp. 6-7.

6.141 Section 7.3.1 of the Adult and Vocational Education Act distinguishes between the following forms of adult education:

- adult general secondary education
- courses providing a broad basic education
- Dutch as a second language I and II
- other courses aimed at fostering self-reliance.

Adult general secondary education focuses on the attainment, in full or in part, of a VWO, HAVO or MAVO diploma (see section 7.3.4, subsection 1 of the Adult and Vocational Education Act). The establishment of attainment targets for the other forms of adult education is regulated as follows (see section 7.3.3, subsections 1 to 3 of the Adult and Vocational Education Act):

- attainment targets for Dutch as a second language I and II are established by ministerial order;
- attainment targets for courses providing a broad basic education and other courses aimed at fostering self-reliance may be established by ministerial order.

The competent authority of each regional training centre may independently establish attainment targets for other adult education courses.

6.142 The above-mentioned courses in Dutch as a second language, which are also mentioned in the Adult and Vocational Education Act, are intended primarily for members of ethnic groups that have settled in the Netherlands (see section 6, subsection 1 (a) (1) of the Newcomers Integration Act (Bulletin of Acts and Decrees 1998, 261)). The content and level of the courses in Dutch as a second language are established by ministerial order.²⁰⁰ These various provisions do not take account of the bilingual character of the province of Fryslân (see section 3.3.5 of this report).

6.143 In the framework of adult general secondary education, students in the province of Fryslân can take courses at MAVO, HAVO or VWO level. The Friese Poort regional training centre only offers courses at MAVO level (most recently during the 2001-2002 academic year) at its Emmeloord (Flevo-Poort) branch, that is to say, outside the province of Fryslân. The Emmeloord branch does not teach Frisian as a subject. The Friesland College regional training centre teaches subjects at MAVO, HAVO and VWO level and offers Frisian as an optional subject. The teaching of Frisian is contracted out to AFUK (see also section 6.147). Students take the final examinations at the Friesland College. During the 2000-2001 academic year, a total of six students took the AFUK course: two MAVO students, three HAVO students and one VWO student.²⁰¹ During the 2001-2002 academic year, one MAVO student, one HAVO student and three VWO students took Frisian.²⁰²

6.144 Section 7.1.1 of the Adult and Vocational Education Act stipulates that teaching and examinations should be conducted in Dutch. The Act mentions a number of exceptions, such as the teaching of other languages. Institutions falling within the scope of the Adult and Vocational Education Act are required to adopt a linguistic

²⁰⁰ Regulations of the Ministry of Education, Culture and Science, Regulation establishing the content and level of the integration exam for newcomers, *Uitleg*, 22 July 1998, no. 17b.

²⁰¹ AFUK, 'Jierferslach 2000', *De Pompeblêden* 72(3), 2001, 6.

²⁰² AFUK, 'Jierferslach 2001', *De Pompeblêden* 73(3), 2002, 6.

code of conduct that stipulates all the exceptions to the above-mentioned statutory rule, for example, with regard to the use of Frisian or English (see section 7.1.1 (b) of the Adult and Vocational Education Act). The Adult and Vocational Education Act thus provides a statutory basis for individual regional training centres to teach courses mainly or wholly in Frisian.

- 6.145 In contrast to the colleges of higher professional education in Fryslân (see section 6.128), the regional training centres in Fryslân have not yet adopted a linguistic code of conduct regarding the use of Frisian in adult and vocational education. In the ‘Plan fan oanpak Frysk yn it ûnderwiis’, the provincial authority of Fryslân recommends that the regional training centres formulate language policies regulating the use of Frisian within the next two years (see also section 6.136). The two Frisian regional training centres, the Friese Poort and the Friesland College, do not oppose this recommendation. With regard to the inclusion of Frisian among the subject modules of certain vocational courses, however, both centres stipulate that there should first be demand for Frisian-speakers in the marketplace.²⁰³
- 6.146 The Adult and Vocational Education Act contains no references to the Frisian language and its integration into adult education, nor does it contain specific provisions with regard to Frisian courses in adult education in Fryslân. However, the Act does leave room for the regional training centres and the local authorities to give priority to Frisian in the range of courses offered. The Act therefore ensures that the range of courses offered is the result of a contractual relationship between the regional training centre and the municipality. The municipalities receive a government grant for adult education for this purpose (section 2.3.1, subsection 1 and section 2.3.4, subsection 1 of the Adult and Vocational Education Act). When using this grant, the municipalities are free to set their own priorities with regard to the range of courses offered and to conclude agreements with the regional training centres in this regard. The Adult and Vocational Education Act also leaves the regional training centres free to establish their own attainment targets for a range of courses that dovetail specifically with regional or local needs (section 7.3.3, subsection 3 of the Adult and Vocational Education Act). The policy freedom of the municipalities to set their own priorities and of the regional training centres to establish their own attainment targets therefore also applies to Frisian.
- 6.147 Special mention should be made of the activities of AFUK in the field of adult and continuing education. This organisation, which is not part of a regional training centre, organises Frisian courses for Frisian-speaking and non-Frisian-speaking adults and develops teaching and course materials. Some of the courses offered by AFUK are aimed at specific occupational groups, including employees of the courts in Fryslân and provincial civil servants (see also sections 7.18 and 8.73). Every year, approximately 1,000 students take AFUK’s language courses.
- 6.148 Central government provides the province of Fryslân with an annual grant to support AFUK’s Frisian language courses. In 2001, the total value of the grant was NLG 1,116,148 (€506,480). Part of this amount is earmarked for the F-side in the Leeuwarder Courant and Friesch Dagblad newspapers.²⁰⁴ AFUK also receives general

²⁰³ Province of Fryslân, *Plan fan oanpak Frysk yn it ûnderwiis*, November 2001, 22-23.

²⁰⁴ The F-side is a subsidised weekly page in Frisian that appears approximately forty times a year in the Friesch Dagblad and the Leeuwarder Courant, outside the editorial responsibility of the two newspapers. The province of

funding from the Frisian municipalities in which its courses are offered. In 2001, the total value of the municipal grants was NLG 47,025 (€21,340).²⁰⁵

6.149 **In summary**, it is clear that the Netherlands has made a number of provisions to facilitate the teaching of Frisian in the framework of adult and continuing education in the province of Fryslân (see in particular section 6.148). The Adult and Vocational Education Act, which regulates education in regional training centres, contains no specific provisions on Frisian in adult education, but leaves the two regional training centres in Fryslân and the local authorities free to include Frisian in the range of courses offered. The competent authorities of the regional training centres concerned are also free to establish attainment targets, pursuant to section 7.3.3, subsection 3 of the Adult and Vocational Education Act (see section 6.146). Until now, the regional training centres have not made use of the statutory possibility of drawing up a linguistic code of conduct, as provided in section 7.1.1 of the Adult and Vocational Education Act. In the framework of the ‘Plan fan oanpak Frysk yn it ûnderwiis’, the province of Fryslân will strive to ensure that the regional training centres draw up such codes within the next two years (see section 6.136). In the absence of such linguistic codes of conduct, the regional training centres cannot offer courses that are taught mainly or wholly in Frisian in the various adult education programmes, except where the teaching of Frisian is concerned. The proposed linguistic code of conduct for the regional training centres is also meant to facilitate the use of Frisian in secondary vocational education at the two regional training centres in Fryslân.

Article 8(1)(g): teaching of Frisian history and culture

6.150 On accepting the European Charter, the Netherlands undertook ‘to make arrangements to ensure the teaching of the history and the culture which is reflected by [the Frisian language]’. The drafters of the European Charter were almost certainly referring to statutory regulations in their reference to arrangements that offer guarantees in this regard.

6.151 In its report, the Committee of Experts notes that no statutory measures have been taken to guarantee this undertaking. According to the information received by the Committee, very little has been done in this field, with the exception of primary education. In secondary education, in particular, virtually no attention is devoted to Frisian history and culture, owing mainly to the lack of teaching material and adequate funding. The Committee therefore considers that this undertaking is not being fulfilled by the Netherlands.²⁰⁶

6.152 The Covenant on the Frisian Language and Culture (2001) contains no agreements regarding regulations aimed at implementing this undertaking. Nevertheless, central government and the province of Fryslân did agree to jointly encourage the provision of classroom materials in the Frisian language by 2004, in order to support its use as the language of instruction for subjects like environmental studies, biology, history,

Fryslân has supported the F-side financially since 1994 and has earmarked €102,100 for this purpose in 2002. Editorial responsibility for the F-side belongs to the Stipepunt Frysk (i.e. the Frisian Language Support Centre), which is part of AFUK.

²⁰⁵ AFUK’s commercial activities provide 60 per cent of the organisation’s income (publishing and book sales), while the remaining 40 per cent comes from grants. In 2001, AFUK’s income stood at NLG 1,674,559.

²⁰⁶ Council of Europe, *Report of the Committee of Experts*, 70.

life skills and cultural education (Covenant 2.9.3). In this context, central government and the province will also encourage the development of applications in the field of information and communications technology, such as Frisian-language multimedia materials (Covenant 2.9.4).

- 6.153 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed that the province of Fryslân will devote attention to Frisian language and culture when developing projects in the field of cultural education (Covenant 2.4.4, 2.5.9 and 2.7.5).
- 6.154 The Netherlands has not adopted any statutory regulations to ensure that the Frisian language is reflected in the teaching of history and culture in schools in the province of Fryslân, in accordance with the European Charter. Furthermore, the 1996 cultural education policy document *Cultuur en School* of the Ministry of Education, Culture and Science did not explicitly address the special cultural situation in the province of Fryslân, nor did the subsequent education memorandum of 1999.²⁰⁷ The policy document on the basic principles of cultural policy for the 2001-2004 period, entitled *Cultuur als confrontatie*, also fails to address Frisian language and culture explicitly (see also sections 3.7.10 and 10.6).
- 6.155 The provincial authority of Fryslân devotes attention to cultural education in section 2.13 of its policy document on culture in Fryslân for the 2000-2004 period (see also section 10.9). It emphasises the encouragement of amateur and professional theatre and museum attendance, as a way of drawing pupils' attention to local cultural expressions in their immediate surroundings. As a result of the aforementioned education policy document, the province of Fryslân has access to funding in excess of €145,000 for this purpose, although the teaching of Frisian history and culture is not mentioned explicitly. Nor is it mentioned in the 'Plan fan oanpak Frysk yn it ûnderwiis'.
- 6.156 **In summary**, although it appears that the teaching of Frisian history and culture does not receive explicit attention in Dutch legislation, an effort is being made to develop Frisian-language classroom materials for subjects like environmental studies, history and cultural education. In the framework of the Covenant on the Frisian Language and Culture (2001), the province of Fryslân will also devote attention to the interaction between cultural education and Frisian in primary and secondary education and in adult and vocational education. At the time of the reference date of this report (see section 2.17), the implementation of the agreements concerning the position of Frisian in cultural education and the teaching of Frisian history and culture, as concluded in the framework of the Covenant on the Frisian Language and Culture (2001), still required further elaboration.

Article 8(1)(h): basic and further training of teachers

- 6.157 On accepting the European Charter, the Netherlands undertook 'to provide the basic and further training of the teachers required to implement those of subparagraphs a to g accepted by [the Dutch government]'. This applies to the following forms of education:
- pre-school education (subparagraph a)

²⁰⁷ See http://www.minocw.nl/cultuur/cultuur_en_school/volgnot.htm

- primary education (subparagraph b)
- secondary education (subparagraph c)
- university and other higher education (subparagraph e)
- adult and continuing education (subparagraph f)
- teaching of Frisian history and culture (subparagraph g).

- 6.158 In its report, the Committee of Experts notes that no statutory measures have so far been taken for the provision of Frisian in the initial and in-service training of teachers in pre-school and adult education. Furthermore, from the information the Committee has received, it appears that in practice the implementation of this provision at other levels is not satisfactory either, owing mainly to the lack of adequate funding. Central government representatives have informed the Committee that a special advisory body has looked into the matter. The Committee considers that the undertaking is not being fulfilled by the Netherlands.²⁰⁸ It therefore encourages the Dutch government to develop a more active policy in this field to promote the implementation of this provision. The Covenant on the Frisian Language and Culture (2001) seeks to implement this recommendation (see sections 6.159 to 6.163).
- 6.159 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed with regard to the initial training of playgroup and childcare workers in Fryslân that central government will consult with the social partners on whether it is practicable for the initial training of these workers to include active and passive Frisian language skills and the specific skills needed to teach bilingual and multilingual children at pre-school level (Covenant 2.1.2). The parties agreed that this objective will be addressed by 2004.
- 6.160 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed with regard to the initial training of teaching assistants in primary education that they will conduct consultations with the regional training centres in Fryslân in order to encourage them to integrate active Frisian-language skills and the educational skills required to teach bilingual and multilingual children into their initial training courses for teaching assistants, or to make them a compulsory part of the examination syllabus (Covenant 2.4.2). The parties agreed that this objective will be addressed by 2004.
- 6.161 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed with regard to the training of primary and secondary school teachers that central government will ensure that initial and in-service training is available for teachers involved in encouraging interest in Frisian in primary and secondary education (Covenant 2.8.8). In addition, both parties will jointly strive to encourage interest in the initial and in-service training of Frisian teachers in Fryslân (Covenant 2.8.7). The parties agreed that both objectives will be addressed by 2004.
- 6.162 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed that central government will ensure that initial training courses for primary school teachers provide students with the agreed basic skills they need to start their careers, including the skills required for teaching Frisian.

²⁰⁸ Council of Europe, *Report of the Committee of Experts*, 71.

In addition, central government will strive to ensure that the agreed basic skills for secondary teacher training courses (including the course for teachers of Frisian) include targets for classroom and educational skills relating to the teaching of bilingual and multilingual children (Covenant 2.8.1). The parties agreed that this objective will be addressed by 2004.

- 6.163 Finally, the Covenant on the Frisian Language and Culture (2001) contains many provisions regarding the importance of the fact that schools include training in classroom and educational skills relating to the Frisian language and culture in their in-service training or quality assurance plans. In this regard, central government and the province of Fryslân have agreed that they will jointly act to encourage such measures by the following educational institutions in Fryslân:
- primary schools (Covenant 2.4.3)
 - secondary schools (Covenant 2.5.7)
 - schools falling under the Expertise Centres Act (Covenant 2.6.3)
 - regional training centres (Covenant 2.7.4)
 - institutions of higher education, both within and outside the province of Fryslân (Covenant 2.8.6).

The parties agreed that these objectives will be addressed by 2004, with the exception of the in-service training of primary school teachers, which will be addressed during the 2004-2010 period.

- 6.164 Part of the funding for the Frisian-language facilities in the various initial teacher training courses comes from central government, in the framework of the specific-purpose grant for Frisian-language education mentioned in the Covenant on the Frisian Language and Culture (2001) (Covenant 2.3.1). Information concerning the value of the grant can be found in section 6.55 of this report. In addition to the government's grant, the province of Fryslân also provides funding to the above-mentioned Frisian-language facilities from its own resources. Finally, the schools concerned also operate their own in-service training budgets, which can be used for training teachers in Frisian and in the educational skills required for teaching bilingual children.
- 6.165 In order to paint a clear picture of the current status of Frisian in the training of teachers in the various education sectors, including childcare and playgroups, this report now focuses on the various initial and – where applicable – in-service training courses:
- initial training of playgroup and childcare workers (see sections 6.166 to 6.167)
 - initial training of teaching assistants in primary education (see section 6.168)
 - the initial and in-service training of primary school teachers (see sections 6.169 to 6.172)
 - initial and in-service training and retraining of secondary school teachers (see sections 6.173 to 6.176)
 - initial training of Frisian teachers working in other forms of education (see sections 6.177 to 6.180)
 - attention devoted to Frisian language and culture in the above-mentioned training courses (see section 6.181)
 - funding of the above-mentioned training courses (see section 6.182).

- 6.166 The training of playgroup and childcare workers falls within the scope of secondary vocational education and therefore takes place at regional training centres, which fall under the Adult and Vocational Education Act. Within these regional training centres, this type of training falls within the scope of social and community work education. The government has so far not adopted any statutory regulations regarding the position of Frisian within this training course. Furthermore, at the time of the reference date of this report (March 2002), the consultations with the social partners, as described in section 2.1.2 of the Covenant on the Frisian Language and Culture (2001), had not yet commenced (see section 6.159).
- 6.167 The two regional training centres in Fryslân, the Friesland College and the Friese Poort, both offer social and community work training courses. At the beginning of the 2001-2002 academic year, the Friesland College regional training centre introduced a module on bilingual education that devotes attention to Frisian, in addition to Turkish and Moroccan. The purpose of the module is to prepare playgroup and childcare workers for the potential home languages of children in childcare centres and playgroups. It also seeks to help the students gain insight into language development in children. In addition, the Friese Poort regional training centre wishes to introduce a Frisian module into its social and community work training course, in the form of two weekly teaching periods for a period of twenty weeks, from the beginning of the 2002-2003 academic year.²⁰⁹ The Friese Poort and Friesland College regional training centres are cooperating with AFUK and GCO Fryslân to establish the respective modules.²¹⁰
- 6.168 The initial training of teaching assistants in primary education also takes place at the regional training centres. As yet, this training course does not devote attention to active Frisian-language skills and the classroom and educational skills required to teach bilingual and multilingual children. Moreover, at the time of the reference date of this report, central government and the province of Fryslân had not yet implemented section 2.4.2 of the Covenant on the Frisian Language and Culture (2001) (see section 6.160).
- 6.169 In the Netherlands, the initial training of primary school teachers takes place at colleges of higher professional education. The Christian College of Higher Professional Education of the Northern Netherlands (CHN) and the Northern College of Higher Professional Education in Leeuwarden (NHL) both offer teacher training courses. As Frisian is a compulsory subject in primary schools in the province of Fryslân, it is also a compulsory module in the initial training courses offered to primary school teachers at the two Frisian colleges. At the NHL, students are obliged to study Frisian during the first two years of their four-year study programme, after which it becomes an optional subject.²¹¹ At the CHN, Frisian is an optional subject throughout the teacher training course. Both colleges give students an endorsement for Frisian on their diplomas when they have successfully completed their examinations, including the Frisian examination. In accordance with section 186, subsection 5 of the 1998 Primary Education Act, this endorsement authorises teachers to teach Frisian in primary schools.

²⁰⁹ Friese Poort regional training centre, e-mail message, 4 March 2002.

²¹⁰ AFUK, 'Jierferslach 2000', *De Pompeblêden* 72(3), 2001, 8.

²¹¹ Letter dated 24 January 2002 from the Northern College of Higher Professional Education.

- 6.170 Recent figures published in the ‘Plan fan oanpak Frysk yn it ûnderwiis’ indicate that the percentage of students obtaining the endorsement for Frisian is significantly higher at the CHN than at the NHL.²¹² This is explained by the fact that students at the CHN can obtain the endorsement by including Frisian as an optional subject in their examination packages. In this context, the CHN does not distinguish between Frisian-speaking and non-Frisian-speaking students. At the NHL, however, students wishing to obtain the endorsement for Frisian must take an extra Frisian course on top of their regular study programme (in practice, this entails additional teaching practice, classes and assignments, such as presentations and reports). Furthermore, the NHL differentiates between Frisian-speaking and non-Frisian-speaking students: the latter are obliged to take an extra module in order to reach the same level as the Frisian-speaking students by the end of their third year of studies. In summary, it is clear that the requirements set by the NHL for obtaining the endorsement for Frisian are higher than those of the CHN.
- 6.171 The preceding paragraph indicates that certain trainee primary school teachers choose not to obtain an endorsement for Frisian. It appears that this choice also has implications for the command of Frisian among primary school teachers in Fryslân. Thus, according to the Education Inspectorate’s report on Frisian in primary education, over a third of teachers are not qualified to teach Frisian. The report also indicates that 44 per cent of teachers cannot write Frisian and 17 per cent cannot read it. Furthermore, 96 per cent and 84 per cent of teachers, respectively, are capable of understanding and speaking Frisian.²¹³
- 6.172 Primary school teachers are able to take an in-service training course in Frisian. In the case of the NHL, this course is provided by the Educatief Centrum Noord en Oost. GCO Fryslân also organises courses for primary school teachers who wish to expand or refresh their knowledge of Frisian. The Taalsintrum Frysk language centre, which is part of GCO Fryslân, organises Frisian courses in cooperation with AFUK. Primary schools have their own in-service training budgets, which can be used for training in Frisian. It is not known how many primary school teachers make use of this opportunity.
- 6.173 In the Netherlands, a distinction is made between grade one and grade two teachers. Grade one teachers are qualified to teach in all the years of secondary school, while grade two teachers are only qualified to teach in the first three years of senior general secondary education (HAVO) and pre-university education (VWO) and in all the years of pre-vocational secondary education (VMBO) and secondary vocational education (MBO). The initial training of grade two secondary school teachers takes place at colleges of higher professional education. The initial training of grade one secondary school teachers takes place at colleges of higher professional education and universities.

²¹² Percentage of students obtaining the endorsement for Frisian at the CHN and the NHL:
 - 1998-1999 – CHN: 75 per cent; NHL: 32 per cent
 - 1999-2000 – CHN: 87 per cent; NHL: 34 per cent
 - 2000-2001 – CHN: 73 per cent; NHL: 17 per cent

Source: Province of Fryslân, *Plan fan oanpak Frysk yn it ûnderwiis*, November 2001, 6.

²¹³ Education Inspectorate, *Het onderwijs in het Fries op de basisscholen in Friesland. De stand van zaken*, Utrecht 2001, 17-18.

- 6.174 Of the two colleges of higher professional education in the province of Fryslân, only the NHL offers an initial training course for a grade one or grade two certificate of competence in Frisian in secondary education. During the 1999-2000 academic year, four students (including one who started at the beginning of the second term) were enrolled in the grade two teacher training course at the NHL. During the 2000-2001 academic year, there were seven students (including three who started at the beginning of the second term), and fifteen students (including five who will start at the beginning of the second term) have so far registered for 2002-2003. During the 1999-2000 and 2000-2001 academic years, one student was enrolled in the grade one teacher training course.²¹⁴ There were no grade one students during 2001-2002.²¹⁵
- 6.175 The University of Groningen offers a grade one teacher training course for Frisian teachers. One student graduated from the course at the end of the 1999-2000 academic year. During the 2000-2001 and 2001-2002 academic years, one student was enrolled on the course. No students graduated during this time.²¹⁶
- 6.176 Between 1995 and 1997, the NHL organised a one-off two-year Frisian retraining course for secondary school teachers, in response to the increase in demand for qualified Frisian teachers that resulted from the inclusion of Frisian as a compulsory subject in basic secondary education. In 1995, the Ministry of Education, Culture and Science provided places for twenty teachers on a Frisian retraining course (see also section 6.89). The participating schools agreed in writing to use the retrained teachers to teach Frisian. The retraining course was intended primarily for teachers that would have otherwise faced redundancy due to declining student numbers. According to the Education Inspectorate's report on Frisian in basic secondary education, however, it was difficult to find even ten teachers that were willing to take the course.²¹⁷ For the sake of completeness, it is worth noting that secondary schools have their own in-service training budgets, which can be used for training in Frisian. It is not known how many secondary school teachers make use of this opportunity.
- 6.177 The initial training of Frisian teachers who work in universities and other institutions of higher education takes place at universities where Frisian can be studied as a main subject, that is to say, the University of Groningen and the University of Amsterdam.
- 6.178 With regard to the training of Frisian teachers in adult general secondary education, the reader is referred to the paragraphs concerning the training of grade one and grade two secondary school teachers (see sections 6.173 to 6.175). As previously noted, the

²¹⁴ In response to reports in the Frisian press concerning the reported closure of the NHL's training course for Frisian teachers because of a financial shortfall, Atsma and Eurlings (MPs) submitted questions to the Minister of Education, Culture and Science and the State Secretary for the Interior and Kingdom Relations on 13 September 2000. Supported by the State Secretary, the Minister responded that any decision to shut down the programme would constitute a reason for him, in the light of his responsibility under the European Charter to provide for the training of Frisian teachers in secondary schools, to conduct further consultations with the college and the province of Fryslân concerning the possibility of maintaining the training facility. Above all, however, the Minister considered it important to increase public support for the Frisian language. Both aspects of the Minister's response were incorporated in the Covenant on the Frisian Language and Culture (2001) (see section 6.161).

²¹⁵ Letter dated 24 January 2002 from the Northern College of Higher Professional Education. Additional information provided by e-mail on 14 May 2002.

²¹⁶ Letter dated 7 February 2002 from the Department of Dutch, Frisian and Lower Saxon, Frisian Institute, Faculty of the Humanities, University of Groningen, ref. 12.18F 20509.

²¹⁷ Education Inspectorate, *Fries in de basisvorming. Evaluatie van de eerste vijf jaar*, Utrecht 1999, 21.

regional training centre concerned uses Frisian teachers provided by AFUK, instead of its own staff, for its teacher training courses for adult general secondary education (see section 6.143). It has thereby opted for a solution that is both practical and effective.

- 6.179 There are currently no facilities reflecting the bilingual nature of the province of Fryslân as far as the training of teachers working in the other forms of education listed in the Adult and Vocational Education Act (see section 6.12) is concerned.
- 6.180 AFUK independently establishes the course requirements for the initial training of the teachers of its own Frisian language courses. With regard to in-service training, AFUK organises biannual meetings, the so-called *lesjouwersgearkomsten*, and special in-service training courses for the teachers of its courses, the latter since 1995.²¹⁸
- 6.181 The teaching of Frisian history and culture (subparagraph g) is included in all the aforementioned teacher training courses.
- 6.182 In its report, the Committee of Experts notes that the position of Frisian in teacher training courses is not satisfactory, mainly owing to the lack of adequate funding. In the opinion of the Dutch government, this statement is incorrect, at least in relation to the current state of affairs, especially with regard to the training of primary and secondary school teachers. First of all, the province of Fryslân receives an annual specific-purpose grant for Frisian in education from the Ministry of Education, Culture and Science (see section 6.55). Second, the province of Fryslân provides a total of €8,067 to the CHN and the NHL for maintaining and improving the quality of the initial training of Frisian teachers in primary schools. Third, the provincial authority of Fryslân provides a total of €9,756 for maintaining and improving the quality of the initial training of Frisian teachers in secondary schools. Fourth, at the time of the introduction of basic secondary education, central government provided a special grant to help teachers obtain a grade two certificate of competence in Frisian. Finally, in 2001, central government provided €165,630 for higher education.²¹⁹
- 6.183 **In summary**, it appears that the only formal lacuna with regard to knowledge of the Frisian language is in the training of teachers working in the forms of adult education mentioned in the Adult and Vocational Education Act (see section 6.141). Recently, more attention has been devoted to the bilingual nature of the province of Fryslân in the training of playgroup and childcare workers. In fact, in the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed to improve the position of Frisian in training courses for teachers in adult education and playgroup and childcare workers. In the opinion of the Dutch government, the financial resources provided by central government and the province of Fryslân, together with the in-service training budgets of the individual schools, are sufficient to allow attention to be devoted to Frisian in the initial and in-service training of teachers and playgroup and childcare workers in accordance with the relevant undertaking in the European Charter.

Article 8(1)(i): supervisory body for Article 8

²¹⁸ AFUK, 'Jierferslach 2000', *De Pompeblêden* 72(3), 2001, 7-8.

²¹⁹ Province of Fryslân, *Plan fan oanpak Frysk yn it ûnderwiis*, November 2001, 48.

- 6.184 On accepting the European Charter, the Netherlands undertook ‘to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of [the Frisian language] and for drawing up periodic reports of their findings, which will be made public’.
- 6.185 Section 88 of the Explanatory Report states: ‘[...] The characteristics of such a supervisory institution are not specified in paragraph 1.i. It could accordingly be an education authority body or an independent institution. This function could also be conferred on the body provided for in Article 7, paragraph 4, of the charter. In any case, the charter requires the findings of the monitoring to be made public.’
- 6.186 In its report, the Committee of Experts notes that, in the Dutch context, the Education Inspectorate acts as a supervisory body in education matters. The Committee was informed by central government representatives that the Education Inspectorate and a research institute carried out a survey evaluating the use of Frisian in primary education in spring 2001.²²⁰ The Committee therefore considers that this undertaking is being fulfilled by the Netherlands. It looks forward to receiving the information based on this survey and trusts that the Education Inspectorate will ensure the drawing up of periodical reports at all levels of education.²²¹
- 6.187 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that, parallel to the periodical reports on the implementation of the European Charter, the Education Inspectorate will issue three-yearly bulletins on bilingual and multilingual education in the province of Fryslân. These bulletins will be integrated into the multi-year plans for large-scale evaluations by the Education Inspectorate (Covenant 2.10.1). This agreement entails that the Education Inspectorate will report on the position of Frisian in the various education sectors every three years. The parties agreed that this objective will be addressed by 2004.
- 6.188 In addition, central government has decided to ask the Education Council, in its capacity as the government’s advisory body on education matters, to devote attention to the position of Frisian in education. This decision was developed further in the Covenant on the Frisian Language and Culture (2001), in which central government and the province of Fryslân agreed that, where appropriate, central government will involve the Education Council in the development of policies on the Frisian language and culture in education (Covenant 2.10.2). The parties agreed that this objective will be addressed by 2004.
- 6.189 Prior to the conclusion of the new Covenant on the Frisian Language and Culture, the Education Inspectorate already reported periodically on the position of Frisian in education. This activity was in accordance with the above-mentioned role of the Inspectorate as a supervisory body in the field of education in the Netherlands, which includes teaching in and of Frisian.²²² In this context, the Inspectorate has published a

²²⁰ These reports on the position of Frisian in primary education have already been discussed in depth (see sections 6.62 to 6.66). For the sake of brevity, the reader is referred to them here. In 2001, the Education Inspectorate also published a report on the position of Frisian in basic secondary education (see sections 6.90 to 6.92).

²²¹ Council of Europe, *Report of the Committee of Experts*, 72.

²²² The task of the Education Inspectorate will be regulated by the new Education Inspection Act. According to the bill presented to the House of Representatives on 5 June 2001, the Education Inspectorate will be responsible for

number of reports on its findings with regard to the position of Frisian in primary and special education.²²³ In addition, the Inspectorate has recently published reports on primary education in Frisian in the province of Fryslân (2001) and on the position of Frisian in basic secondary education (1999). These two reports indicate that the position of Frisian in primary and secondary schools still falls short of the attainment targets for Frisian and, thus, of the Netherlands' undertaking under the Charter with regard to these school types. In its reports, the Education Inspectorate does not provide any insight into the manner in which the schools' plans for in-service training address these shortcomings.²²⁴

6.190 In connection with recent policy developments concerning basic secondary education, the Ministry of Education, Culture and Science asked the Education Council to devote attention to the position of Frisian language and culture in education in its advisory report, in accordance with the relevant agreement in the Covenant on the Frisian Language and Culture. The Education Council took this request into consideration in its advisory report on the modification of basic secondary education. For the sake of brevity, the reader is referred to sections 6.7 and 6.93 to 6.95 of this report, where the advisory report of the Education Council is discussed.

6.191 **In summary**, it is clear that, by implementing the agreements concluded in the Covenant on the Frisian Language and Culture concerning the Education Inspectorate and the Education Council, the Netherlands is fulfilling its undertaking under the Charter to draw up periodic reports on the position of Frisian in schools in the province of Fryslân.

Article 8(2): educational arrangements outside the province of Fryslân

6.192 On accepting the European Charter, the Netherlands undertook 'with regard to education and in respect of territories other than those in which [the Frisian language] is traditionally used, ... if the number of users of [the Frisian language] justifies it, to allow, encourage or provide teaching in or of [the Frisian language] at all the appropriate stages of education'.

6.193 In its report, the Committee of Experts notes that there is some teaching of Frisian outside the province of Fryslân, at primary school level and in university and adult education. The Committee therefore considers that this undertaking is being fulfilled by the Netherlands.²²⁵

6.194 The Covenant on the Frisian Language and Culture (2001) contains no provisions concerning the teaching of Frisian outside the province of Fryslân, in so far as this does not concern university education.

periodically evaluating the quality of education in the Netherlands on the basis of a number of criteria that will be indicated in the Act (Parliamentary Papers 27 783).

²²³ Education Inspectorate, *Het onderwijs in het Fries op de basisschool: stand van zaken 1988-1989: een kwantitatief inspectieonderzoek naar het onderwijs in het Fries op de basisscholen in de provincie Friesland*, The Hague 1989.

Education Inspectorate, *Fries in heemkunde en sociale wereldoriëntatie*, De Meern 1995.

Education Inspectorate, *Vervolgvoeringsproject Fries in het speciaal onderwijs*, Utrecht 1995.

²²⁴ Both reports issued by the Education Inspectorate are discussed above: see sections 6.62 to 6.66, for primary education, and sections 6.90 to 6.92, for secondary education.

²²⁵ Council of Europe, *Report of the Committee of Experts*, 73.

- 6.195 Outside the province of Fryslân, Frisian is traditionally spoken by part of the population along the border of the provinces of Fryslân and Groningen in the area of Opende, in the municipalities of Grootegast and Marum.²²⁶ On the basis of section 9.8 of the Primary Education Act 1998, schools in this area are permitted to use Frisian as one of their languages of instruction.
- 6.196 In territories outside the province of Fryslân where Frisian is not traditionally used, as mentioned in the relevant provision of the European Charter, limited use is currently being made of the opportunity to teach Frisian.
- 6.197 First, in this context, mention should be made of the Frisian courses at universities outside the province of Fryslân. The reader is referred to the section of this report concerning Article 8(1)(e) (see sections 6.110 to 6.126).
- 6.198 Second, mention should be made of the Groningen branch of the CHN's training course for primary school teachers, where Frisian is taught as an optional subject if the number of students justifies it. This appears to be the case. During the 2001-2002 academic year, 22 students registered to study Frisian, that is to say, about a third of the total number of students at the Groningen branch. During the 1999-2000 and 2000-2001 academic years, some fifteen students studied Frisian. The Groningen branch differentiates between Frisian-speaking and non-Frisian-speaking students, but does not offer a formal certificate of competence in Frisian, for which students must follow the relevant part of the course at the main branch of the CHN in Leeuwarden. It is not known how many students make use of this opportunity.
- 6.199 Finally, if there is sufficient interest, Frisian courses for adults are organised outside the province of Fryslân under the supervision of AFUK. In 2001, AFUK organised six such courses in four locations outside the province of Fryslân.²²⁷ In addition, AFUK offers a distance learning course in Frisian. Students receive course material at home from which they can learn Frisian through independent study. If they desire, students may request supervision. For example, they can send their completed language exercises to AFUK and receive the corrected exercises in return.
- 6.200 **In summary**, it is clear that the Netherlands is fulfilling its undertaking with regard to the teaching of Frisian outside the province of Fryslân. The relevant facilities can be found primarily in university education, the initial primary teacher training and continuing education.
- 6.201 **Finally**, it is clear that education is a complex and wide-ranging field in respect of which the Netherlands has endorsed nine provisions from Article 8 of the European Charter. As much as possible, this report aims to provide a short summary of Dutch policy initiatives in relation to the various undertakings entered into by the Netherlands under the European Charter. In view of the differentiated character of this policy field, the reader is referred to the various summaries:
- pre-school education (see section 6.39)
 - primary education (see section 6.70)

²²⁶ D. Gorter, L.G. Jansma and G.H. Jelsma, *Taal yn it Grinsgebiet*, Fryske Akademy, Ljouwert 1990.

²²⁷ The courses took place in Assen (two), Bussum (two), Harderwijk and Ugchelen. See AFUK, 'Jierferslach 2001', *De Pompeblêden* 73(3), 2002, 18.

- secondary education (see sections 6.98 and 6.109)
- university or other higher education (see section 6.114)
- adult and continuing education (see section 6.134)
- teaching of Frisian history and culture (see section 6.145)
- basic and further training of teachers (see section 6.166)
- supervisory body (see section 6.173)
- educational arrangements outside the province of Fryslân (see section 6.182)

In general, it is worth adding that central government focuses, in cooperation with the provincial authority of Fryslân, on the establishment and implementation of statutory measures and on the relevant preconditions, financial and otherwise. These matters are part of the consultations taking place in the framework of the Covenant on the Frisian Language and Culture (2001).

The above-mentioned consultations take account of the provisions of the Charter endorsed by the Netherlands as well as the observations of the Committee of Experts of the Council of Europe. In response to these observations, a few comments are in order. Central government and the province of Fryslân recognise that in certain areas (for example, primary and secondary education) the current situation in schools in the province of Fryslân is not in accordance with the undertakings entered into by the Netherlands. Similar shortcomings have been identified in pre-school education. In the coming years, central government and the province of Fryslân will do what they can to rectify the situation, obviously in consultation with the relevant actors, as agreed in the Covenant on the Frisian Language and Culture (2001). Many of the initiatives aimed at improving the position of Frisian in education, as included in the Covenant, have already been described in the preceding paragraphs.

In some of the areas addressed by Article 8 of the Charter, for example, university and other higher education, central government is of the opinion that a qualification of the judgement of the Committee of Experts is in order, as the current situation in those areas is already in accordance with the provisions of the Charter. This argument has already been advanced elsewhere in this report. For the sake of completeness, the reader is referred to it here.

7 Article 9: Judicial authorities

- 7.1 In response to the first periodical report on the European Charter, the Netherlands adopted the Notaries Act (Bulletin of Acts and Decrees 1999, 190) and the Frisian-language Constitutions of Frisian Associations and Foundations Act (Bulletin of Acts and Decrees 2001, 574). Since entering into force, the two Acts have expanded the right to use the Frisian language in legal matters (see sections 7.41 to 7.44 and 7.49) and contribute to the further implementation of the provision endorsed by the Netherlands under Article 9(2) of the European Charter.
- 7.2 Prior to the entry into force of the above-mentioned acts, the amended Use of Frisian (Legal Matters) Act (Bulletin of Acts and Decrees 1995, 440) entered into force on 1 January 1997. This Act contributes to the implementation of the provisions endorsed by the Netherlands under Article 9(1) of the European Charter. It provides that any party to, interested party or witness in a case coming before the courts in the province of Fryslân may use the Frisian language. In addition, in any case pending before a

court in the province of Fryslân, documents in the action, with the exception of notices of summons and charges in criminal cases, may be drafted in Frisian. The Act also determines who may, on his or her own request, be sworn in as a translator for the Frisian language by the courts and which provisions concerning sworn translators are applicable. As it happens, the assistance of an interpreter was not required at any hearings during the 1999-2001 reporting period.²²⁸

- 7.3 The Committee of Experts considers that the text of the Use of Frisian (Legal Matters) Act is in accordance with the undertakings concerning the use of Frisian in legal matters entered into by the Dutch government under the European Charter.²²⁹ In this sense, the Netherlands has fulfilled its undertakings, but the Committee considers that there are still problems relating to implementation. The Covenant on the Frisian Language and Culture (2001) contains a number of agreements concerning implementation (see sections 7.4 to 7.7). The Committee of Experts further notes that, in connection with the use of Frisian in legal matters, there is a need for a legal dictionary.²³⁰ This need was met in 2000 with the appearance of a Dutch-Frisian legal dictionary.²³¹
- 7.4 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that central government will strive to ensure that, in accordance with articles 9(1)(b)(i) and 9(1)(c)(i) of the European Charter, courts hearing civil or administrative cases may, at the request of one of the parties, permit proceedings to take place in Frisian, providing that the other parties have no objection and that there is still the option of using Dutch (Covenant 3.6). At present, the Netherlands has not endorsed the relevant provisions in the European Charter.
- 7.5 In the Covenant on the Frisian Language and Culture (2001), central government and the Fryslân provincial executive further agreed that they will pursue a policy of public education designed to ensure public knowledge and routine use of the options available under the Use of Frisian (Legal Matters) Act (Covenant 3.4). In his address on the occasion of the launch of the above-mentioned Dutch-Frisian legal dictionary on 11 December 2000 in Leeuwarden, the State Secretary for the Interior and Kingdom Relations stated that, in consultation with the courts in the province of Fryslân and the Ministry of Justice, the Ministry of the Interior and Kingdom Relations would create a register of the number and the types of cases (criminal, civil or administrative) that are conducted in the Frisian language.²³²
- 7.6 In the Covenant on the Frisian Language and Culture (2001), it was further agreed that central government will strive to ensure that staff dealing directly with the public at the courts in the province of Fryslân are offered training to improve their active or passive knowledge of the Frisian language (Covenant 3.7).²³³ Sections 7.18 and 7.19

²²⁸ Letter dated 7 March 2002 from Leeuwarden district court to the Fryske Akademy.

²²⁹ Council of Europe, *Report of the Committee of Experts*, 74-79.

²³⁰ *Ibid.*, 75 and 80.

²³¹ Duijff, P., *Juridisch Woordenboek Nederlands-Fries. Met een index Fries-Nederlands*, Martinus Nijhoff/Fryske Akademy, Groningen-Leeuwarden 2000.

²³² Delivered by the State Secretary for the Interior and Kingdom Relations on behalf of the Minister of Justice on the occasion of the launch of the Dutch-Frisian legal dictionary on 11 December 2000 in Leeuwarden.

²³³ Instead of 'courts in the province of Fryslân', the Covenant on the Frisian Language and Culture (2001) employs the now outdated 'district court, public prosecutor's office and subdistrict courts in the province of Fryslân'. In a

of this report discuss the Frisian language courses offered in the framework of employee training at the district court and the court of appeal in Leeuwarden.

- 7.7 Finally, in the Covenant on the Frisian Language and Culture (2001), it was agreed that central government will strive to ensure that an evaluation of the Use of Frisian (Legal Matters) Act is conducted if problems arise in practice that necessitate it. Measures resulting from any such evaluation will be implemented (Covenant 3.3).

Article 9(1)(a)(ii): criminal proceedings (oral use of Frisian)

Article 9(1)(a)(iii): criminal proceedings (written and oral evidence)

- 7.8 On accepting the European Charter, the Netherlands undertook ‘to guarantee the accused the right to use [the Frisian language]’ at hearings in criminal cases conducted in the province of Fryslân. The statutory basis for this is sections 2 and 3 of the Use of Frisian (Legal Matters) Act: ‘In all cases in which a person present at a court hearing held in the province of Fryslân speaks in his official capacity, is required to undergo examination, or has the authority to speak, he shall be authorised to use the Frisian language.’ In theory, translation costs are borne by the party submitting the document that is to be translated, unless it is more logical to charge the costs to the state, for example, if the judge cannot read Frisian.
- 7.9 On accepting the European Charter, the Netherlands also undertook ‘to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in [the Frisian language]’ at a hearing in a criminal case held in the province of Fryslân. The statutory basis for this is sections 2 and 3 (oral use of Frisian) and section 7, subsection 1 of the Use of Frisian (Legal Matters) Act, which states: ‘In criminal, civil and administrative cases pending before a court in the province of Fryslân, documents in the action, with the exception of notices of summons and charges in criminal cases, may be written in Frisian.’²³⁴ Section 7, subsection 2 of the Act states that, if desirable for an adequate assessment of the document, the court may, on its own initiative or at the request of another party involved in the case, require that a translation into Dutch be appended.
- 7.10 The Committee of Experts considers that the text of the Use of Frisian (Legal Matters) Act is in accordance with the undertakings entered into by the Dutch government under the European Charter concerning the use of Frisian in criminal proceedings. In this sense, the Netherlands has fulfilled its undertakings, although the Committee considers that there are still problems relating to implementation.²³⁵ In support of this contention, the Committee advances three reasons, which are discussed below.
- 7.11 According to the Committee of Experts, the first reason why little use is made of the right to speak Frisian during hearings – and thus including hearings in criminal cases

recent reorganisation of the courts, the subdistrict courts were merged with the district court. The current report employs the new terminology.

²³⁴ An undertaking has now been given that, in the foreseeable future, every notice of summons in a criminal case before Leeuwarden district court will bear the following text: ‘You have the right to speak Frisian during the hearing’ (see also section 7.13).

²³⁵ Council of Europe, *Report of the Committee of Experts*, 74 and 77.

- is mainly a lack of information.²³⁶ The Committee therefore concludes that there is a need to inform Frisian-speakers of their right to use Frisian in proceedings before the courts in the province of Fryslân.²³⁷
- 7.12 The Covenant on the Frisian Language and Culture (2001) recognises the importance of providing information. Article 3.4 of the Covenant contains an agreement to this effect (see section 7.5).
- 7.13 In order to disseminate this information, a sign displaying the text ‘You have the right to speak Frisian during the hearing’ in Dutch and Frisian was placed outside the entrance to every courtroom in the province of Fryslân in November 2001.²³⁸ Furthermore, the President of Leeuwarden district court has indicated that, in the foreseeable future, every notice of summons in a criminal case will bear a similar text.²³⁹ Finally, there are plans to start collecting data concerning the number of criminal cases that are conducted in Frisian in the near future (see section 7.5).
- 7.14 The website of Leeuwarden district court also provides information on the use and history of Frisian in legal matters.²⁴⁰ In this context, mention should also be made of two publications produced for the general public by the Public Prosecution Service, namely, a leaflet on the Public Prosecution Service, which appears in many other languages besides Frisian, and a booklet of Frisian-Dutch legal terminology.²⁴¹
- 7.15 As the second reason why little use is made of the right to speak Frisian during hearings, the Committee of Experts points to the lack of a dictionary specialising in terms used within the judicial system.²⁴² As already mentioned, this specific problem has now been resolved (cf. section 7.3). For this reason, among others, the Covenant on the Frisian Language and Culture (2001) contains no agreements concerning legal terminology in the Frisian language.
- 7.16 As the third reason, the Committee of Experts notes that, according to the information it has received from government representatives, there is still a shortage of members and employees of the judiciary who are sufficiently competent in Frisian to use it in practice.²⁴³
- 7.17 In article 3.7 of the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân concluded an agreement concerning Frisian language training for staff dealing directly with the public at Leeuwarden district court (see section 7.6).

²³⁶ No figures are available concerning the number of criminal cases in which Frisian is used orally and/or in writing, but it is clear that relatively little Frisian is spoken during proceedings before the judicial authorities in the province of Fryslân.

²³⁷ Council of Europe, *Report of the Committee of Experts*, 74-75.

²³⁸ Letter dated 7 March 2002 from Leeuwarden district court to the Fryske Akademy.

Letter dated 19 February 2002 from Leeuwarden court of appeal to the Fryske Akademy.

²³⁹ Letter dated 7 March 2002 from Leeuwarden district court to the Fryske Akademy.

²⁴⁰ See <http://www.rechtspraak.nl/rechtbank/leeuwarden>.

²⁴¹ Lars Kuipers, *Iepenbier Ministearje*, Public Prosecution Service Information Department, The Hague, F.M.T. Gelissen et al., *Juridysk jargon*, Public Prosecution Service Information Department, The Hague, 2000.

²⁴² Council of Europe, *Report of the Committee of Experts*, 75.

²⁴³ *Ibid.*, 76.

- 7.18 According to the Ministry of Justice, almost all members of the judiciary working in Fryslân have a reasonable to good understanding of Frisian, with the understandable exception of recently appointed judges who are not native Frisian-speakers. In 1999, twenty people working at the courts in the province of Fryslân registered for Frisian language courses in reading and comprehension, speaking and writing, which were provided at the courthouse during work hours by AFUK. In 2000, the number of registrations was too low for the courses to continue, but individual employees were still able to take advantage of AFUK's other courses at the courts' expense.²⁴⁴
- 7.19 The district court in the province of Fryslân has included a Frisian language course as a set element in the recently created introductory programme for new employees. The possibility of taking a Frisian language course was mentioned in an advertisement in the *Nederlands Juristenblad* of December 2000 and the *Advocatenblad* of January 2001 inviting applications for the position of a judge at Leeuwarden district court.²⁴⁵ The possibility of taking a Frisian language course has not yet been mentioned in the other employment advertisements of Leeuwarden district court, in which vacancies for staff dealing directly with the public at the court are announced (cf. section 7.6).

Article 9(1)(b)(iii): civil proceedings (use of Frisian in documents and evidence)

- 7.20 On accepting the European Charter, the Netherlands undertook 'to allow documents and evidence to be produced in [the Frisian language], if necessary by the use of interpreters and translations', at hearings in civil cases conducted in the province of Fryslân. The statutory basis for this is sections 7 and 7a of the Use of Frisian (Legal Matters) Act.
- 7.21 The Committee of Experts considers that the text of the Use of Frisian (Legal Matters) Act is in accordance with the undertakings entered into by the Dutch government under the European Charter concerning the use of Frisian in civil proceedings.²⁴⁶ In this sense, the Netherlands has fulfilled its undertakings, although the Committee considers that this is not yet the case in practice, for the same reasons mentioned above in relation to criminal cases (cf. sections 7.11 to 7.19).
- 7.22 The Covenant on the Frisian Language and Culture (2001) contains a number of agreements that seek to promote the implementation of the Use of Frisian (Legal Matters) Act in the light of the undertakings entered into by the Netherlands under the European Charter (Covenant 3.3, 3.4 and 3.7). The agreements also apply to civil cases. For the content of these agreements, please see sections 7.5 to 7.7 of this report.
- 7.23 The Covenant on the Frisian Language and Culture (2001) also contains a number of agreements that focus specifically on civil proceedings. At the time of its ratification of the European Charter, the Netherlands did not adopt Article 9(1)(b)(i) concerning the conduct of civil proceedings in the Frisian language. However, in the framework of the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân did agree that central government will strive to ensure that, in accordance with Article 9(1)(b)(i) of the European Charter, courts hearing civil cases

²⁴⁴ The information in sections 7.17 to 7.19 is of a general nature and therefore applies to all the members of the judiciary in Fryslân, and not just to the members connected to the criminal division.

²⁴⁵ Letter dated 7 March 2002 from the district court of Leeuwarden to the Fryske Akademy.

²⁴⁶ Council of Europe, *Report of the Committee of Experts*, 78.

may, at the request of one of the parties, permit proceedings to take place in Frisian, providing that the other parties have no objection and that there is still the option of using Dutch, as previously noted in section 7.4 (Covenant 3.6).

Central government has expressed an ambition to implement this agreement, which also applies to administrative proceedings, by 2004 (cf. section 7.31). In view of this commitment, the current periodical report on the implementation of the European Charter is an appropriate forum to report on the measures taken by the Netherlands in this regard.

- 7.24 At present, the Use of Frisian (Legal Matters) Act already provides that a party, an interested party, or a witness may speak Frisian during a hearing in a civil case, in accordance with the provisions contained in sections 2 and 4 of the Act. Where necessary, the court may rule that assistance shall be provided by an interpreter, provided that this does not in its opinion unduly delay the proceedings.
- 7.25 It was agreed in the Covenant on the Frisian Language and Culture (2001) that central government will strive to ensure that arrangements are in place for the use of interpreters and translations in civil proceedings. Where the court requires the use of an interpreter or witness, these arrangements will be available free of charge (Covenant 3.2). Central government has expressed an ambition to implement this agreement, which also applies to administrative proceedings, by 2004 (cf. section 7.33).
- 7.26 In view of the special status of civil cases, the Use of Frisian (Legal Matters) Act stipulates explicitly that, in certain cases, the fee of the interpreter who provides his services in a civil case and the costs of the translation of documents in civil actions shall be paid by the state (sections 4a and 7a). These provisions seek to introduce the possibility that the fee of an interpreter or translator will be paid by the state if their services are required because the judge does not understand or read Frisian. The above-mentioned provision in section 3.2 of the Covenant on the Frisian Language and Culture (2001) expands on this idea. As it happens, the assistance of an interpreter was not required at any hearings during the 1999-2001 reporting period.²⁴⁷
- 7.27 No figures are available concerning the number of civil cases in which Frisian is used orally and/or in writing, but it is clear that relatively little Frisian is spoken in proceedings before the judicial authorities in the province of Fryslân. Exceptions to this rule occur mainly in the field of civil law, including: examinations of minors in family-law cases, examinations in guardianship cases, land consolidation proceedings, especially complaints procedures before a delegated judge, tenancy proceedings, examinations in the framework of compulsory admissions under the Psychiatric Hospitals (Compulsory Admission) Act and examinations in cases regarding receivership or administration. As previously noted, there are plans to start collecting data concerning the number and types of cases, including civil cases, in which the proceedings are conducted in Frisian and to provide more information concerning the option of using Frisian in proceedings before the judicial authorities in the province of Fryslân (cf. section 7.5). The inclusion of Frisian language courses in the range of

²⁴⁷ Letter dated 7 March 2002 from Leeuwarden district court to the Fryske Akademy.

courses offered to members of the judiciary is meant to promote the use of Frisian in civil and other cases (cf. sections 7.6, 7.18 and 7.19).

Article 9(1)(c)(ii): administrative proceedings (oral use of Frisian)

Article 9(1)(c)(iii): administrative proceedings (use of Frisian in documents and evidence)

7.28 On accepting the European Charter, the Netherlands undertook

c (ii) ‘to allow, whenever a litigant has to appear in person before a court, that he or she may use [the Frisian language] without thereby incurring additional expense, and/or

c (iii) to allow documents and evidence to be produced in [the Frisian language], if necessary by the use of interpreters and translations’

at hearings in administrative cases conducted in the province of Fryslân (Article 9(1)(c)(ii) and (iii) of the European Charter).

7.29 The Committee of Experts considers that the text of the Use of Frisian (Legal Matters) Act is in accordance with the undertakings entered into by the Dutch government under the European Charter concerning the use of Frisian in administrative proceedings.²⁴⁸ In this sense, the Netherlands has fulfilled its undertakings, although the Committee considers that this is not yet the case in practice, for the same reasons mentioned above in relation to criminal cases (cf. sections 7.11 to 7.19).

7.30 The Covenant on the Frisian Language and Culture (2001) contains a number of agreements that seek to promote the implementation of the Use of Frisian (Legal Matters) Act in the light of the undertakings entered into by the Netherlands under the European Charter (Covenant 3.3, 3.4 and 3.7). The agreements also apply to administrative cases. For the content of these agreements, please see sections 7.5 to 7.7 of this report.

7.31 The Covenant on the Frisian Language and Culture (2001) also contains a number of agreements that focus specifically on administrative proceedings. At the time of its ratification of the European Charter, the Netherlands did not adopt Article 9(1)(c)(i) concerning the conduct of administrative proceedings in the Frisian language. However, in the framework of the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that central government will strive to ensure that, in accordance with Article 9(1)(c)(i) of the European Charter, courts trying administrative cases may, at the request of one of the parties, permit proceedings to take place in Frisian, providing that the other parties have no objection and that there is still the option of using Dutch, as previously noted in section 7.4 (Covenant 3.6).

Central government has expressed an ambition to implement this agreement, which also applies to civil proceedings, by 2004 (cf. section 7.23). In view of this commitment, the current periodical report on the implementation of the European Charter is an appropriate forum to report on the measures taken by the Netherlands in this regard.

²⁴⁸ Council of Europe, *Report of the Committee of Experts*, 79.

- 7.32 At present, the Use of Frisian (Legal Matters) Act already provides that a party, an interested party, or a witness may speak Frisian during a hearing in an administrative case, in accordance with the provisions contained in sections 2 and 5 of the Act. Where necessary, the court may rule that assistance shall be provided by an interpreter, provided that this does not in its opinion unduly delay the proceedings. Section 7 of the Act further provides that documents may be written in Frisian. In such cases, a court may, on its own initiative or at the request of another party involved in the case, require that a translation into Dutch of the documents concerned be appended.
- 7.33 In the Covenant on the Frisian Language and Culture (2001), it was agreed that central government will strive to ensure that arrangements are in place for the use of interpreters and translations in administrative proceedings. Where the court requires the use of an interpreter or witness, these arrangements will be available free of charge (Covenant 3.2). Central government has expressed an ambition to implement this agreement, which also applies to administrative proceedings, by 2004 (cf. section 7.25).
- 7.34 With regard to administrative cases, the Use of Frisian (Legal Matters) Act stipulates explicitly that, in certain cases, the fee of the interpreter who provides his services in an administrative case shall be paid by the state (section 4a). This provision seeks to introduce the possibility that the fee of the interpreter will be paid by the state if his or her services are required because the judge concerned does not understand Frisian. The Use of Frisian (Legal Matters) Act does not contain an equivalent provision with regard to the translation of documents in administrative cases. Nevertheless, it may reasonably be assumed that the same principle applies here, namely, that translation costs are borne by the party submitting the document that is to be translated, unless it is more logical to charge the costs to the state, for example, if the judge cannot read Frisian. The above-mentioned provision from article 3.2 of the Covenant on the Frisian Language and Culture (2001) develops this principle. As it happens, the assistance of an interpreter was not required at any hearings during the 1999-2001 period.²⁴⁹
- 7.35 No figures are available concerning the number of administrative cases in which Frisian is used orally and/or in writing. As previously noted, there are plans to start collecting data concerning the number and types of cases, including administrative cases, in which the proceedings are conducted in Frisian and to provide more information concerning the option of using Frisian in proceedings before the judicial authorities in the province of Fryslân (cf. section 7.5). The inclusion of Frisian language courses in the range of courses offered to members of the judiciary is meant to promote the use of Frisian in administrative and other cases (cf. sections 7.6, 7.18 and 7.19).

Article 9(2)(b): validity of legal documents

- 7.36 On accepting the European Charter, the Netherlands undertook ‘not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in [the Frisian language], and to provide that they can be

²⁴⁹ Letter dated 7 March 2002 from Leeuwarden district court to the Fryske Akademy.

invoked against interested third parties who are not users of [that language] on condition that the contents of the document are made known to them by the person(s) who invoke(s) it’.

- 7.37 The Committee of Experts considers that the relevant Dutch legislation is in accordance with the undertaking entered into by the Netherlands under the European Charter. The documents referred to in the Charter are generally legally valid. In practice, notaries have difficulty drawing up notarial deeds in Frisian, due to a lack of up-to-date Frisian-language model contracts that are based on terminology taken from a Frisian-language legal dictionary.
- 7.38 As previously noted, the specific problem concerning the lack of a Frisian-language legal dictionary has now been resolved (cf. section 7.3). For this reason, among others, the Covenant on the Frisian Language and Culture (2001) contains no agreements concerning such a dictionary. In addition, in order to promote the use of Frisian in legal matters, the Fryske Akademy will translate a book of model contracts for legal practice that will replace and update the existing book of Frisian-language model contracts for the notarial profession (see also sections 10.36 and 10.90).²⁵⁰ The Fryske Akademy started work on the translation on 1 October 2001.²⁵¹ The Covenant makes no mention of this initiative either.
- 7.39 In the new Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that the provincial executive of Fryslân will over the next few years give central government concrete indications of where legislation including the phrase ‘the Dutch language’ can be amended to read ‘the Dutch and Frisian languages’ (Covenant 3.5). This provision applies, first and foremost, to official deeds that are entered in public registers, namely, the Commercial Register of the Chamber of Commerce, the public registers of registered properties maintained by the Land and Public Registry Agency and the register of births, deaths and marriages.²⁵² In this regard, central government and the province of Fryslân agreed in the framework of the Covenant on the Frisian Language and Culture (2001) that central government will strive to ensure that official deeds can wherever possible be entered in public registers in the Frisian language at no extra expense to the originators (Covenant 3.1).
- 7.40 General speaking, it is fair to say that the basic rule under current legislation is that Frisian-language deeds that must be entered in a public register require a literal translation into Dutch. This translation is then entered in the relevant register, and the Frisian-language deed is appended to it. This applies not only to deeds, but also to other documents that must be entered in public registers pursuant to statutory

²⁵⁰ W.J. Nijenhuis, *Fryske modellen foar it notariaat*, Fryske Akademy, Ljouwert 1979.

²⁵¹ The Ministry of Justice has made the sum of €22,689 available for this purpose, the Ministry of the Interior and Kingdom Relations has pledged a grant of €1,345, and the provincial executive of Fryslân has declared its willingness to contribute to the production of an updated Frisian-language book of model contracts for legal practice. The Association of Notaries of the district of Leeuwarden is contributing a sum that is equal to the grant of the Ministry of the Interior and Kingdom Relations.

²⁵² In fact, the scope of this provision extends beyond the amendment of legislation supporting the use of official deeds drawn up in Frisian and other languages in legal matters to target Dutch legislation in general. Article 3.5 of the new Covenant on the Frisian Language and Culture (2001) therefore also proposes to update the 1987 study of the Berie foar it Frysk and the Fryske Akademy, which contains an inventory of language provisions in Dutch legislation. Updating the 1987 study is also important in view of Article 13(1)(a) of the European Charter (see sections 11.7 to 11.18).

regulations. This basic rule concerning the entry of Frisian-language deeds and documents in public registers applies unless the law provides otherwise (cf. sections 8 and 10 of the Use of Frisian (Legal Matters) Act).²⁵³

- 7.41 An exception is made to the basic rule described in the previous paragraph in relation to the Commercial Register of the Chamber of Commerce. The relevant legislation was recently brought into harmony with article 3.1 of the Covenant on the Frisian Language and Culture (2001). The deeds of incorporation of public and private limited companies, as well as the deeds of establishment of associations and foundations, are entered in the Commercial Register. The legislation was amended with regard to Frisian associations and foundations (see section 7.42 to 7.44).
- 7.42 On 1 February 2002, the Act of 22 November 2001, introducing the possibility of drawing up the constitutions of Frisian associations and foundations in the Frisian language, entered into force (Bulletin of Acts and Decrees 2001, 574). The Act provides that the constitutions of associations and foundations whose registered offices are located in the province of Fryslân may be drawn up in Frisian and entered in the relevant public registers, provided a Dutch translation is appended to them. This final requirement does not apply to associations and institutions conducting all or almost all of their activities in the province of Fryslân.²⁵⁴ If an interested party that does not have command of the Frisian language wishes to receive a Dutch translation of the deed of establishment of one of the associations and foundations concerned, that association or foundation will provide a Dutch translation that has been done and declared equivalent by a notary.
- 7.43 Pursuant to the Act of 22 November 2001, article 27(2) (associations) and article 286(2) (foundations) of Book Two of the Civil Code now read as follows:

Article 27(2):

The deed shall be executed in the Dutch language. If the association has its registered office in the province of Fryslân, the deed may be executed in the Frisian language. An authorisation to enter into such a deed shall be given in writing.

Article 286(2):

The deed shall be executed in the Dutch language. If the foundation has its registered office in the province of Fryslân, the deed may be executed in the Frisian language. An authorisation to enter into such a deed shall be given in writing. Foundations may be established by attested will executed in a language other than Dutch or Frisian. In such cases, the constitution of the foundation shall be drawn up in the Dutch or Frisian language.

The constitutions that are part of the deed of establishment of an association or foundation must comply with a number of legally prescribed requirements, some of which apply to the use of Frisian (cf. section 11.16).

²⁵³ For more information on this Act, see section 11.12 of this report.

²⁵⁴ As soon as the Act of 22 November 2001 entered into force, the foundations Douwe Kalma Stifting and Slachtemaraton availed themselves of the possibility of adopting Frisian-language constitutions (*Leeuwarder Courant*, 1 February 2002). On the same day, the Efrije association and the Fryske Nasjonale Partij both adopted Frisian-language constitutions at the offices of Notary Veerman in Buitenpost.

7.44 The Act of 22 November 2001 also led to the amendment of the Sworn Translators Act,²⁵⁵ by adding three sentences to section 8, subsection 1 of the Act, which read as follows: ‘Where a Frisian-language notarial deed establishing an association or foundation or containing the constitution of a similar legal entity is concerned, a literal Dutch translation that has been done and declared equivalent by the notary who executed the deed shall suffice. A Dutch translation may be waived if the association or foundation conducts all or almost all its activities in the province of Fryslân. If an interested party that does not have command of the Frisian language wishes to receive a Dutch translation of the deed of establishment of one of the above-mentioned associations or foundations, the association or foundation concerned shall provide a Dutch translation that has been done and declared equivalent by a notary.’²⁵⁶

7.45 In accordance with the basic rule described in section 7.40 of this report, section 41 of the Land Registry Act (Bulletin of Acts and Decrees 1989, 186 and 1996, 473) provides, with regard to the public land registers, that a person who wishes to register a fact that is described in a foreign- or Frisian-language document must also submit a literal translation into Dutch of the document that is presented for registration. This translation must be done and declared equivalent by a sworn translator whose competence in the language concerned is recognised by the court or, if the document concerned is a notarial deed in the Frisian language, by the notary who executed the deed. Section 41, subsection 3 of the Act subsequently provides that the translations are registered in lieu of the foreign- or Frisian-language documents, which are retained by the registrar.

7.46 Notwithstanding the basic rule described in section 7.40 of this report, section 8, subsection 3 of the Use of Frisian (Legal Matters) Act provides that deeds intended for entry in the register of births, deaths and marriages may be drawn up both in Frisian and in Dutch in municipalities in the province of Fryslân (see section 8.39).

7.47 In addition to the above-mentioned official deeds intended for entry in the public registers, the following deeds are also relevant in relation to the use of Frisian in legal matters:

- official deeds that do not need to be entered in public registers
- non-notarial instruments.

7.48 The basic rule regarding official deeds that are not intended for entry in public registers reads as follows:

Notarial deeds that are not intended for entry in public registers may be drawn up in Frisian at the request of the parties, provided the notary is able to understand and write Frisian to a satisfactory degree and the witnesses present at the drawing up of the deed understand Frisian. Such Frisian-language deeds may serve as evidence in judicial proceedings, where necessary accompanied by a translation.

7.49 The above-mentioned basic rule is worked out in detail in the new Notaries Act (Bulletin of Acts and Decrees 1999, 190), which entered into force on 1 October 1999. Section 42, subsection 1 of the Act allows notarial deeds to be drawn up in a foreign

²⁵⁵ *Bulletin of Acts and Decrees* 1878, 30, most recently amended by the Act of 2 April 1991 (*Bulletin of Acts and Decrees* 1991, 199).

²⁵⁶ For more information on language provisions in the Land Registry Act, see section 11.13 of this report.

language or in Frisian at the request of the parties, provided the notary adequately understands that language, unless the law determines otherwise. If a party appearing before the notary does not adequately understand the language of the deed, a sworn interpreter/translator will also appear, to translate the contents of the deed. The interpreter/translator also signs the deed, and his or her assistance is noted at the end of it. Section 42, subsection 2 of the Act allows for the execution of a deed in more than one language. In such cases, the text in one language is followed by the text in another language. This provision also applies if the deed is executed in Dutch and Frisian, or if Frisian is one of the languages in which the deed is executed.²⁵⁷

- 7.50 Non-notarial instruments, which include agreements and unilateral declarations of intent such as rental agreements, receipts and acknowledgements of indebtedness, may be drawn up in Frisian at the request of the parties or the declarant.²⁵⁸ A translation is required if a non-notarial instrument is invoked before the court and the judge cannot read Frisian. In this regard, a Frisian-language non-notarial instrument does not differ from deeds drawn up in languages other than Dutch. Third parties may also enter the picture in connection with non-notarial instruments, for example, in cases of assignment or subrogation. In such cases, authorised translations are required. This does not appear to present any problems in practice.
- 7.51 **In summary**, it appears that Dutch legislation has been brought into line with the undertakings entered into by the Netherlands under the European Charter since the publication of the first Dutch periodical report. In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân have committed themselves to the joint implementation of the relevant measures.

8 Article 10: Administrative authorities and public services

- 8.1 During the period covered by this report (1999-2001), no amendments were made to the legislation on the use of Frisian by administrative authorities and public services.

Part 2.2 of the General Administrative Law Act (Bulletin of Acts and Decrees 1995, 302) entered into force on 1 July 1995 and provided a statutory basis for the use of Frisian in administrative matters. The Act stipulates that members of the public are entitled to speak or write in Frisian when communicating with administrative authorities located in the province of Fryslân. This entitlement to write in Frisian also applies to central government bodies or agencies whose purview extends to the province of Fryslân or parts of it.

In 1992, the Provinces Act (Bulletin of Acts and Decrees 1992, 550) and the Municipalities Act (Bulletin of Acts and Decrees 1992, 96) were amended such that, as of 1 January 1994, the relevant authorities were authorised to adopt the Frisian name of the province and of each municipality, if necessary in conjunction with the official Dutch name.

²⁵⁷ For more information on the legal consequences of a notarial deed that has been executed in more than one language, see section 11.11 of this report.

²⁵⁸ Employment contracts may also be classified as non-notarial instruments. The European Charter considers the use of regional and minority languages in employment contracts in Article 13(1)(a) (see sections 11.5 and 11.10).

Also relevant in this regard is article H 2, paragraph 5 of the Elections Decree (Bulletin of Acts and Decrees 1989, 471), which allows appellations on lists of candidates for elections to the provincial council or municipal councils in the province of Fryslân to appear in Frisian.

- 8.2 In its report, the Committee of Experts encourages central government and the other authorities concerned to implement section 2:9 of the General Administrative Law Act by drawing up model regulations or model ordinances covering the use of Frisian.²⁵⁹ The Committee also encourages central government to take the necessary measures to permit the use of Frisian family names in official documents.²⁶⁰
- 8.3 The Netherlands is fulfilling the undertakings it entered into on accepting Article 10 of the European Charter, with the exception of the undertaking concerning the use of Frisian family names. To rectify this shortcoming, central government and the province of Fryslân agreed in the Covenant on the Frisian Language and Culture (2001) that central government will draft a statutory provision on changes to family names to enable Frisian names or Frisian spellings to be recognised as official family names in municipal personal records databases (Covenant 4.7). Central government is currently drafting an amendment to the Alteration of Surnames Decree to this effect (see section 8.83).
- 8.4 In this regard, it is also worth noting that the Ministry of the Interior and Kingdom Relations drafted a model regulation on the use of Frisian in administrative matters for the benefit of decentralised central government agencies in 1996. In addition, the province of Fryslân drafted a model ordinance for the benefit of the municipalities in Fryslân in 1997 (see further section 8.34). In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that those ministries with agencies covering Fryslân will introduce regulations on the use of Frisian by the agencies concerned by 2004 (Covenant 4.2).²⁶¹
- 8.5 Finally, the following should be noted with regard to legislation concerning the use of Frisian in administrative matters, as laid down in the General Administrative Law Act. In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that central government will strive to ensure that a second evaluation is conducted of Part 2.2 of the General Administrative Law Act if there are practical reasons for doing so. Central government will also strive to ensure that any measures needing to be taken as a result of such an evaluation are indeed implemented. If necessary, the Act will be amended (Covenant 4.6).

Article 10(1)(a)(v): written use of Frisian by natural and legal persons in their dealings with central government bodies located in the province of Fryslân

²⁵⁹ Council of Europe, *Report of the Committee of Experts* (2001), 83. In accordance with Dutch legislation, a distinction needs to be made between regulations (at national level) and ordinances (at provincial and municipal level). The relevant ministry can draw up model regulations concerning the use of Frisian in administrative matters for central government agencies that are located in the province of Fryslân. The province of Fryslân and the municipalities can make use of model ordinances for this purpose.

²⁶⁰ *Ibid.*, 87.

²⁶¹ Section 4.2 of the original Dutch version of the Covenant on the Frisian Language and Culture (2001) talks about 'ordinances' where it obviously means 'regulations'.

- 8.6 On accepting the European Charter, the Netherlands undertook, as far as reasonably possible, ‘to ensure that users of [the Frisian language] may validly submit a document in [this language]’ to central government bodies located in the province of Fryslân. The statutory basis for this is section 2:7 of the General Administrative Law Act (Bulletin of Acts and Decrees 1995, 302). Section 2:7, subsection 1 of the Act lays down the basic rule that members of the public are entitled to use Frisian in their dealings with administrative authorities, in so far as these are located in the province of Fryslân. Section 2:7, subsection 2 of the Act subsequently provides that subsection 1 does not apply in cases where the administrative authority has requested the use of Dutch on the grounds that the use of Frisian would impose a disproportionate burden on the administrative process.
- 8.7 The Committee of Experts considers that central government has fulfilled the undertaking entered into by the Netherlands under Article 10(1)(a)(v) of the European Charter.²⁶²
- 8.8 As the relevant legislation and policies are in accordance with the undertaking entered into by the Netherlands under the European Charter, the Covenant on the Frisian Language and Culture (2001) contains no agreements on this issue.
- 8.9 In a letter dated 23 January 1996, ref. BW95/U1445, the State Secretary for the Interior draws the attention of the various ministers whose jurisdictions encompass a decentralised central government agency located in the province of Fryslân to the new statutory regulations on the use of Frisian in administrative matters. In the letter, the State Secretary states explicitly that although section 2:7, subsection 2 of the General Administrative Law Act authorises administrative authorities to request Frisian-speaking individuals to use Dutch,
- ‘it should be clear that excessive use of this exception would lead to the erosion, opposed by the legislature, of the right granted in subsection 1. It is therefore desirable that a sufficient number of Frisian-speaking employees are available, especially in departments dealing directly with the public.’
- With this statement, the Dutch government supports the purpose of Article 10 of the European Charter, as formulated in the Explanatory Report.²⁶³
- 8.10 Two ministries have so far expanded on the language provisions in the General Administrative Law Act concerning the use of Frisian in dealings between natural and legal persons, on the one hand, and administrative authorities, on the other. First of all, the Ministry of Finance has adopted regulations on communication between individuals and units of the Tax and Customs Administration (see section 8.11). In addition, the Ministry of Housing, Spatial Planning and the Environment has adopted regulations on environmental reporting (see section 8.12).
- 8.11 In 1997, the State Secretary for Finance approved the 1997 General Administrative Law Act Regulations, which apply in particular to communication between individuals and units of the national tax authorities (Government Gazette 1997, 138).

²⁶² Council of Europe, *Report of the Committee of Experts*, 82.

²⁶³ Council of Europe, *European Charter for Regional or Minority Languages: Explanatory Report*, section 104.

As their name implies, these Regulations are based on the General Administrative Law Act. Section 3.1 of the Regulations states that Chapter 2 of the General Administrative Law Act lays down a number of provisions concerning communication between individuals and administrative authorities. These provisions, including the provisions on the use of Dutch and Frisian, apply to all the activities of the Tax and Customs Administration. Section 5.3.4 of the Regulations provides that, pursuant to section 2:7 of the General Administrative Law Act, taxpayers are entitled to use Frisian when submitting applications to tax units located in the province of Fryslân. Taxpayers are also entitled to submit Frisian-language notices of objection to tax units located in the province of Fryslân (section 6.1.1 of the Regulations).

- 8.12 In 1997, the Minister of Housing, Spatial Planning and the Environment included provisions on environmental reporting by companies in the Environmental Management Act (Bulletin of Acts and Decrees 1997, 170). Section 12.6 of this Act takes account of the possibility that companies in the province of Fryslân will draw up their environmental reports, which under the Act must be made public, in Frisian. In such cases, a Dutch translation may be requested. If a company draws up an environmental report for an administrative authority in the province of Fryslân in Frisian, in accordance with Part 2.2 of the General Administrative Law Act, the management of the company must provide a Dutch translation on request, in accordance with section 12.6, subsection 2 of the Environmental Management Act.

Article 10(1)(c): written use of Frisian by central government administrative authorities located in the province of Fryslân

- 8.13 On accepting the European Charter, the Netherlands undertook, with regard to central government bodies located in the province of Fryslân, ‘to allow the administrative authorities to draft documents in [the Frisian language]’, as far as this is reasonably possible. The statutory basis for this is sections 2:9, 2:10 and 2:11 of the General Administrative Law Act (Bulletin of Acts and Decrees 1995, 302). These provisions apply to central government bodies whose purview extends to the province of Fryslân or parts of it.
- 8.14 In its report, the Committee of Experts notes that Dutch legislation is in accordance with the undertaking entered into by the Netherlands under Article 10(1)(c) of the European Charter, but that it has not yet been put into practice. According to the General Administrative Law Act, central government bodies and agencies that fall within the jurisdiction of a particular ministry and whose purview extends to the province of Fryslân or part of it are entitled to draw up regulations on the use of Frisian in written documents. This has not yet been done, and central government bodies located in Fryslân therefore cannot use Frisian in their outgoing correspondence. The Committee therefore considers that the Netherlands is not fulfilling its obligations in this matter.²⁶⁴
- 8.15 As previously noted in section 8.4 of this report, in the Covenant on the Frisian Language and Culture (2001) central government and the province of Fryslân agreed that those ministries with agencies covering Fryslân will introduce regulations on the use of Frisian by the agencies concerned (Covenant 4.2).

²⁶⁴ Council of Europe, *Report of the Committee of Experts*, 83.

- 8.16 Article 104 of the Explanatory Report states that the undertakings entered into by the member states in paragraphs 1 and 3 of Article 10 are qualified by the phrase ‘as far as this is reasonably possible’. This phrase does not change the fact that the acceptance of a particular provision with respect to a given language necessarily entails a commitment to provide the resources and make the administrative arrangements required to render it effective.
- 8.17 With regard to administrative authorities located in the province of Fryslân that are part of central government, section 2:9 of the General Administrative Law Act lays down the basic rule that the ministers concerned are authorised to establish rules on the use of Frisian in written documents for central government bodies whose purview extends to the province of Fryslân or part of it. Such rules must also be in accordance with the other provisions of Part 2.2 of the General Administrative Law Act (see also sections 8.18 and 8.19).
- 8.18 Section 2:10 of the General Administrative Law Act specifies the cases in which a written document drafted in Frisian must also be drafted in Dutch.
- 8.19 Section 2:11 of the General Administrative Law Act lays down rules concerning the Dutch translation of a written document drafted in Frisian. These rules also apply to central government bodies whose purview extends to the province of Fryslân or part of it. The basic principle underlying the rules in section 2:11 is that Dutch translations will be provided upon request only when the written document is drafted in Frisian. In principle, the associated translation costs are borne by the party making the request.
- In addition, it is worth noting that no third-party costs are attached to the translation of documents drafted in Frisian that must also be drafted in Dutch, in accordance with the relevant statutory provision (section 2:10 of the General Administrative Law Act) (see also section 8.31).
- 8.20 In order to render section 2:9 of the General Administrative Law Act effective, central government has drawn up a model regulation on the use of Frisian in administrative matters that seeks to lower the threshold for the written use of Frisian by decentralised central government agencies. The State Secretary for the Interior and Kingdom Relations sent the model regulation to the relevant ministries as an annexe to a letter dated 23 January 1996, ref. BW95/U1445. This letter informed the ministries concerned of the new statutory regulations on the use of Frisian in administrative matters (see section 8.9).
- 8.21 Thus far, none of the ministers concerned have made use of their statutory powers under section 2:9 of the General Administrative Law Act to adopt regulations on the use of the Frisian language (see section 3.7.7). In the absence of such regulations, a decentralised central government agency located in the province of Fryslân cannot by law use Frisian in its outgoing correspondence.²⁶⁵

²⁶⁵ For the sake of clarity, it is worth noting that this section refers to regulations that enable central government authorities located in the province of Fryslân to use Frisian. Such regulations do not actually exist at present. However, as previously noted, there are regulations that enable natural and legal persons to use Frisian in their dealings with central government bodies located in the province of Fryslân (such as the tax authorities in Leeuwarden) (see sections 8.10 to 8.12).

- 8.22 In the framework of the implementation of the agreements contained in the Covenant on the Frisian Language and Culture (2001), central government will devote attention in the coming years to the implementation of the provisions of article 4.2 of the Covenant (see section 8.15).
- 8.23 It is clear that Dutch legislation is in accordance with the undertakings entered into by the Netherlands concerning the written use of Frisian by central government administrative authorities. On the basis of section 104 of the Explanatory Report and certain other factors, however, the Committee of Experts considers that the ministries concerned have not yet made all the administrative arrangements that are required to implement the relevant provision of the Charter. As noted in the paragraph above, article 4.2 of the Covenant on the Frisian Language and Culture (2001) seeks to encourage the adoption of such arrangements. In addition, article 4.5 of the Covenant contains an agreement concerning the need to improve the Frisian language skills of staff dealing directly with the public in the service of governmental or semi-governmental institutions in the province of Fryslân (such as decentralised central government agencies). This issue is discussed in greater detail in sections 8.72 and 8.73.

Article 10(2)(a)-(d): use of Frisian in administrative matters by local and regional authorities

- 8.24 On accepting the European Charter, the Netherlands undertook the following with regard to local and regional authorities in the province of Fryslân:

‘to allow and/or encourage:

- a the use of [the Frisian language] within the framework of the regional or local authority;
- b the possibility for users of [the Frisian language] to submit oral or written applications in [this language];
- c the publication by regional authorities of their official documents also in [the Frisian language];
- d the publication by local authorities of their official documents also in [the Frisian language]’.

- 8.25 The Committee of Experts considers that these undertakings are being fulfilled. However, the Committee also encourages the authorities concerned to make use of the opportunity provided by section 2:9 of the General Administrative Law Act to draw up model ordinances covering the use of Frisian.²⁶⁶
- 8.26 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that they will jointly strive to ensure that by 2003 ten municipalities in the province of Fryslân will have adopted ordinances for their own use of Frisian (Covenant 4.1).
- 8.27 The use of the Frisian language within the framework of the regional and local authorities is regulated in Part 2.2 of the General Administrative Law Act, in particular sections 2:7 to 2:11, as well as in section 8, subsection 3 of the Use of Frisian (Legal Matters) Act.

²⁶⁶ Council of Europe, *Report of the Committee of Experts*, 84.

- 8.28 As previously noted (see section 8.16), the acceptance by a member state of the provisions contained in subparagraphs 1 and 3 of Article 10 of the European Charter necessarily entails a commitment to provide the resources and make the administrative arrangements required to render it effective. In order to respect the autonomy of regional and local authorities, a different approach was adopted in the formulation of subparagraph 2 of the same article. Thus, on accepting a particular provision from this subparagraph, a member state is not individually bound ‘to provide the resources and make the administrative arrangements required to render it effective’, but undertakes, while respecting the principle of local and regional autonomy, ‘to allow and/or encourage’ the regional and local authorities to apply the provisions accepted by central government in their own policies. In this regard, the regional and local authorities possess the requisite amount of policy freedom (see section 105 of the Explanatory Report).
- 8.29 The possibility for Frisian-speakers to submit oral or written applications in Frisian to regional and local authorities in the province of Fryslân is regulated in section 2:7, subsection 1 of the General Administrative Law Act, which provides that ‘everyone may use Frisian in their dealings with administrative authorities, in so far as these are located in the province of Fryslân’. Section 2:7, subsection 2 provides that this basic rule does not apply ‘in cases where the administrative authority has requested the use of Dutch on the grounds that the use of Frisian would impose a disproportionate burden on the administrative process’. With regard to the use of this exception, the reader is referred to the matters discussed in section 8.9.
- 8.30 The publication of official documents in Frisian by regional and local authorities is regulated in section 2:9 of the General Administrative Law Act, which provides that ‘administrative authorities located in the province of Fryslân that are not part of central government may make rules on the use of Frisian in written documents’. Such rules, laid down in provincial or municipal ordinances, must be in accordance with the other provisions of Part 2.2 of the General Administrative Law Act (see also sections 8.31 and 8.32). Section 8.34 considers the freedom of administrative authorities in the province of Fryslân to adopt such ordinances on the use of Frisian in written documents in greater depth.
- 8.31 Section 2:10 of the General Administrative Law Act stipulates in which cases a written document drafted in Frisian must also be drafted in Dutch. The associated translation costs are borne by the administrative authority concerned (see section 8.19).
- 8.32 Section 2:11 of the General Administrative Law Act lays down rules concerning the translation into Dutch of written documents drafted in Frisian by the administrative authorities located in the province of Fryslân. In principle, the associated translation costs are borne by the party requesting the translation, unless the written document ‘includes a decision or other proceeding which directly concerns the party making the request’. The level of the translation costs is regulated in the above-mentioned provincial and regional ordinances (see section 8.30).
- 8.33 By decree of the provincial council of Fryslân of 4 October 2000, the province of Fryslân adopted an ordinance on the written use of the Frisian and Dutch languages

by administrative authorities in the province of Fryslân (Provincial Bulletin 2000, 75), thereby implementing section 2:9 of the General Administrative Law Act (see section 8.30).²⁶⁷

- 8.34 The provincial executive of Fryslân has drafted a model ordinance on the written use of Frisian in administrative matters for the benefit of the local authorities in the province of Fryslân, in particular the municipalities and water boards.²⁶⁸ In the absence of such an ordinance on the choice of language, a local authority in the province of Fryslân is not entitled to use Frisian in its outgoing correspondence. In fact, local authorities in Fryslân are not obliged to introduce policies on the use of Frisian in administrative matters on the basis of Part 2.2 of the General Administrative Law Act, for the reasons mentioned in section 8.28.²⁶⁹ Nevertheless, 19 of the 31 Frisian municipalities have opted to introduce municipal policies concerning the use of Frisian in administrative matters. Some of the municipalities concerned still lack the municipal ordinance required under section 2:9 of the General Administrative Law Act, while others have brought their policies into harmony with the General Administrative Law Act (cf. sections 8.35 and 8.36).
- 8.35 Significant progress has already been achieved with regard to the objective, as expressed in article 4.1 of the Covenant on the Frisian Language and Culture (2001), to ensure that by 2003 ten municipalities in the province of Fryslân will have adopted ordinances for the use of Frisian in written documents (cf. section 8.26). At present, 7 of the 31 Frisian municipalities have done so, thereby implementing section 2:9 of the General Administrative Law Act (see section 8.30).²⁷⁰
- 8.36 Ten Frisian municipalities have not adopted ordinances on the use of Frisian, but employ guidelines for the use of Frisian adopted by their municipal councils.²⁷¹ In

²⁶⁷ This ordinance replaced the provincial ordinance on the written use of Frisian and Dutch by administrative authorities in the province of Fryslân, as adopted in 1985 and most recently amended in 1990 (Provincial Bulletin 1985, 82; 1990, 103).

²⁶⁸ Enclosure to a letter dated 20 March 1997 from the provincial executive of Fryslân to the local authorities concerned, ref. MO/97-31447.

²⁶⁹ Cf. Parliamentary Papers II (House of Representatives) 1993-1994, 23 543, no. 5, p. 18.

²⁷⁰ The municipalities of Boarnsterhim, Ferwerderadiel, Littenseradiel, Menaldumadeel, Skarsterlân, Tytsjerksteradiel and Wûnseradiel (see also annexe 1.3).

²⁷¹ At its council meeting of 29 February 1996, the municipality of Achtkarspelen adopted a guideline providing that Frisian-language correspondence addressed to the municipality should be answered in Frisian. In certain cases, the municipality is also entitled to draft correspondence in Frisian on its own initiative, after considering the interests of the addressee and the municipal organisation concerned. Finally, the municipality may also draft council proposals, policy documents and other documents concerning the Frisian language or issues of a Frisian nature in Frisian, while respecting the provisions of the General Administrative Law Act.

The municipality of het Bildt employs a guideline providing that Frisian-language correspondence should be answered in Frisian.

The municipality of Dongeradeel employs a guideline providing that Frisian-language correspondence should be answered in Frisian.

The municipality of Heerenveen employs a guideline providing that Frisian-language correspondence should be answered in Frisian.

The municipality of Leeuwarden employs a guideline providing that Frisian-language correspondence should be answered in Frisian.

In its memorandum on the use of Frisian of September 1996, the municipality of Leeuwarderadeel provides that Frisian-language correspondence addressed to the municipal executive should be answered in Frisian as often as possible. In addition, where possible, council documents should also be drawn up in Frisian. The municipality further strives to place Frisian-language advertisements and draft correspondence in Frisian on its own initiative to persons and bodies whose command of Frisian is known to the municipality.

doing so, they are not acting in accordance with section 2:9, subsection 1 of the General Administrative Law Act (see section 8.30). A further fifteen Frisian municipalities have adopted a policy plan or memorandum on the use of Frisian.²⁷² The failure of a number of Frisian municipalities to adopt ordinances on the use of Frisian is being addressed in the framework of the implementation of the Covenant on the Frisian Language and Culture (2001).

- 8.37 On 12 October 2000, the Berie foar it Frysk organised a one-day seminar in Oranjewoud in support of municipal language and cultural policies. This was followed by the publication of a report of the seminar, supplemented by examples of language ordinances.²⁷³

Finally, as an example of modern municipal language policy, it is worth noting that all Frisian municipalities have a presence on the internet. Four of these municipalities offer Frisian-language web pages in addition to Dutch-language pages.²⁷⁴

- 8.38 None of the six water boards in Fryslân has adopted an ordinance on the use of Frisian and Dutch.
- 8.39 Section 8, subsection 3 of the Use of Frisian (Legal Matters) Act (Bulletin of Acts and Decrees 1995, 440), which entered into force on 1 January 1997, provides that deeds intended for entry in the register of births, deaths and marriages may be drawn up both in Frisian and in Dutch. In connection with the amendment of the Act, the 1994 Births, Deaths and Marriages (Registration) Decree was amended by decree of 27 August 1996 (Bulletin of Acts and Decrees 1996, 445). As of 1 January 1997, municipalities in the province of Fryslân are able to draw up deeds intended for entry in the register of births, deaths and marriages in Frisian and Dutch. The marriage booklets issued by the municipalities are now also bilingual (see section 7.46).
- 8.40 Article H 2, paragraph 5 of the Elections Decree (Bulletin of Acts and Decrees 1989, 471; 1997, 712) allows appellations on candidate lists in the province of Fryslân to appear in Frisian: 'where the election of the members of the provincial council of Fryslân or the municipal councils in the province of Fryslân is concerned, appellations

The municipality of Opsterland employs a guideline providing that Frisian-language correspondence should be answered in Frisian.

In a letter dated 21 March 2002 to the Fryske Akademy, ref. 02-1626/SAZ/YH/TL, the municipality of Smallerland notes that it has a rule to the effect that Frisian-language correspondence should be answered in Frisian. The matter is regulated in a policy document containing basic principles for the use of Frisian in the municipality of Smallerland. Incidentally, the municipality's letter, which is written in Dutch, was sent in reply to a written question in the Frisian language!

The municipality of Sneek employs a guideline providing that Frisian-language correspondence should be answered in Frisian.

The municipality of Wymbritseradiel answers Frisian-language correspondence in Frisian and also drafts documents in Frisian on its own initiative.

²⁷² The municipalities of Achtkarspelen, Dantumadeel, Ferwerderadiel, Franekeradeel, Heerenveen, Leeuwarden, Leeuwarderadeel, Menaldumadeel, Opsterland, Skarsterlân, Smallerland, Sneek, Wymbritseradiel and Tytsjerksteradiel adopted a policy plan or policy document on the Frisian language after 1984. The municipality of het Bildt adopted a policy document on the use of the Bildt dialect and Frisian in the municipality.

²⁷³ G.I. Jellema and A.M.J. Riemersma, *Oan de slach*, Berie report no. 18, Berie foar it Frysk, Ljouwert 2001.

²⁷⁴ In 2001, AFUK's Frisian Language Support Centre, *Stipepunt Frysk*, launched a new project to assist municipalities in the use of Frisian on their websites. As a result, the municipalities of Achtkarspelen, Ferwerderadiel, Smallerland and Wûnseradiel now provide Frisian-language information on the internet. In addition, the municipality of Menaldumadeel devotes a few sentences in Frisian to its Frisian language policies.

on the candidate lists may appear in Frisian'. The candidates of the Fryske Nasjonale Partij regularly avail themselves of this legal possibility, while the candidates of other parties do so only rarely. A few parties also participate in municipal or provincial council elections under their Frisian names.

- 8.41 In 1996, at the request of the Ministry of Justice, the Fryske Akademy's Language Desk translated all the deeds in the book of model documents of the Dutch Association of Population Affairs into Frisian. In addition, all the municipalities in the province of Fryslân have received a software package of bilingual deeds in order to facilitate the implementation of the Use of Frisian (Legal Matters) Act.
- 8.42 In the light of the above, it appears that the Netherlands has adopted the necessary statutory measures to implement Article 10(2)(a)-(d) of the European Charter, while respecting the principle of local and regional autonomy. In the framework of the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that attention should be devoted in the coming years to the adoption by each municipality of its own ordinance concerning the written use of Frisian, as various municipalities are currently not acting in accordance with section 2:9 of the General Administrative Law Act. In addition, article 4.5 of the Covenant contains an agreement concerning the need to improve the Frisian language skills of staff dealing directly with the public in the service of governmental or semi-governmental institutions in the province of Fryslân (province, municipalities and water boards). This issue is discussed in more depth in sections 8.72 and 8.73.

Article 10(2)(e)-(f): use of Frisian in meetings of regional and local authorities located in the province of Fryslân

- 8.43 On accepting the European Charter, the Netherlands undertook the following with regard to the regional and local authorities in the province of Fryslân

'to allow and/or encourage:

- e the use by regional authorities of [the Frisian language] in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;
- f the use by local authorities of [the Frisian language] in debates in their assemblies, without excluding, however, the use of the official language(s) of the State.'

- 8.44 The Committee of Experts considers that the above-mentioned undertakings are being fulfilled.²⁷⁵

- 8.45 As Dutch legislation and policy are in accordance with the undertakings entered into by the Netherlands under the European Charter, the Covenant on the Frisian Language and Culture (2001) contains no agreements in this regard.

- 8.46 The use of Frisian in meetings of administrative authorities located in the province of Fryslân is regulated in section 2:12 of the General Administrative Law Act. According to section 2:12, what is said in Frisian must also be recorded in Frisian in the minutes.

²⁷⁵ Council of Europe, *Report of the Committee of Experts*, 84.

- 8.47 Barring certain statutory exceptions, the administrative authorities may charge a fee for the translation of the minutes of such meetings that may not exceed the cost of the translation. The level of the translations costs is regulated in provincial and municipal ordinances, as discussed in sections 8.30 to 8.35. No fee is charged for the translation into Dutch of minutes drawn up in Frisian if the party requesting the translation has a direct interest in the content of those minutes or if the minutes concern the adoption of generally binding regulations or policy rules (section 2:11, subsection 3 (a) of the General Administrative Law Act).
- 8.48 The Netherlands has thus taken the necessary statutory measures to bring its legislation into harmony with the undertakings entered into under the European Charter.

Article 10(2)(g): adoption of place names

- 8.49 On accepting the European Charter, the Netherlands undertook with regard to the regional and local authorities in the province of Fryslân
- ‘to allow and/or encourage:
g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place names in [the Frisian language].’
- 8.50 In its report, the Committee of Experts notes that Dutch legislation is in keeping with the undertaking entered into under Article 10(2)(g) of the European Charter, although full implementation is still lacking. In this regard, the Committee points out the absence of a requirement to provide bilingual street, village and municipality signs, noting that such decisions are left to the municipality concerned. The Committee considers that this undertaking is only partially fulfilled and calls on the Dutch government to encourage the relevant municipality authorities to introduce bilingual signs.²⁷⁶
- 8.51 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that all government institutions, including the decentralised central government agencies, will use the official Frisian names of municipalities and places in Fryslân when drafting documents or addressing correspondence (Covenant 4.3) (see also sections 11.28 to 11.30). In practice, this is already the case.
- 8.52 The Covenant on the Frisian Language and Culture (2001) contains no provisions on bilingual street, village and municipality signs for two reasons. The first reason is that the relevant provision in the European Charter does not contain a requirement to this effect. In actual fact, the Netherlands is bound ‘to allow and/or encourage’ the use of Frisian place names. This requirement has been complied with in full, as the use of bilingual signs has already been permitted for some time. A substantial number of municipalities in the province of Fryslân have placed bilingual signs at the outer limits of built-up areas. At present, the placement of such signs is facilitated by the Regulation implementing the Administrative Provisions (Road Traffic) Decree²⁷⁷ with respect to traffic signs (Government Gazette 1997, 239). Paragraph 3, point 15 of the regulations provides that road signs are generally produced in accordance with the NEN 3381

²⁷⁶ Ibid., 85.

²⁷⁷ Bulletin of Acts and Decrees 1990, 460.

standard (Traffic signs: General rules regarding road signs). Section 4.3.2 of the NEN 3381 standard provides that, in the province of Fryslân, signs indicating the beginning or end of a built-up area may display Frisian-language place names in addition to the official names. If the official place name is already in Frisian, that name by itself will suffice.

- 8.53 The second reason why the Covenant on the Frisian Language and Culture (2001) contains no provisions on bilingual signs is that, in the opinion of the government, there is no need for further policies encouraging this practice, as local authorities are already making full use of their freedom of action in this regard in relation to town, village and street signs (see further sections 8.64 and 8.65).
- 8.54 With regard to regional authorities, section 156 of the Provinces Act (Bulletin of Acts and Decrees 1992, 550) provides that provincial councils can change the name of the provinces they govern. On 13 December 1995, the provincial council of Friesland made use of this possibility to change the official name of the province from Friesland to Fryslân, as of 1 January 1997 (Provincial Bulletin 1996, 7).
- 8.55 With regard to local authorities, section 158 of the Municipalities Act (Bulletin of Acts and Decrees 1992, 96) provides that municipal councils can change the name of the municipalities they govern. By virtue of this provision, which came into force on 1 January 1994, municipalities in the province of Fryslân can decide to adopt Frisian names. The Act of 24 October 1984 (Bulletin of Acts and Decrees 475) previously granted this power to municipalities that are created as a result of the redrawing of municipal boundaries and acquire their names by means of a boundary reform act (previously section 53 of the Local Government Boundary Reform (General Regulations) Act). Eight new municipalities, created on 1 January 1983 as a result of the municipal reorganisation of Fryslân, made use of this opportunity to adopt official Frisian names. They are the municipalities of Boarnsterhim, Gaasterlân-Sleat, Littenseradiel, Nijefurd, Skarsterlân, Tytsjerksteradiel, Wûnseradiel and Wymbritseradiel.²⁷⁸ In 1996, on the basis of section 158 of the Municipalities Act, the municipal council of Ferwerderadeel decided to change the official name of the municipality to Ferwerderadiel, as of 1 January 1999.
- 8.56 The power to name villages, towns, streets, squares and so forth belongs to the municipalities. In 1953, the Dutch government clarified once and for all that the municipalities in the province of Fryslân are authorised to adopt the Frisian name, possibly in conjunction with the Dutch name, of towns and villages located on their territory. This power also extends to the naming of streets, squares and so forth.²⁷⁹
- 8.57 Four municipalities in the province of Fryslân have used this power to officially adopt Frisian names for towns and villages located on their territory, namely, Boarnsterhim, Ferwerderadiel, Littenseradiel and Tytsjerksteradiel. In the other municipalities, the official names of the towns and villages are in Dutch, with the exception of a number of cases in which certain municipalities decided to adopt official Frisian names: Nij Beets (1950), Koufurderrige (c. 1950), De Tike (1952), De Knipe (1970), Boksum

²⁷⁸ In addition, the official Dutch name of the municipalities of Achtkarspelen and Weststellingwerf does not differ from the Frisian-language versions of those names.

²⁷⁹ Parliamentary Papers II (House of Representatives) 1953-1954, 3321, no. 1.

(1972), It Heidenskip (1979) and Jonkerslân (1988). There is no difference between the Frisian and Dutch versions of a substantial number of place names in Fryslân.²⁸⁰

- 8.58 Central government and its administrative authorities use the official names adopted by the province and the municipalities for town and villages, streets, squares and so forth. In cases in which local authorities have decided to adopt two official names – one in Frisian and one in Dutch – central government and its administrative authorities exclusively use the Dutch name.
- 8.59 In accordance with government policy, all central government agencies and other central government administrative authorities must use official place names when drafting documents or addressing correspondence. This policy is based on the Personal Data (Standard Spelling) Decree of 1 September 1992.²⁸¹ This decree requires ministries and central government agencies to adapt their methods of addressing correspondence to the NEN standards, which, among other things, list the official names of municipalities, towns and villages. If official Frisian names have been adopted, ministries and central government agencies must use the Frisian names.
- 8.60 As far as can be ascertained, all ministries and central government agencies now comply with the above-mentioned policy, in contrast to the situation at the time of the first periodical report. This means that – in contrast to what was stated in section 6.37 of the first report – central government agencies, such as the Tax and Customs Administration, the organ donors registry of the Ministry of Health, Welfare and Sport and the Central Fine Collection Agency, are currently complying with the policy laid down in the decree of 1 September 1992. These developments are connected to the fact that Dutch postal service PTT Post has recently started using official place names in its databases, even if the only official place name is in Frisian.²⁸²
- 8.61 The government's position paper of 1953 does not discuss the power to name lakes, canals and other waterways, or rural areas (see section 8.56). In fact, the power to name lakes, canals and other waterways has still not been regulated explicitly.²⁸³ In theory, it falls under municipal and provincial self-government, with the possible exception of the naming of national waterways.²⁸⁴ With regard to lakes, canals and other waterways, local authorities are thus entitled to adopt official names in Frisian or in Dutch, or in both languages. The same policy freedom applies with regard to engineering structures – especially bridges – on Frisian waterways, where the relevant municipalities or administrators have replaced existing names with Frisian names in recent years.²⁸⁵ For the purpose of creating a cultural heritage map, as well as a public map, the provincial authority of Fryslân is preparing a list of Frisian-language names

²⁸⁰ See Ried fan de Fryske Beweging, *Plaknammen yn/Plaatsnamen in Fryslân*, Ried fan de Fryske Beweging, Ljouwert/Versloot-kartografy, Hilaard 1997.

²⁸¹ Government Gazette 1992, 176.

²⁸² Officially known as Royal TPG Post from 1 May 2002.

²⁸³ At a meeting on 24 April 1985, at which it considered the final report 'Frysk yn it offisjele ferkear' and the sub-report of the committee on the Frisian language, the provincial council of Fryslân not only decided to change the name of the province of Friesland to the province of Fryslân, but also to change the Dutch names of waterways and canals to Frisian names. This decision has subsequently not been implemented.

²⁸⁴ Cf. policy document of the Ministry of the Interior of 8 February 1995, ref. BW 95/N274.

²⁸⁵ Cf. Parliamentary questions, Annexes to Parliamentary Papers II (House of Representatives) 1999-2000, Annexe 880.

of waterways in the province of Fryslân, although the adoption of such names was not discussed during the 1999-2001 period.

- 8.62 Five of the six Frisian water boards, which were all established between 1990 and 1995, are known by their Frisian names.²⁸⁶ Following the province of Fryslân's change of name, the Friesland water board, which is responsible for water quality and sea defences, changed its name to Wetterskip Fryslân, as of 1 September 1998.²⁸⁷
- 8.63 The province of Fryslân's change of name was also emulated by the Cabinet, which decided to officially change the name of the Police Region of Friesland to the Police Region of Fryslân in December 2001. The change became effective on 1 July 2002.
- 8.64 It appears that Dutch legislation is in accordance with the relevant undertakings entered into by the Netherlands. Municipalities are already entitled to use bilingual signs, regardless of whether the official place name is in Dutch or Frisian. Almost all the municipalities in the Frisian language area of the province of Fryslân have placed bilingual signs at the outer limits of built-up areas. There is therefore no need for additional government encouragement of local authorities to use bilingual signs, as recommended by the Committee of Experts.
- 8.65 Some municipalities in the province of Fryslân also use bilingual street signs. In such cases, however, the official Dutch name is still used in administrative matters and in the address files of organisations such as PTT Post (now TPG Post), in accordance with the government's position paper of 1953, unless the municipality concerned has explicitly determined that the Frisian name is to be used as the official name. In practice, Frisian municipalities generally opt for monolingual street signs in either Dutch or Frisian. In the opinion of the Dutch government, the policy freedom of the Frisian municipalities is of fundamental importance in this regard, in the light of the principle of local self-government endorsed by the Netherlands when it ratified the European Charter of Local Self-Government of 1985. For this reason, among others, the Dutch government does not welcome the recommendation of the Committee of Experts to encourage the relevant municipal authorities in Fryslân to use bilingual street signs. Moreover, Article 10(2) of the European Charter does not explicitly refer to bilingual street signs.

Article 10(4)(a) and (c): additional measures

- 8.66 On accepting the European Charter, with a view to putting into effect those provisions of Article 10(1), (2) and (3) it had accepted, the Netherlands undertook to take the following measures:
- 'a translation or interpretation as may be required;
 - c compliance as far as possible with requests from public service employees having a knowledge of [the Frisian language] to be appointed in the territory in which that language is used.'

²⁸⁶ These are the water boards of Boarn en Klif (Joure), Fryslân (Leeuwarden), Lauwerswâlden (Buitenpost), Marne-Middelsee (Bolsward) and De Waadkant (Stiens). The sixth water board is known by the Dutch name of Sevenwolden (Gorredijk).

²⁸⁷ On 19 December 2001, the provincial council of Fryslân decided to reorganise the Frisian system of water boards. The intention is that there will eventually be a single water board for the whole of Fryslân.

- 8.67 The Committee of Experts considers that the undertakings entered into by the Netherlands under Article 10(4)(a) and (c) are being fulfilled.²⁸⁸
- 8.68 As Dutch legislation and policy are in accordance with the undertakings entered into under the European Charter, the Covenant on the Frisian Language and Culture (2001) contains no agreements in this regard.
- 8.69 The Netherlands has adopted a number of statutory measures with regard to translation and interpretation services, as referred to in Article 10(4)(a) of the European Charter. Provisions regarding translation appear in sections 2:10 and 2:11 of the General Administrative Law Act (see also sections 8.19, 8.31, 8.32 and 8.47 of this report).
- 8.70 Section 6.44 of the first Report on the measures adopted by the Netherlands in respect of the Frisian language and culture considers how the measures referred to in Article 10(4)(c) of the European Charter should be reported. The number of requests from public service employees having a knowledge of the Frisian language to be appointed in the territory in which that language is used, as well as the levels of compliance or non-compliance with such requests, are not known. There is no central location where the submission and handling of such requests can be registered.
- 8.71 The Netherlands decided not to accept Article 10(4)(b) of the European Charter, which concerns the recruitment and, where necessary, training of the required officials and public service employees, for the reasons stated during its exchange of views with the House of Representatives.²⁸⁹ However, the government took this opportunity to state its willingness ‘to encourage vigorously the implementation of the measures mentioned in the provision’. In view of this undertaking, the periodical reports on the implementation of the European Charter are an appropriate forum to report on the measures taken by the Netherlands in this regard.
- 8.72 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that they will jointly strive to ensure that staff dealing directly with the public in the service of governmental or semi-governmental institutions in the province of Fryslân (province, municipalities, decentralised central government agencies, water boards) will be offered courses to improve their active knowledge of the Frisian language (Covenant 4.5).
- 8.73 Between 1998 and 2002, various public service employees in the province of Fryslân took advantage of the opportunity to improve their knowledge of Frisian at their employer’s expense, by means of AFUK’s courses on Frisian reading and comprehension, an intensive course on reading, comprehension and speaking, a Frisian immersion course organised every year on Terschelling and the Frisian A, B and C courses.

In 1998-1999, twenty public service employees took one of the above-mentioned Frisian language courses, including five that took the immersion course on Terschelling. In 1999-2000, the corresponding numbers were thirteen and six, in 2000-2001, fifteen and three and, in 2001-2002, seventeen and eight.

²⁸⁸ Council of Europe, *Report of the Committee of Experts*, 86.

²⁸⁹ Parliamentary Papers II (House of Representatives) 1994-1995, 24 092, no. 5, p. 8.

The authors of this report do not possess information regarding the manner in which municipalities, decentralised central government agencies and water boards are currently implementing the above-mentioned provision from the Covenant on the Frisian Language and Culture (2001).

- 8.74 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that central government will strive to ensure that measures are taken to improve the command of Frisian among police officers in the province of Fryslân. To achieve this, police officers will be offered courses to improve their active and passive knowledge of the language (Covenant 4.4).
- 8.75 In this context, it is also worth noting the Frisian language courses for members and employees of the judiciary in the province of Fryslân (see sections 7.18 and 7.19).

Article 10(5): Frisian family names

- 8.76 On accepting the European Charter, the Netherlands undertook ‘to allow the use or adoption of family names in [the Frisian language], at the request of those concerned’.
- 8.77 In its report, the Committee of Experts considers that the Netherlands has not fulfilled the undertaking it entered into under Article 10(5) of the European Charter, although the Committee has been informed that the government is looking into widening the scope for changing family names.²⁹⁰
- 8.78 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that central government will strive to ensure that statutory provision will be made to enable Frisian names or Frisian spellings to be recognised as official family names in the appropriate cases (Covenant 4.7). Central government is currently implementing this commitment (see section 8.83).
- 8.79 In the explanatory memorandum accompanying the bill approving the European Charter, the government stated that some of the provisions of the Charter are entirely self-evident for the Netherlands. As an example of this, the government mentions the right of people to use family names in a regional or minority language, in accordance with Article 10(5) of the Charter.²⁹¹
- 8.80 In this context, it is worth noting that people generally use their official name in the Netherlands. Basically, a person’s official name is the one that appears in the registers of births, deaths and marriages (birth certificate). The municipal personal records database is based on the information contained in deeds that have been deposited in these registers, including information concerning a person’s family name and the name of his or her spouse (or ex-spouse) or registered partner (or ex-partner).²⁹² On the basis of Article 9 of Book I of the Civil Code, a person is entitled to use the family name of his or her spouse (or ex-spouse) or registered partner (or ex-partner) instead of, or in combination with, his or her own family name. The name in question may be

²⁹⁰ Council of Europe, *Report of the Committee of Experts*, 87.

²⁹¹ Parliamentary Papers II (House of Representatives) 1994-1995, 24 092, no. 3, p. 4.

²⁹² Cf. section 34 of the Municipal Database (Personal Records) Act (Bulletin of Acts and Decrees 1994, 494) and paragraph 10 of Annexe I of the Act, as amended on 17 December 1997 (Bulletin of Acts and Decrees 1997, 660).

registered in the municipal personal records database, so that the municipality is able to address correspondence to the person concerned using this name. Apart from that, a person may not request to be registered in the municipal personal records database under a name that is different to his or her official name (i.e. a pseudonym).

- 8.81 In view of the rule that, as such, a person is free to use a name that is not his or her official name, people are also free to use family names in the Frisian language. In general, however, administrative authorities will address correspondence to a person using his or her official name or, at his or her request, the name of his or her spouse (or ex-spouse) or registered partner (or ex-partner), or a combination of the two, as this makes use of information contained in the municipal personal records database. At present, any request falling outside the above-mentioned parameters to be registered in a municipal personal records database under a Frisian name and to receive correspondence from the municipality under that name is still inadmissible (see section 8.83 below).
- 8.82 At his or her own request, or at the request of a legal representative, a person's family name may be changed by the Crown, pursuant to article 7, paragraph 1 of Book I of the Civil Code. The Decree of 6 October 1997 containing rules relating to changes to family names also contains rules on official changes to family names (Bulletin of Acts and Decrees 1997, 463). As yet, these rules do not allow people to change a Dutch family name to a Frisian family name, or to adapt or change the Dutch spelling of a Frisian family name to the Frisian spelling of that name.
- 8.83 On 22 March 2002, the cabinet adopted a proposal to bring legislation on family names into harmony with the undertaking entered into by the Netherlands under the European Charter.²⁹³ As a result, the above-mentioned decree is currently being amended. The intention is to allow people that used to bear Frisian family names that were changed to Dutch family names against their will to revert to their original Frisian names. In addition, people may request to change family names that are of Frisian origin, but which in the past were registered according to Dutch spelling rules. In such cases, the application of Frisian spelling rules is still possible through the submission of an application to change those names. Examples of such family names include Sytsma, Sudema and Tsjepkema, which were written as Sijtsma, Zuidema and Tjepkema under Dutch spelling rules.
- 8.84 **In summary**, it appears that Dutch legislation is in accordance with the undertakings entered into by the Netherlands under Article 10 of the European Charter, with the exception of the Decree of 6 October 1997 containing rules relating to changes to family names. However, the cabinet has meanwhile decided to amend the decree in question and has set the necessary procedure in motion.

With regard to the other provisions of Article 10 accepted by the Netherlands, the attention of the Dutch government, in cooperation with the provincial authority of Fryslân, is focused on the implementation of the relevant measures and the requisite preconditions. In this context, it is worth noting the regulations on the use of Frisian by central government agencies covering the province of Fryslân that await adoption by various ministries. Central government and the province of Fryslân will also

²⁹³ Cabinet press release of 22 March 2002.

jointly encourage the Frisian municipalities to adopt similar rules in the form of ordinances at municipal level. In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân concluded a number of agreements in this regard.

9 Article 11: Media

- 9.1 In the Netherlands, public broadcasting, including regional and local broadcasting, and private broadcasting are legally regulated by the Media Act (Bulletin of Acts and Decrees 1987, 249, most recently amended on 22 February 2001) and the Media Decree (Bulletin of Acts and Decrees 1992, 617, most recently amended on 24 August 2001). Section 9 of the Media Act notes the existence of the Media Authority. The Authority allocates broadcasting time on request, monitors compliance with the relevant legislation and financially supervises public broadcasting.

The Media Decree is an order in council that implements the provisions of the Media Act.

- 9.2 During the current reporting period (1999-2001), the Media Act was substantially amended in connection with the introduction of a new system of concessions for national public broadcasting. These amendments came into force partly on 31 March 2000 and partly at a later date (see Bulletin of Acts and Decrees 2000, 138 and 139) and are informally referred to as the Concessions Act. The amendment also provides that, as of 1 September 2000, regional public broadcasting organisations can apply for financial assistance from the Dutch Cultural Broadcasting Promotion Fund. Previously, such assistance was exclusively available to national television channels. This amendment of the Media Act applies to Article 11(f)(ii) of the European Charter, as endorsed by the Netherlands (see section 9.36 et seq.).
- 9.3 In its report, the Committee of Experts encourages the Dutch government to take into account the special needs of public broadcasting in Frisian and to consider increasing its financial support. The Committee further encourages the government to promote the use of Frisian in commercial broadcasting.²⁹⁴

In its response to these recommendations, the Dutch government makes a number of observations. With regard to the first recommendation, it points out that the report does not contain a proper explanation of the Committee's position. The government also goes on to note that it regards existing funding for the production of regional television *and* the broadcast of Frisian-language television programmes via one of the national television channels as sufficient. With regard to the second recommendation, the government notes that the Netherlands has opted to refrain from imposing any further requirements in the field of commercial broadcasting, as the guiding principle of Dutch broadcasting policy is that the Netherlands does not seek in any way to promote commercial broadcasting. Thus, for example, commercial broadcasting organisations cannot apply for assistance from the Dutch Cultural Broadcasting Promotion Fund.²⁹⁵

²⁹⁴ Council of Europe, *Report of the Committee of Experts*, 90, 91.

²⁹⁵ The Dutch government's response appears in Appendix II of the report of the Committee of Experts (pp. 31-32).

- 9.4 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed, in view of the fact that Frisian is the second national language, that central government will strive to ensure that the regional public television broadcasting organisation (Omrop Fryslân TV) has sufficient funds to achieve a full and varied range of programmes (Covenant 5.1) (see section 9.13). The Covenant contains no agreements on promoting the use of Frisian in commercial radio and television broadcasts (see section 9.32).
- 9.5 On accepting the European Charter, the Netherlands did not endorse any provisions on the written media (cf. Article 11(1)(e), (f) or (g) of the Charter). In the Covenant on the Frisian Language and Culture (2001), however, central government and the province of Fryslân agreed that they will jointly strive to ensure that adequate resources will be made available to ensure the fullest and most varied possible range of written media in the Frisian language (Covenant 5.5). At present, the implementation of this agreement still needs to be developed. Where ‘written media’ refers to newspapers and magazines, publishers may submit applications for financial support to the Netherlands Press Fund, which will assess whether such applications fit into the Fund’s sphere of activities as defined in the Media Act, particularly section 129 of the Act.

Article 11(1)(a)(iii): public broadcasting (radio and television)

- 9.6 On accepting the European Charter, the Netherlands undertook, for the users of the Frisian language in the province of Fryslân, ‘to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:
- a to the extent that radio and television carry out a public service mission:
 - (iii) to make adequate provision so that broadcasters offer programmes in the [Frisian language].’

In the Netherlands, public broadcasting takes place at national, regional and local level.

- 9.7 In its report, the Committee of Experts notes that Omrop Fryslân produces television programmes in Frisian for **national** television channels. These programmes account for 31 hours of television per year. The programmes are produced by Omrop Fryslân and broadcast by the Netherlands Broadcasting Foundation (NOS).²⁹⁶ The programmes are intended partly for the general public and partly for school television broadcasts.²⁹⁷
- 9.8 The Committee of Experts also notes that, as a **regional** public broadcasting organisation, Omrop Fryslân broadcast one hour of Frisian-language television programmes and eight hours of Frisian-language radio programmes per day at the end of 2000.²⁹⁸ The Committee further notes that Omrop Fryslân receives exactly the

²⁹⁶ Council of Europe, *Report of the Committee of Experts*, 88.

²⁹⁷ Broadcasting time has now increased to 37 hours of television programmes per year (see section 9.10).

²⁹⁸ The number of hours of radio programmes per day has meanwhile increased substantially: 18 hours per day from Mondays to Fridays and 14 hours per day on Saturdays and Sundays. Research indicates that the majority of these programmes are in Frisian (see also section 9.21).

same funding for these programmes as other regional broadcasting organisations in the Netherlands.²⁹⁹

- 9.9 In the opinion of the Committee of Experts, it is entirely reasonable to take into account the special needs of broadcasting in Frisian and to consider increasing its financial support.³⁰⁰ Against this background, the Committee of Experts considers that the Dutch government is complying with the provision accepted by the Netherlands under Article 11(1)(a)(iii) of the European Charter, but nevertheless points out the necessity of earmarking special funding for Frisian-language programmes, so that Omrop Fryslân can perform its special task in this regard.³⁰¹ These issues were taken into account in the Covenant on the Frisian Language and Culture (2001) (cf. section 9.13).
- 9.10 The Covenant on the Frisian Language and Culture (2001) contains no agreements on the number of hours of Frisian-language television programmes for the general public broadcast on national public television channels, as central government and the province of Fryslân concluded such agreements on an earlier occasion.³⁰² On the basis of these earlier agreements, except during the summer months, Omrop Fryslân produces a 30-minute television programme that is broadcast on Sundays on Netherlands 1 and repeated between 19:00 and 24:00 on the regional channel. These broadcasts amount to 21 hours of television per year. Finally, Omrop Fryslân produces a total of 16 hours and 8 minutes of school television that is broadcast on Netherlands 3 in more or less weekly segments of 20 minutes. At present, therefore, over 37 hours of Frisian-language television programmes are broadcast annually on **national** television channels.
- 9.11 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that central government will strive to ensure that 16 hours of Frisian-language school television programmes will be provided by the Netherlands Broadcasting Foundation (NOS) and broadcast nationally. These programmes are intended for primary education and the lower years of secondary education. They will be produced within the profile and budget of the NOS and will be assessed in the light of the basic premises of the public broadcasting system

²⁹⁹ Council of Europe, *Report of the Committee of Experts*, 88-89. Since mid-1998, Omrop Fryslân is entitled to distribute its programmes outside the province of Fryslân, in contrast to the other regional broadcasting organisations in the Netherlands, on the basis of section 64a, subsection 2 of the Media Act. In practice, however, it appears that only a few cable channels outside the province of Fryslân make use of this opportunity to broadcast Omrop Fryslân's programmes. This led the provincial authority of Fryslân to ask the State Secretary for Education, Culture and Science, in a letter dated 17 June 1999, to include Omrop Fryslân's programmes in the requirement under section 82i of the Media Act that obliges television channels to broadcast certain programmes. The State Secretary rejected this request in a letter dated 16 July 1999 on the grounds that it was too severe a means to achieve the goal concerned. In particular, the compulsory broadcast of Omrop Fryslân's programmes would reduce the choices of the programming committees concerned to just a few channels (see section 10.96).

³⁰⁰ With regard to television programmes, in particular, the province of Fryslân emphasises that it is more expensive to produce programmes in Frisian than it is to produce programmes in Dutch, especially since Omrop Fryslân must strive to achieve a full and varied range of programmes because of its unique position as the only Frisian-language public broadcasting channel in the Netherlands. As a result, Omrop Fryslân incurs additional expenses in comparison to other regional television channels.

³⁰¹ Council of Europe, *Report of the Committee of Experts*, 89, 90.

³⁰² Cf. article 5.4.1 of the second Covenant on the Frisian Language and Culture (1993).

(Covenant 5.6). It is the ambition of central government that this objective will be achieved by 2004.³⁰³

- 9.12 The Covenant on the Frisian Language and Culture (2001) contains no agreements on the number of hours of broadcasting time to which Omrop Fryslân is entitled in its capacity as a **regional** broadcasting organisation. This is discussed in greater detail in section 9.21.
- 9.13 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that, in view of the fact that Frisian is the second national language, central government will strive to ensure that Omrop Fryslân TV has sufficient funds to achieve a full and varied range of programmes (Covenant 5.1).
- 9.14 The Covenant on the Frisian Language and Culture (2001) contains no agreements on the supply of Frisian-language programmes by local broadcasters, as central government has no say in the content of local broadcasting. Even so, various **local** public broadcasting organisations are active in the province of Fryslân (see sections 9.26 to 9.28), and the Media Act requires that they devote at least 50 per cent of their television broadcasting time to original programming in Dutch or Frisian (see section 9.15).
- 9.15 With regard to the use of Dutch and Frisian, the Media Act lays down a number of requirements for television programmes that are relevant to this report. Thus, for example, section 54a, subsection 1 of the Media Act provides that organisations that have been allocated broadcasting time must devote at least 50 per cent of their television broadcasting time to original programming in Dutch or Frisian. Such programming does not include programmes that are subtitled in or dubbed into Dutch or Frisian. Mixed programmes, such as a daily television news programme, count towards this requirement in their entirety, unless the Dutch or Frisian language occupies a very marginal position in the programme concerned (cf. Bulletin of Acts and Decrees 1992, 334, p. 28).³⁰⁴ The provision in section 54a, subsection 1 of the Media Act applies to public broadcasting as a whole, that is to say, both to the national channels and to regional and local broadcasting organisations.³⁰⁵ In a recent development, the Media Authority has drawn up policy rules that further develop this provision (cf. section 9.16 et seq.).
- 9.16 On 18 December 2001, the Media Authority adopted a regulation containing policy rules relating to European, independent, recent, programming in Dutch or Frisian

³⁰³ In 2000, the number of hours of Frisian-language school television programmes increased from 10 to 16. Section 5.6 of the Covenant on the Frisian Language and Culture (2001) mistakenly notes that 37 hours of Frisian-language school television programmes will be produced for the lower years of secondary education during the period until 2004.

In addition, the third paragraph of the introduction to chapter 5 of the Covenant mistakenly notes that the package of Frisian-language programmes broadcast by the Netherlands Broadcasting Foundation (NOS) includes 'six hours of school television programmes for primary education and six hours for the lower years of secondary education in Fryslân'. This should read: 'ten hours' for primary education and 'six hours' for the lower years of secondary education.

³⁰⁴ The calculation of the percentage of programming in Dutch or Frisian does not include broadcasting time devoted to advertising. On the use of Frisian in advertising, see sections 11.25 and 11.26.

³⁰⁵ A similar provision applies to commercial broadcasting. This is regulated in article 52l of the Media Decree (cf. sections 9.33 and 9.34).

(Policy Rules on Programme Quotas).³⁰⁶ Article 6 of these rules provides that the following programmes, among others, qualify as original programming in Dutch or Frisian within the meaning of section 54a, subsection 1 of the Media Act and article 52l, paragraph 1 of the Media Decree:³⁰⁷

- 1a programmes recorded in Dutch or Frisian;
- 1b programmes containing segments from non-Dutch or non-Frisian programmes that are introduced in Dutch or Frisian by a presenter;
- 2 Programmes that have been dubbed in Dutch or Frisian do not qualify as original programming in Dutch or Frisian within the meaning of section 54a, subsection 1 of the Media Act and article 52l, paragraph 1 of the Media Decree.

9.17 According to article 8 of the Policy Rules on Programme Quotas:

- 1 The achieved percentage of original programming in Dutch or Frisian within the meaning of section 54 of the Media Act and article 52l of the Media Decree³⁰⁸ is calculated on the basis of the total available broadcasting time on each channel per year.
- 2 Repeats of earlier broadcasts are included in the calculation of the achieved percentage of original programming in Dutch or Frisian.

9.18 The Media Act also contains a number of provisions that apply specifically to regional and local broadcasting. As the activities of Omrop Fryslân focus mainly on regional broadcasting, this report now examines a few of these provisions. On the allocation of broadcasting time, see sections 9.19 to 9.21, on the funding of regional broadcasting, see sections 9.22 and 9.23.

9.19 Section 42, subsection 1 of the Media Act enables the Media Authority to allocate regional or local broadcasting time to a regional or local broadcasting organisation, at the request of the organisation concerned. Section 42, subsection 4 of the Media Act further states that regional and local broadcasting time is always allocated for a period of at least five years. This means that only one regional or local broadcasting organisation can acquire the right to broadcast programmes for a period of at least five years in each province or municipality. In contrast, the Media Authority determines the exact amount of broadcasting time on an annual basis, as well as the days, times and television channels on which the organisations that have been allocated regional and local broadcasting time can broadcast their programmes. The Media Authority also uses these powers in relation to Omrop Fryslân.

9.20 Section 43, subsection 1 of the Media Act stipulates that the allocation of broadcasting time only takes place after the relevant province or municipality has informed the Media Authority whether the broadcasting organisation in question meets the requirements laid down by the Media Act. As a rule, this information is provided once every five years. The provincial authority of Fryslân most recently provided such information to the Media Authority in a letter dated 22 January 1999.

³⁰⁶ Government Gazette 2001, 250, p. 123.

³⁰⁷ Article 52l, paragraph 1 of the Media Decree provides that at least 40 per cent of a private broadcasting organisation's television programmes must consist of original programming in Dutch or Frisian.

³⁰⁸ Ibid.

- 9.21 In principle, on the recommendation of the provincial authority of Fryslân, the Media Authority always allocates the broadcasting time of Omrop Fryslân, in its capacity as a regional public broadcasting organisation, for a period of five years, in accordance with the statutory provisions mentioned in sections 9.18 and 9.19. In 1999, agreement was reached regarding an increase in the number of hours of broadcasting time allocated to public regional broadcasting. At the time of the reference date of this report, Omrop Fryslân was broadcasting 18 hours of radio programmes per day on weekdays and 14 hours of radio programmes per day at weekends. This amounts to 118 hours of radio programmes per week. In addition, Omrop Fryslân broadcast a daily television programme between 18.55 and 20.00.³⁰⁹ The remaining 18 hours consisted of text-based television programming. Omrop Fryslân also provided a teletext service on its television channel.³¹⁰
- 9.22 The Media Act also regulates the funding of regional broadcasting. Section 43, subsection 3 of the Media Act provides that regional broadcasting organisations are only allocated broadcasting time if the relevant provincial authorities declare their willingness to be responsible for funding them. Section 107 of the Media Act further provides that regional broadcasting organisations that have been allocated broadcasting time shall receive a reimbursement from the province that is equal to the sum of all expenses directly related to their broadcasting activities, in so far as these expenses have been approved by the provincial authority and are not covered by other means.³¹¹ In the aforementioned letter of 22 January 1999, the province of Fryslân declared its willingness to be responsible for funding Omrop Fryslân. The resources that the province of Fryslân makes available to Omrop Fryslân, in its capacity as a regional broadcasting organisation, are derived partly from central government (see section 9.23) and partly from the province's own resources (see sections 9.24 and 9.25).
- 9.23 At the beginning of 2000, the manner in which regional broadcasting is funded in the Netherlands was structurally modified (Bulletin of Acts and Decrees 1999, 573). The television licence fee was abolished and will in future be levied via income tax. This fiscalisation of the television licence fee has made it impossible to levy the former provincial regional broadcasting supplement. A transitional regime by which the province of Fryslân received financial resources from central government, namely, a grant from the Provinces Fund as well as a grant from the Media Authority's general broadcasting resources, applied between 2000 and 2002.³¹²

Central government funds Omrop Fryslân in the same manner that it funds other regional broadcasting organisations. At present, central government does not provide additional funding or subsidies in view of the fact that Frisian is the second national

³⁰⁹ As of 1 March 2002, Omrop Fryslân brought the beginning of its daily television broadcast forward by one hour. Omrop Fryslân currently broadcasts between 17.55 and 19.00, after which the broadcast, excluding the children's programme, is repeated between 19.00 and 24.00 and at 9.00 the following morning.

³¹⁰ Section 42, subsection 9 of the Media Act facilitates the broadcast of teletext programmes by regional and local public broadcasting organisations.

³¹¹ These provisions from the Media Act apply only to regional public broadcasting (and not to local public broadcasting).

³¹² Central government provides grants to Omrop Fryslân for both radio and television. In 2000, 2001 and 2002, central government grants for television were worth €1,860,449, €1,986,264 and €2,035,920 respectively. During the same period, central government grants for radio were worth €1,539,599, €1,653,118 and €1,694,446 respectively.

language, as agreed in the Covenant on the Frisian Language and Culture (2001) (cf. section 9.13). A transitional regime in which funding is provided jointly by central government (through the Media Authority) and the province of Fryslân will also apply in 2003.

- 9.24 As mentioned in section 9.22, the province of Fryslân can also make funds available to Omrop Fryslân from its own resources, in addition to above-mentioned grants made available by central government through the Provinces Fund and the Media Authority. On 19 December 2001, the provincial council of Fryslân decided to award Omrop Fryslân the sum of €771,000 in 2001 and the sum of €907,000 in each of the two following years, in addition to the regular funding provided by the Provinces Fund.³¹³ This additional funding is intended to encourage the development of an integrated and varied broadcasting organisation that uses its resources to develop Frisian-language television drama, improve the existing range and quality of television programmes, broadcast major events and programmes on location, and improve radio programmes. The latter requires the sum of €2,689. Omrop Fryslân had previously submitted a detailed plan to the province of Fryslân, at the end of 1999, requesting the additional sum of €3.18 million to improve the range and quality of its programming.³¹⁴
- 9.25 Until 2002, the Media Authority matched every contribution of the province of Fryslân to Omrop Fryslân's television production costs. On introducing the matching principle, central government noted that it wished to apply the mechanism during the 1997-2001 period.³¹⁵ In a letter dated 17 August 2001 to the Association of Provincial Authorities, the State Secretary for Education, Culture and Science noted that the principle would no longer be applied as of 2002. This means that the additional funding approved by the province of Fryslân for Omrop Fryslân will no longer be complemented by a similar grant from the Media Authority's matching fund.
- 9.26 The province of Fryslân numbers eighteen local public broadcasting organisations, which operate in 23 municipalities and mainly broadcast radio programmes. Where television programmes are concerned, such as those of the Mercurius Broadcasting Association for the inhabitants of Leeuwarden, broadcasts take up no more than one hour per week.
- 9.27 A study by the Fryske Akademy from 1998 indicates that most of the broadcasts of the local broadcasting organisations in the province of Fryslân are conducted in Dutch. The sixteen broadcasting organisations that participated in the study conducted 2.5 times more broadcasts in Dutch than in Frisian. Only one of the organisations

³¹³ See also the memorandum of the provincial executive of Fryslân, *Finansjele Ympuls Omrop Fryslân*, of 8 October 2001, 11-15. The memorandum contributes to the implementation of the media provisions in the Covenant on the Frisian Language and Culture (2001).

³¹⁴ Omrop Fryslân has also requested an additional grant to strengthen the organisation's internet-related activities. In addition to providing information on Omrop Fryslân's programmes, the organisation's website, at www.omropfryslan.nl, contains the only Frisian-language newsletter on the internet.

³¹⁵ On introducing the matching mechanism, central government announced that it would operate for a five-year period (1997-2001) to encourage the launch of regional television in all twelve Dutch provinces. Prior to this, Omrop Fryslân launched its regional television broadcasts as a three-year television experiment on the basis of the Media Act in February 1994 (cf. Auke S. van der Goot, *European Charter for Regional or Minority Languages. Report on the measures adopted by the Netherlands in respect of the Frisian language and culture*, Fryske Akademy, Ministry of the Interior and Kingdom Relations, The Hague 1999, section 7.6).

appeared to have a language policy. In practice, two of the local broadcasting organisations broadcast only in Dutch, while one broadcast only in Frisian.³¹⁶

- 9.28 In 1996, AFUK organised two Frisian language courses for employees of local broadcasting organisations in Fryslân.³¹⁷ No such courses have been organised since.

Article 11(1)(b)(ii): commercial broadcasting (radio)

Article 11(1)(c)(ii): commercial broadcasting (television)

- 9.29 On accepting the European Charter, the Netherlands undertook, for the users of the Frisian language in the province of Fryslân, ‘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:
- (b)(ii) to encourage and/or facilitate the broadcasting of radio programmes in the [Frisian language] on a regular basis;
 - (c)(ii) to encourage and/or facilitate the broadcasting of television programmes in the [Frisian language] on a regular basis.’

In the light of this undertaking, the Netherlands has adopted a number of statutory regulations on television programmes produced by commercial broadcasting organisations.

- 9.30 According to section 110 of the Explanatory Report, subparagraphs (b) and (c) of Article 11(1) of the European Charter apply to the private sector.
- 9.31 With regard to commercial broadcasting, the Committee of Experts notes that there is no special policy to promote Frisian-language programmes in the Netherlands, since the Media Act only requires that at least 40 per cent of programmes are conducted in either Dutch or Frisian. In addition, the Committee has received no information indicating that there are commercial radio or television broadcasts in Frisian. As the Committee is not aware of any specific measures that have been taken to encourage and/or facilitate the broadcasting of such radio and/or television programmes, it considers that the relevant undertakings are not being fulfilled.³¹⁸

In its response to the conclusions of the Committee of Experts, the Dutch government notes that it has deliberately opted to refrain from placing further requirements on commercial broadcasting organisations, other than the above-mentioned requirement that 40 per cent of their programmes are conducted in either Dutch or Frisian. In this regard, the government further notes that it most definitely considers the above-mentioned requirement part of its efforts to encourage and/or facilitate the broadcasting of radio and television programmes in Frisian, in accordance with the relevant undertaking under the Charter. The Dutch government therefore challenges the observation that the Netherlands has not complied with this particular undertaking.³¹⁹

³¹⁶ Piet Hemminga, ‘Oer betsjutting en taal fan de lokale omrop’, *It Beaken* 61(1), 1999, 25-40.

³¹⁷ See Auke S. van der Goot, *European Charter for Regional or Minority Languages. Report on the measures adopted by the Netherlands in respect of the Frisian language and culture*, Fryske Akademy, Ministry of the Interior and Kingdom Relations, The Hague 1999, section 7.8.

³¹⁸ Council of Europe, *Report of the Committee of Experts*, 91.

³¹⁹ See Appendix II of the report of the Committee of Experts (pp. 31-32).

- 9.32 The Covenant on the Frisian Language and Culture (2001) contains no agreements on the encouragement of the use of Frisian in radio and television programmes. Even so, there are commercial organisations in Fryslân that broadcast radio and/or television programmes.³²⁰
- 9.33 Section 71g, subsection 3 of the Media Act provides that the percentage of a private broadcasting organisation's television programmes that must consist of original programming in Dutch or Frisian is determined by order in council.³²¹ In special cases, if requested to do so, the Media Authority can lower the required percentage for a particular commercial broadcasting organisation, on certain conditions.³²²
- 9.34 A provision stipulating that the above-mentioned percentage should be set no lower than 40 per cent was incorporated in article 52l of the Media Decree by Royal Decree of 22 June 1992 (Bulletin of Acts and Decrees 334). Since the ban on non-national commercial broadcasting was lifted in 1996, this provision applies not only to national commercial broadcasting but also to regional or local commercial broadcasting.
- 9.35 Where original programming in Dutch or Frisian, as referred to in article 52l, paragraph 1 of the Media Decree, is concerned, various articles of the Policy Rules on Programme Quotas adopted by the Media Authority (Government Gazette 2001, 250, p. 123) also apply to commercial broadcasting. Article 6 of these rules defines original programming in Dutch or Frisian (see section 9.16). Article 8 explains how the percentage of original programming in Dutch or Frisian should be calculated (see section 9.17). Article 10 provides that the nature of the channel must be taken into account when ascertaining the existence of special cases, as referred to in section 71g, subsection 3 of the Media Act. If a private broadcasting organisation can satisfactorily demonstrate that it forms such a special case, the required percentage of original programming in Dutch or Frisian may be lowered for a period of three years.

Article 11(1)(f)(ii): measures encouraging audiovisual productions

- 9.36 On accepting the European Charter, the Netherlands undertook, for the users of the Frisian language in the province of Fryslân, '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:
(f)(ii) to apply existing measures for financial assistance also to audiovisual productions in the [Frisian language].'

³²⁰ When granting permission for the broadcast of a commercial radio or television programme, the Media Authority determines the name of the broadcasting organisation, but not its area of operation. In theory, therefore, a commercial broadcasting organisation can broadcast a programme that it has received permission to broadcast throughout the Netherlands. On the basis of the location of their registered offices, it appears that three commercial broadcasting organisations are located in the province of Fryslân: Waterstad Radio (Sneek), Gerstel Produkties B.V. (Harlingen) and the Caroline Support Group Netherlands Foundation (also in Harlingen). Waterstad Radio produces a radio programme entitled 'Waterstad FM', Gerstel produces a television programme entitled 'GP-TV' and the Caroline Support Group Netherlands Foundation has received permission to broadcast a commercial radio programme for general broadcasting purposes. On 21 May 2002, the Media Authority also granted permission to the commercial broadcasting organisation Update B.V. to broadcast a radio programme entitled 'Freez FM'. This programme is also broadcast in Fryslân via the airwaves.

³²¹ This is regulated in article 52l of the Media Decree (see section 9.34).

³²² This is regulated in article 10 of the Policy Rules on Programme Quotas of the Media Authority (see section 9.35).

- 9.37 In its report, the Committee of Experts notes the existence of a Dutch Cultural Broadcasting Promotion Fund. It further notes that, as **regional** broadcasting organisations could not apply to this fund in the past, Omrop Fryslân could only submit funding applications for productions that were intended for national public television and not for programmes that were intended for broadcast on the regional television channel. The Committee considers that the Netherlands has formally fulfilled its undertaking under the Charter, but that it was still difficult for Omrop Fryslân to obtain funding from the Fund for Frisian-language productions. The Committee therefore encourages the Dutch government to take special measures in order to facilitate the practical implementation of this undertaking.³²³
- 9.38 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that Omrop Fryslân's programmes will qualify for support from sources such as the Dutch Cultural Broadcasting Promotion Fund. This has been laid down in the constitution of the Fund (Covenant 5.2). The parties also agreed that central government will strive to ensure that Frisian-language television drama productions will also qualify for grants from the Fund (Covenant 5.3).
- 9.39 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that central government will strive to ensure that the boards of bodies established under the Media Act and the boards of funds focusing on broadcasting productions include a member with a good knowledge of the Frisian language and culture. Where necessary, the boards will be able to call in external expertise in relation to the Frisian language (Covenant 5.4).
- 9.40 The Dutch Cultural Broadcasting Promotion Fund provides financial assistance in support of the development and production of programmes of a special Dutch cultural nature by broadcasting associations, the Netherlands Programme Foundation, the educational broadcasting organisation, religious or spiritual organisations that have been allocated broadcasting time at national level and/or on the Dutch world service, or by two or more of them in cooperation. As noted in section 9.2, regional public broadcasting organisations can also apply for financial assistance from the Fund as of 1 September 2000.
- 9.41 Between 1998 and 2001, by its own account, the above Promotion Fund awarded development grants worth €1,223 to five projects that were all related to the national broadcasts of Omrop Fryslân. In addition, the Fund awarded Omrop Fryslân a grant worth €300,853 to produce five documentaries and an operatic adaptation entitled 'Orfeo Aqua', which were all broadcast on Netherlands 1.
- 9.42 As of 2001, the amendment of the Media Act (Bulletin of Acts and Decrees 2000, 138) has enabled the Dutch Cultural Broadcasting Promotion Fund to provide financial assistance in support of the development and production of programmes of a special Dutch cultural nature by organisations that have been allocated regional broadcasting

³²³ Council of Europe, *Report of the Committee of Experts*, 92, 93. The Netherlands has since amended the Media Act so that applications for grants may also be submitted in respect of productions intended for regional public channels (cf. sections 9.2 and 9.42).

time.³²⁴ The regional public broadcasting organisations thereby gained access to the Fund, but – according to the Fund’s 2001 annual report – they simultaneously encountered two problems:

- They were required to provide a reasonable financial contribution of their own for each subsidised programme (at least NLG 10,000 / €4,538 per hour of television or NLG 500 / €27 per hour of radio).
- They could only apply for funding for *cultural* programmes, which they had little experience making. According to the Fund’s annual report, this was due to the fact that, in recent years, they had built up experience mainly in the production – with limited financial resources and much creativity – of news programmes (Annual Report, p. 5).

In fact, the two ‘problems’ outlined above are a direct result of the Fund’s goal and rules. The fact is that the Fund aims to promote cultural programming, and all broadcasting organisations that apply to it – including regional broadcasting organisations – are required to provide a reasonable financial contribution of their own.

9.43 In 2001, which was the first full year for applications from regional public broadcasting organisations, the Promotion Fund earmarked the sum of NLG 1 million (€453,780) for this purpose. Due to the above-mentioned problems, not all the money was distributed. According to the Fund’s 2001 annual report, however, there was a discernible improvement in the number and quality of applications (Annual Report, p. 6). Regional broadcasting organisations submitted 24 applications, including two from Omrop Fryslân. In total, the Fund approved fourteen applications, accounting for over 80 per cent of its regional broadcasting budget. The Fund rejected both applications by Omrop Fryslân for financial assistance in support of productions for the regional channel, because it felt that the applications did not comply with the relevant requirements. The specific grounds for rejection of Omrop Fryslân’s applications appear in the annual report (Annual Report, pp. 109-110).

9.44 The amendment of the Media Act and the constitution of the Dutch Cultural Broadcasting Promotion Fund means that the Netherlands has complied with the recommendation of the Committee of Experts to make existing financial assistance measures accessible to radio and/or television programmes in Frisian.

9.45 The province of Fryslân has similar regulations for facilitating cultural media productions (Provincial Bulletin 1998, 4) that promote the realisation of professional Frisian-language films, videos, radio and television programmes and other related productions.³²⁵

Article 11(2): Frisian-language media communications from neighbouring countries

9.46 On accepting the European Charter, the Netherlands undertook ‘to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to

³²⁴ As a result of this amendment of the Media Act, the constitution of the Dutch Cultural Broadcasting Promotion Fund was adjusted accordingly on 20 December 2000.

³²⁵ In 2000 and 2001, on the basis of a provincial regulation, Omrop Fryslân received a grant worth NLG 300,000 (€36,134) to produce a multilingual drama series entitled ‘Baas boppe baas’. The series was broadcast in 2002.

oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language’.

In view of the freedom of expression that applies in the Netherlands, the latter does not disrupt or block by other means radio and television broadcasts from other countries. In this sense, the Netherlands ensures the direct reception of radio and television broadcasts from neighbouring countries. In practice, however, the Frisian-language programmes of Welle Nord, RSH and Westküste open channel cannot be received in the Dutch province of Fryslân due to their limited broadcasting range. The programmes concerned are also not retransmitted in the Netherlands.

- 9.47 In the light of EU regulations concerning transfrontier television and the obligations it imposes on the Netherlands, the Committee of Experts considers that the Netherlands has fulfilled the above-mentioned undertaking.³²⁶
- 9.48 As Dutch legislation and policy in this area are in accordance with the undertaking entered into under the European Charter, the Covenant on the Frisian Language and Culture (2001) contains no agreements in this regard.
- 9.49 In Germany, various forms of Frisian are spoken in Lower Saxony in the municipality of Saterland (district of Cloppenburg) and in Schleswig-Holstein in the district of North Friesland and on Helgoland (see also sections 3.6.3 and 12.9 to 12.14). North Frisian, which comprises two dialect groups and nine dialects, is spoken by approximately 8,000 people, while Sater Frisian is spoken by approximately 2,250 people.³²⁷
- 9.50 The media in Germany make limited use of North Frisian. Since 1989, Frisian has occupied a very minor position in the radio programmes of public broadcasting organisations. Once a week, NDR (Welle Nord) broadcasts a one-hour evening programme on Schleswig-Holstein of which three minutes are broadcast in North Frisian (‘Freesk for enarken’) in the district of North Friesland. In addition, NDR also broadcasts occasional programmes on Frisian, such as a programme on 1 December 1999 entitled ‘A nuardfresken eran an üüb sia’. A private broadcaster known as RSH occasionally broadcasts programmes in North Frisian that can be received at the subregional level on the west coast of Schleswig-Holstein and in the area of Flensburg and Schleswig. Finally, since 4 October 1999, Radio Friislon broadcasts a programme on Westküste open channel on the first Monday of every month. The programme, which is repeated on the third Monday of every month, is produced by the Nordfriisk Institute in Bredstedt, in cooperation with the Ferian för en nuardfresk radioo.³²⁸ North Frisian occupies a marginal position in the printed media: a few daily newspapers in the district of North Friesland publish a monthly page in North Frisian.³²⁹
- 9.51 The media in Germany make even less use of Sater Frisian. In Lower Saxony, NDR occasionally broadcasts reports on Sater Frisian, when there is a topical reason for doing so, but it does not broadcast them in Sater Frisian.³³⁰

³²⁶ Council of Europe, *Report of the Committee of Experts*, 94.

³²⁷ Piet Hemminga, *Het beleid inzake unieke regionale talen*, Fryske Akademy, Leeuwarden 2000, 243-244.

³²⁸ Federal Ministry of the Interior, *Erster Bericht der Bundesrepublik Deutschland gemäß Artikel 15 Absatz 1 der Europäischen Charta der Regional- oder Minderheitensprachen*, Bonn 2000, 150.

³²⁹ *Ibid.*, 154.

³³⁰ *Ibid.*, 151.

- 9.52 On accepting the European Charter, the Netherlands also undertook ‘to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language’. In view of the freedom of expression that applies in the Netherlands, this right is guaranteed.
- 9.53 The exercise of the freedoms referred to in Article 11(2) of the European Charter may be subject to a number of clearly defined and legally prescribed formalities, conditions, restrictions or penalties. However, this is not relevant in the Dutch context.
- 9.54 **In summary**, it is clear that Dutch legislation is in accordance with the provisions of Article 11 of the European Charter accepted by the Netherlands. The attention of the Dutch government, in cooperation with the provincial authority of Fryslân, is focused on the implementation of the relevant measures and the requisite financial and other preconditions.

10 Article 12: Cultural activities and facilities

- 10.1 Article 12(1) of the European Charter provides a non-exhaustive summary of 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 the use of new technologies. Foreign cultural policy falls within the scope of Article 12(3) of the European Charter.
- 10.2 The foundations of Dutch cultural policy can be found in national and provincial policy documents. Once every four years, the minister with responsibility for cultural policy draws up a cultural policy document and presents it to parliament. In addition, the provinces in the Netherlands traditionally possess a large degree of autonomy in relation to culture. In comparison to other provinces, the province of Fryslân makes an above average effort in the field of cultural policy.³³¹
- 10.3 The Committee of Experts considers that the undertakings entered into by the Netherlands under Article 12 of the European Charter are being fulfilled, with the exception of Article 12(1)(e).³³² This issue is discussed in greater detail in sections 10.76 to 10.80.
- 10.4 The Covenant on the Frisian Language and Culture (2001) contains 32 agreements describing the efforts that central government and/or the province of Fryslân will make in respect of key cultural facilities (the Tryater theatre company, the Frisian Literary Museum and Documentation Centre, the Fryske Akademy and the Provincial and Buma Library) and various other cultural facilities, such as those for Frisian writers, films, literary and cultural events outside the Netherlands and youth theatre. The Covenant contains no agreements concerning Article 12(1)(e) of the Charter.

³³¹ Piet Hemminga, ‘In lytse ferliking fan it belied oangeande fjouwer taalgroepen: Sorben, Noard-Friezen, Sealter-Friezen en Westerlauwerske Friezen’, *It Beaken* 60(1), 1998, 22-23.

³³² Council of Europe, *Report of the Committee of Experts*, 96.

- 10.5 Once every four years, the minister with responsibility for cultural policy draws up a cultural policy document and presents it to parliament. Chapter 5 of the cultural policy document for 1997-2000, which was issued in 1996, emphasises that Frisian is the second official national language, in addition to Dutch, and does so in a passage drawn up in Frisian.³³³

*Njonken it Nederlânsk is it Frysk ús oare offisjele rykstaal. Ut soarte is it net sa, dat it feit, dat wy noed steane fan it Nederlânsk en ús soargen meitsje om de posysje fan dy taal, ûnderstek docht oan it krewearjen fan it kabinet foar de Fryske taal en kultuer en foar it brûken fan it Frysk yn it bestjoerlik en yn oar iepenbier ferkear yn Fryslân.*³³⁴

The policy document further states that ‘care will be taken to ensure that the boards and advisory committees of the Literary Fund and the Netherlands Literary Production and Translation Fund include a member with a good knowledge of the Frisian language and culture. The funding of the Oerol festival and the Frisian Literary Museum and Documentation Centre, as well as the increased funding of Tryater theatre company, are also evidence of the government’s commitment to Frisian culture.’

- 10.6 The cultural policy document for 2001-2004 lists the Frisian-language Tryater theatre company as one of the larger companies in the field of the performing arts that is eligible for an increase in funding.³³⁵ In addition, central government is providing an annual grant of €130,000 to the Frisian Literary Museum and Documentation Centre during this period. Section 14.2.4 (Literature and libraries) of the 2002 budget of the Ministry of Education, Culture & Science deals with government policy on Frisian literature, among other issues.³³⁶ The cultural policy document also formulates the key objectives of Dutch foreign cultural policy (see sections 10.103 to 10.108).
- 10.7 In a letter dated 7 February 2000 to the House of Representatives, the State Secretary for Education, Culture and Science introduced a policy framework for regional historical centres.³³⁷ These centres are created through the integration of heritage organisations that manage archives and other historical sources.³³⁸ A sum of €2.4 million has been made available in support of the State Secretary’s proposals, which involve the Provincial and Buma Library of Fryslân (see sections 10.40 to 10.43), the state archives in Fryslân and the Frisian Literary Museum and Documentation Centre (see sections 10.22 to 10.27).
- 10.8 The provincial executive of Fryslân has provided an outline of the province’s cultural policies in a memorandum on cultural policy, entitled *Kultuer yn Fryslân 20.01\04*. This memorandum identifies the province of Fryslân’s primary responsibility for the

³³³ The cultural policy document for 1997-2000 was sent to the House of Representatives of the States General by letter of 17 September 1996: see Parliamentary Papers II (House of Representatives) 1996-1997, 25 013, no. 1.

³³⁴ ‘In addition to Dutch, Frisian is our second official national language. Needless to say, the fact that we are responsible for the Dutch language and concerned about its status does not prejudice the government’s efforts with regard to the Frisian language and culture and the use of Frisian in administrative and other public matters in Fryslân.’

³³⁵ The cultural policy document for 2001-2004 was sent to the House of Representatives of the States General by letter of 28 September 2000: see Parliamentary Papers II (House of Representatives) 2000-2001, 27 432, no. 1.

³³⁶ Parliamentary Papers II (House of Representatives) 2001-2002, 28 000 VIII, no. 2, pp. 231-232.

³³⁷ Parliamentary Papers II (House of Representatives) 1999-2000, 26 591, no. 13.

³³⁸ Parliamentary Papers II (House of Representatives) 2001-2002, 28 000 VIII, no. 115, pp. 10-12.

development of the Frisian language as the third determining factor with regard to culture in Fryslân.³³⁹ In the memorandum, the provincial executive of Fryslân describes the preservation, display and disclosure of the Fryslân collection as its first goal, and the promotion of the artistic expressions of the Frisian population, both professional and amateur, as its second goal.

In this context, it is important to note that the province organises a major Frisian festival once every five years. During the past reporting period, it was held in 2000, in combination with the Simmer 2000 event (cf. sections 10.71 to 10.73). The memorandum does not discuss the province of Fryslân's foreign ambitions with regard to Frisian language and culture. In this area, a policy document on international contacts in the field of bilingualism dating from 1987 still serves as the main guideline.

10.9 With regard to the specific elements of its cultural policy, the province's memorandum on cultural policy formulates the following goals:

performing arts:

- structural funding of support and umbrella organisations in the field of theatre and pop music;
- structural funding of the Tryater and De Citadel youth theatre companies;

literature:

- more quality, more readers and assistance for young people;
- integrating Frisian literature in the media;
- strengthening the cultural profile of Fryslân on the Dutch literary scene and increasing the value of literary prizes;

libraries:

- strengthening an integrated library network;
- establishing contacts between libraries, the education sector, the welfare sector, archives and ICT companies;

archives:

- developing a regional historical centre;
- encouraging cooperation between archives, libraries and cultural facilities;

media:

- strengthening regional broadcasting programmes in the new media;
- strengthening Frisian-language television drama;³⁴⁰ and

cultural education:

- support of the 'culture and school' project;
- strengthening the relationship between schools and suppliers of culture.³⁴¹

Article 12(1)(a), (b) and (d): encouraging expression and initiative

10.10 On accepting the European Charter, the Netherlands undertook, with regard to cultural activities and facilities – a non-exhaustive list of which appears in Article 12(1) of the Charter:

³³⁹ Province of Fryslân, *Kultuer yn Fryslân 20.01\04*, Ljouwert 2000, 8.

³⁴⁰ For a discussion of the elaboration of this goal from the field of the media, see chapter 9 of this report.

³⁴¹ For a discussion of the elaboration of this goal from the field of cultural education, see chapter 6 (discussion of Article 8(1)(g) of the European Charter) and chapter 10 (sections 10.52 and 10.53) of this report.

‘within the territory in which [the Frisian language is] used and to the extent that the public authorities are competent, have power or play a role in this field:

- a to encourage types of expression and initiative specific to [the Frisian language] and foster the different means of access to works produced in [this language];
- b to foster the different means of access in other languages to works produced in [the Frisian language] by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;
- d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of [the Frisian language] in the undertakings which they initiate or for which they provide backing.’

10.11 The Committee of Experts considers that the Netherlands is fulfilling the above-mentioned undertakings.³⁴²

10.12 The discussion in this report of national and provincial policies on activities and facilities in the field of Frisian culture will focus successively on policies and policy agreements in the following areas:

- Frisian-language theatre company Tryater (sections 10.13 to 10.21)
- Frisian Literary Museum and Documentation Centre (sections 10.22 to 10.27)
- Fryske Akademy (sections 10.28 to 10.39)
- Provincial and Buma Library of Fryslân (sections 10.40 to 10.43)
- National literary and translation funds (sections 10.44 to 10.54)
- National funds and schemes for films (sections 10.55 to 10.58)
- Other national funds (sections 10.59 to 10.60)
- State budget allocation for Frisian language and culture: cultural facilities (sections 10.61 to 10.67)
- Other activities and projects (sections 10.68 to 10.75).

Frisian-language theatre (Tryater)

10.13 Central government subsidises a professional Frisian-language theatre company. This company, which is known as Tryater, puts on productions in Frisian for adults and bilingual productions for children and young people. The maintenance of bilingual youth theatre is partly made possible by funding from the province of Fryslân. These matters are regulated in the Covenant on the Frisian Language and Culture (2001) (Covenant 6.1.1 and 6.6.11).

10.14 The maintenance of Tryater will be assessed in the light of the basic premises set out in the government cultural policy document. The central government assessment will be conducted by the Council for Culture (Covenant 6.1.2). In the framework of the Covenant, central government and the province of Fryslân agreed that central government will provide financial support to Tryater in accordance with the relevant norms, on the understanding that as far as the geographic distribution of performances is concerned, it will normally suffice to put on performances within the province of Fryslân, with only occasional performances outside the province (Covenant 6.1.3).

³⁴² Council of Europe, *Report of the Committee of Experts*, 95.

- 10.15 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that the province will create the conditions necessary to ensure a proper distribution of performances across the province by subsidising performances which would otherwise not be possible because of the limited capacity or location of the venue (Covenant 6.1.4).
- 10.16 Central government and the province of Fryslân consider it their duty, also in the light of the European Charter, to maintain a professional Frisian-language theatre company such as Tryater. If, on the basis of the assessment referred to in section 10.14, a decision is made to reduce or terminate funding to the company, or if the company ceases its activities, the Minister of Education, Culture and Science and the provincial executive of Fryslân will discuss the situation as it then stands (Covenant 6.1.5).
- 10.17 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that the province will work with stakeholders in the Frisian theatre world to ensure that, having regard to the advisory role of the national Council for Culture, the quality of Frisian-language youth theatre is high enough by 2010 for it to be integrated into the national theatre system (Covenant 6.6.11).
- 10.18 The financial support and assessment of Tryater is carried out in accordance with the norms applying to professional theatre, on the understanding that there will be one exception to these norms.³⁴³ As far as the geographic distribution of performances is concerned, it will normally suffice to put on performances within the province of Fryslân, although the Minister of Education, Culture and Science continues to attach importance to performance outside the province. This observation applies in particular to performances in the field of youth theatre and education.
- 10.19 In order to ensure a good geographic distribution of performances in the field of the performing arts in the province of Fryslân, the latter has adopted a regulation on theatre and music and a regulation on performing arts (see annexe 1.2 and Covenant 6.1.4). As it happens, Tryater does not limit its performances to the province of Fryslân.
- 10.20 Provisional figures for 2001 indicate that 178 out of a total of 440 theatre performances for adults, children and young people were put on outside the province of Fryslân, including 37 in Groningen, 38 in Drenthe and 101 in North Brabant. In 2000, 160 out of a total of 704 theatre performances were put on outside the province, including 30 in Groningen, 58 in Drenthe and 62 in North Brabant.³⁴⁴ In 1999, finally, 121 out of a total of 404 theatre performances were put on outside the province, including 33 performances in Groningen, 45 in Drenthe and 39 in the rest of the Netherlands. Four performances have been put on outside the Netherlands: three in Belgium and one in London (see also section 12.26).³⁴⁵
- 10.21 The plays performed by Tryater consist of translations and Frisian-language adaptations of plays from around the world, as well as original plays in the Frisian

³⁴³ A second exception to the norms applying to national professional theatre, concerning the required minimum level of self-generated income, applied to Tryater until the beginning of 2001.

³⁴⁴ Tryater, *Jierferslach 2000 (Annual Report)*, Ljouwert 2001, 33-34.

³⁴⁵ Tryater, *Jierferslach 1999 (Annual Report)*, Ljouwert 2000, 30.

language. The Covenant on the Frisian Language and Culture contains an agreement on the writing of original plays in Frisian (cf. section 10.67).

Frisian Literary Museum and Documentation Centre

- 10.22 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that there will be an institute for the documentation, archiving and promotion of Frisian language and literature in Fryslân, maintained by the Minister of Education, Culture and Science and the province of Fryslân. These tasks are currently being performed by the Frisian Literary Museum and Documentation Centre in Leeuwarden (Covenant 6.2.1). The Centre will be assessed in the light of the basic premises set out in the government cultural policy document and of provincial policy on literature. The central government assessment will be conducted by the Council for Culture (Covenant 6.2.2).
- 10.23 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed that financial support will be provided to the Frisian Literary Museum and Documentation Centre in accordance with the relevant national norms. The Centre may enter into joint ventures with similar institutes outside Fryslân in order to achieve a wider dissemination of information (Covenant 6.2.3). Central government and the province of Fryslân consider it their duty, also in the light of the European Charter, to maintain an institute such as the Centre in some form or other. If, on the basis of the assessment referred to in section 10.22, a decision is made to reduce or terminate funding to the Centre, or if the Centre ceases its activities, the Minister of Education, Culture and Science and the provincial executive of Fryslân will discuss the situation as it then stands (Covenant 6.2.4).
- 10.24 Documentation and archiving form an important part of the Centre's work, in addition to organising exhibitions, publications and lectures.
- 10.25 Since 1991, at the request of the provincial executive of Fryslân, the Centre has played a part in fostering the literary climate in the province, and appointed a coordinator for this purpose. In the framework of this task, the Centre is also responsible for providing guidance to Frisian authors, and it therefore regularly organises courses and workshops for writers of Frisian-language literature.
- 10.26 The above-mentioned coordinator is also responsible for organising performances by Frisian authors outside the province of Fryslân and the Netherlands (see sections 10.49, 10.110 and 10.111).
- 10.27 The Provincial and Buma Library, the Frisian Literary Museum and Documentation Centre and the state archives in Fryslân are examining the possibility of establishing a joint regional historico-cultural and literary centre.³⁴⁶ In the process, they are elaborating the policy framework of the Ministry of Education, Culture and Science for the establishment of regional historical centres, as referred to in section 10.7. On the basis of a study conducted in 2000, the competent authorities of the three

³⁴⁶ The municipal archives in Leeuwarden are also involved in the merger, but will join the new institute formed by the merger of the three above-mentioned organisations at a later date.

organisations aim to merge the organisations during the course of 2002.³⁴⁷ The parties have agreed that the bilingual nature of the new organisation is a *sine qua non* that will be laid down by law (see also section 10.43).³⁴⁸

Study of and research into the Frisian language and culture: the Fryske Akademy

- 10.28 At the university level, academic research into Frisian language and literature takes place at the University of Groningen, the University of Amsterdam and the University of Leiden (see also sections 6.115, 6.120 to 6.126 and section 10.39).
- 10.29 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that there will be an institute for the study of and research into the Frisian language and culture, maintained by the Minister of Education, Culture and Science and the province of Fryslân. At the time the Covenant was entered into, that institute was the Fryske Akademy (Covenant 6.3.1).
- 10.30 In accordance with existing research policies concerning para-university institutions such as the Fryske Akademy, the financial resources available to the Minister of Education, Culture and Science in support of the Fryske Akademy have been transferred to the Royal Netherlands Academy of Arts and Sciences (KNAW). In this regard, the following provisions from section 6.3.2 of the Covenant apply:
- a the nature of the relationship between the Fryske Akademy and the KNAW will be determined jointly by them. The former will remain a separate, independent entity and will retain its status as a non-profit foundation;
 - b the central government funds transferred to the KNAW will be earmarked for research into aspects of the Frisian language and culture by the [Fryske Akademy];
 - c the KNAW will assess the quality of the research conducted by the [Fryske Akademy], including the efficiency of its research programming both in relation to activities in this discipline elsewhere and otherwise (Covenant 6.3.2).
- 10.31 Central government and the province of Fryslân consider it their duty, also in the light of the European Charter, to maintain an institution such as the Fryske Akademy. The parties therefore concluded the following agreements in the framework of the Covenant on the Frisian Language and Culture (2001). If, on the basis of its assessment as referred to in the preceding paragraph under (c), the KNAW is of the opinion that substantial changes should be made in the allocation of funds to the Fryske Akademy, it will immediately inform the Minister of Education, Culture and Science of its views. Moreover, if the province of Fryslân is considering reducing its funding of the Fryske Akademy, it must immediately inform the Minister of Education, Culture and Science of its views. In both cases, before a decision is taken on the matter, the KNAW or the provincial executive of Fryslân will hold talks with the Minister of Education, Culture and Science to discuss other ways of achieving the objectives (Covenant 6.3.3 and 6.3.4).

³⁴⁷ Deloitte & Touche, *Eindrapport vooronderzoek realisatie: Centrum Collectie Fryslân*, Deloitte Touche Tohmatsu, Leeuwarden, December 2000.

³⁴⁸ Conclusions of the steering committee on the cooperation between the Provincial Library, the state archives in Fryslân, the Frisian Literary Museum and Documentation Centre and the municipal archives in Leeuwarden, adopted on 10 January 2001.

10.32 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed that the code of conduct contained in the agreement between the Fryske Akademy and the KNAW forms part of the new Covenant (Covenant 6.3.5).

10.33 In order to perform its duties, the Fryske Akademy receives annual subsidies from the KNAW and the provincial executive of Fryslân. The academic activities of the Fryske Akademy are divided between three departments:

- the department of linguistics
- the department of history, literature and onomastics, and
- the department of social sciences.

10.34 The department of linguistics focuses in particular on lexicography and grammatical research. In addition, it is worth mentioning the department's activities in the field of dialectological research. A number of projects that the department worked on during the 1999-2001 reporting period are discussed below.

The first project worth noting concerns the Dictionary of the Frisian Language, which was started after the founding of the Fryske Akademy in 1938 and made its first appearance in 1984. So far, eighteen of the 25 planned volumes of the dictionary have been published. The project involves the scholarly description of the vocabulary of "New Frisian" from the 1800-1975 period. A concise Frisian dictionary, which is being prepared on the basis of the above-mentioned dictionary, will appear at the end of 2003. In 2001, finally, the department of linguistics started work on a project to record the corpus of spoken Frisian.

10.35 In 2000, the Fryske Akademy published a large Frisian-English dictionary that provides translations of 37,000 Frisian words in British and US English. This dictionary is intended as a *vade mecum* and a Frisian-English translation tool, and includes an English-Frisian glossary.

10.36 The Fryske Akademy also published a Dutch-Frisian legal dictionary in 2000. In theory, the number of Frisian translations per heading or per meaning within an entry is limited to one. As the aim of the dictionary is prescriptive, with a view to the use of Frisian as a legal language, a decision was made not to provide a list of synonyms. On the basis of this legal dictionary, the department of linguistics has started preparing a book of Frisian-language models for legal practice, which are of particular importance for the notarial profession (see section 7.38). It is anticipated that this book of models will be published in 2005.

10.37 The research of the department of history, literature and onomastics focuses in particular on Frisian intellectual history, the Frisian nobility in the Middle Ages, literary attitudes of the nineteenth century, literary reviews and discussions of the twentieth century Frisian poet Obe Postma, and the mysterious Oera Linda book,³⁴⁹ which was discovered in 1867. Among other ventures, the department is involved in

³⁴⁹ The Oera Linda book, a mysterious nineteenth-century account of the history of Fryslân, is very unusual in form and content. Written in a kind of runic script, it has been the object of much conjecture regarding its meaning and origins. See Goffe Jensma, 'Geen Fries spot met zijn land: Nationalisme, ironie en het Oera Linda-boek', *Bijdragen en mededelingen betreffende de geschiedenis der Nederlanden* 117(3), 2002, 331-343.

the publication of the Frisian Classics series, in which previously published Frisian literary works no longer available outside libraries are reissued (see also section 10.49).

- 10.38 In addition to its various other activities, the department of social sciences is conducting research into the current status of Frisian inside and outside Fryslân. One of its fields of interest is the use of Frisian in education in Fryslân. In 2000, the department also launched a study of the language(s) of Frisian emigrants. This study focuses in particular on Frisians that emigrated to the United States, Canada and Australia and elsewhere during the past century. The department is also conducting comparative research into policymaking with regard to regional or minority languages in Europe. In this framework, the department published a study in 2000 on policymaking with regard to Frisian in the Netherlands and Germany and Sorbian in Germany. The European, or international, dimension of the study is not only taking shape through a large number of international contacts, publications and conferences, but also through the implementation of a European information and documentation project, known as Mercator Education, which focuses in particular on the status of regional or minority languages in the education sectors of the EU member states.
- 10.39 In addition to its research activities, the Fryske Akademy also provides courses on Frisian language and literature at the University of Amsterdam. In 2000, the future of the ‘doctoraal’ degree in Frisian came under pressure when the humanities faculty of the University of Amsterdam suggested swapping the above-mentioned degree with the humanities faculty of the University of Groningen in exchange for the latter’s degree in Modern Greek (see sections 6.120 to 6.122).

Provincial and Buma Library of Fryslân

- 10.40 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that there will be an academic library for the Frisian language and culture, to be maintained by the province of Fryslân. At the time the Covenant was entered into, that institute was the Provincial and Buma Library of Fryslân (Covenant 6.4.1). The Provincial Library is regarded by the Minister of Education, Culture and Science and the provincial executive of Fryslân as being of major importance because of its impressive collection geared to the study of Frisian and the history of the Frisian people. Through the inter-library loan system and other channels, the Provincial Library meets the needs of scholars and other persons interested in this field not only in the province but throughout the Netherlands and – to a limited extent – around the world. The Provincial Library is responsible for maintaining and expanding this important collection (Covenant 6.4.4).
- 10.41 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that cooperation between the Provincial Library and the institutions of higher education in Fryslân will be strengthened (Covenant 6.4.2). In addition, where necessary, the Minister of Education, Culture and Science and the provincial executive of Fryslân will take further measures to facilitate a genuine improvement in the quality and position of the Provincial Library within the network of academic information facilities (Covenant 6.4.3).

- 10.42 Central government and the province of Fryslân consider it their duty, also in the light of the European Charter, to maintain an institute such as the Provincial and Buma Library. If the Minister of Education, Culture and Science and the provincial executive of Fryslân are of the opinion that the objectives relating to the Provincial Library, as formulated in Covenant on the Frisian Language and Culture (see Covenant 6.4.1 to 6.4.4), are not being achieved in a satisfactory manner, the two parties will hold talks to discuss other ways of achieving these objectives (Covenant 6.4.5).
- 10.43 At the time of the reference date of this report, the merger of the Provincial Library, the Frisian Literary Museum and Documentation Centre and the state archives in Fryslân into a new regional historico-cultural and literary centre was already at an advanced stage (cf. sections 10.7 and 10.27).

National literary and translation funds

- 10.44 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that Frisian writers will be able to apply to the national literary and translation funds, which will take account of the specific market conditions in which these writers operate and the sales opportunities open to them (Covenant 6.5.1). This agreement currently applies to the Netherlands Literary Production and Translation Fund (NLPVF) and the Literary Fund, as well as to the activities of the national Stichting Lezen. This foundation, which subsidises projects promoting the enjoyment of reading, focuses on both Dutch and Frisian literature.
- 10.45 The Literary Fund and the NLPVF are legal persons under private law that may in fact be classified as autonomous administrative authorities falling under the General Administrative Law Act. Their constitutions and rules of procedure are published in the Government Gazette. The minister responsible for cultural policy must approve the amendment of these constitutions and rules of procedure, as well as the dissolution of the funds. The funds' responsibilities in relation to Frisian literature are discussed in sections 10.46 to 10.51.³⁵⁰ The board of the NLPVF includes a member with a good knowledge of Frisian literature (see section 10.84).
- 10.46 The aim of the NLPVF, whose registered offices are located in Amsterdam, is to promote the production of high-quality original literary works in Dutch and Frisian, the translation of such works into other languages and the translation into Dutch or Frisian of literary works in inaccessible languages, if these works are regarded as being particularly relevant to literary diversity in the Netherlands.
- 10.47 The NLPVF awards translation grants to foreign publishing companies that wish to publish Dutch or Frisian literature, including children's books, in translation. During the period covered by this report, the foundation awarded one grant in 2000 for the translation of a Frisian-language text into English and Dutch, namely, the booklet of texts accompanying Tsjêbbe Hettinga's CD, 'It doarp: Always ready', which was issued in 2000 by the Montaigne publishing company.

³⁵⁰ On the promotion and presentation of Frisian literature outside the Netherlands, see sections 10.109 to 10.111.

- 10.48 In 1999, the NLPVF subsidised the publication of three volumes in the Frisian Classics series. This series, which reissues highlights of Frisian literature that are no longer available in bookshops, is the result of the cooperation of three Frisian publishers, the Fryske Boek foundation and the Fryske Akademy. The eighth volume in the series was published in 2000, and a further two volumes appeared in 2001. Two volumes still remain to be published. Between 1999 and 2001, the NLPVF also subsidised the publication of two Frisian-language literary magazines – *Hjir* and *Trotwaer* – and contributed to the publication of twenty Frisian-language books.
- 10.49 On the initiative of the NLPVF, a Frisian literature day was organised in Amsterdam on 18 November 2001 to introduce Frisian literature and authors to a wider public. In cooperation with the Literary Fund, the Stichting Lezen and the Frisian Literary Museum and Documentation Centre, various Frisian authors and poets presented a varied programme at the event. Furthermore, on the occasion of the Frisian literature day, the NLPVF published a 64-page trilingual (Dutch, Frisian and English) booklet containing, in addition to a number of author profiles, information on the Frisian literary enterprise, the Frisian Classics series and Frisian-language literary magazines, as well as a bibliography of Frisian-language literature that has appeared in translation in Dutch, English, German and French since 1945. The Frisian literature day mainly targeted Dutch publishers, other professional stakeholders and members of the public with an interest in literature.
- 10.50 The aim of the Literary Fund, whose registered offices are also located in Amsterdam, is to promote the quality and the diversity of Dutch and Frisian-language literature and literature translated into Dutch or Frisian. For this purpose, the Fund awards grants, including travel and maintenance grants, to writers and translators of Frisian-language works, if the work of the writer or translator contributes to the quality and diversity of Dutch and Frisian-language literature, in the opinion of the Fund's board, and if all the formal and material requirements referred to in the Fund's bye-laws have been met. The board of the Literary Fund is assisted in its decision-making by an advisory council, which includes a member with a good knowledge of Frisian literature (see section 10.85).
- 10.51 By its own account, the Literary Fund earmarked €0,025 in 1999, €4,074 in 2000 and €168,836 in 2001 in support of Frisian-language literature (see annexe 8).
- 10.52 The Ministry of Education, Culture and Science has earmarked part of its budget for projects that encourage the reading of Dutch and Frisian-language literature. The funds in question are managed by the Stichting Lezen, which strives to promote the enjoyment of reading in Dutch and Frisian. In this regard, the foundation's priorities are activities targeting children up to the age of 18. Within this target group, a distinction is made between children up to the age of 6 (pre-school and early education: reading to children as an important aspect of modern language policy), 6 to 12-year-olds (primary education: reading by and to pupils as an important and flexible aspect of language policy) and 12 to 18-year-olds, with a further distinction between lower forms (basic secondary education and pre-vocational secondary education) and upper forms (particularly the teaching of literature in senior general secondary education and pre-university education). Three different approaches are used in relation to activities within these target groups: special attention for target groups with a non-Dutch linguistic background, an approach based on the national 'culture and

school' approach (including the teaching and study of literature) and special attention for the role of large and small municipalities in promoting projects that encourage reading.

- 10.53 In 1999, the Stichting Lezen awarded a grant to an email project (Boekmail) organised by the Central Library Service for Fryslân, as well as to a collaborative multimedia project (Tomke) targeting children of pre-school age and their parents and educators. In 2000, with a view to their implementation, the foundation again awarded grants to both projects. In 2001, the foundation awarded grants in support of Tomke, the organisers of the Frisian literature day (cf. section 10.49) and a survey carried out by AFUK on policy and other initiatives of Frisian municipalities to encourage reading.
- 10.54 Since 2001, the Stichting Lezen has operated a scheme to stimulate municipalities to conduct an active policy to encourage reading, involving a one-off financial incentive for local multi-year projects in this area. In 2001, the Frisian municipalities did not make use of this scheme.

National funds and schemes for films

- 10.55 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that central government will strive to ensure that financial incentives for the production of Dutch-language films also apply to Frisian-language films (Covenant 6.5.2).
- 10.56 In the Covenant on the Frisian Language and Culture (2001), central government has also formulated two objectives for the period until 2004. First, it will strive to ensure that Frisian-language films will qualify for grants from the Dutch Film Fund (Covenant 6.6.5). Second, it will provide incidental grants for film festivals, film events and investment in film theatres in order to encourage the screening of films of high cinematic merit at national and regional level. This may also help to encourage the screening of Frisian-language films (Covenant 6.6.6).
- 10.57 The Dutch Film Fund, whose registered offices are located in Amsterdam, focuses on encouraging the production of films in the Netherlands, with an emphasis on quality and diversity, and on fostering a favourable climate for the Dutch film industry. In 1999, the Fund made NLG 25,000 (€1,2000) available for the development of the screenplay of the Frisian-language film *Nynke*, produced by Egmond Film & Television and directed by Pieter Verhoeff. For the purpose of its completion, the same film received an additional subsidy of NLG 1 million (€48,000) from the Fund in 2000.
- 10.58 The provincial executive of Fryslân wishes to improve the province's infrastructure for the production of films. By providing funding for film and media production, the province of Fryslân wishes to create a favourable climate for writing and producing Frisian-language feature films and documentaries. The province supports the production of approximately six screenplays per year from its budget for language and culture.³⁵¹

³⁵¹ Province of Fryslân, *Kultuer yn Fryslân 20.01\04*, Leeuwarden 2000, 2.9.

Other national funds (Performing Arts Fund and the Amateur Arts Fund)

- 10.59 The Netherlands has a national fund for the performing arts, the Performing Arts Fund, which provides subsidies for activities in the field of the professional performing arts. The Fund operates grant schemes for projects, individual artists and the internationalisation of the performing arts, and also operates a group budgets scheme for jazz and improvisational music.³⁵² In addition, at the request of the Ministry of Education, Culture and Science, the Fund operates the Dutch Music Prize scheme. In 2001, the Fund undertook to subsidise the performance of a Frisian opera, entitled *Rixt*, at the Oerol festival on Terschelling.
- 10.60 The Amateur Arts Fund aims to contribute to the development and diversity of amateur arts in the Netherlands.³⁵³ In practice, this means that the Fund generally subsidises projects that are of wider significance than the interests of the participants alone. For example, certain projects may serve as a precedent or provide new material that can be used afterwards by other amateurs. The same applies when the initiators of a project adopt a new approach: when other artists emulate this approach, it often contributes to the development of the amateur arts. In 2000, in addition to a number of subsidies in the field of music and dance in Fryslân, the Amateur Arts Fund subsidised the *Nylsk fan Hermana* project, which was performed eight times in Minnertsga during the summer of that year.

State budget allocation for the Frisian language: other cultural facilities

- 10.61 Since 1971, the central government cultural budget has contained an allocation for promoting the Frisian language and culture, which is mentioned in the Covenant on the Frisian Language and Culture (Covenant 6.6.1). This annual central government grant for Frisian language and culture is meant to enable the province of Fryslân to pursue initiatives and activities in this regard. At present, the grant amounts to €442,894.³⁵⁴
- 10.62 The province of Fryslân uses the resources available under the allocation for the Frisian language to subsidise the funding of its language, literature and cultural policies. For this purpose, the province of Fryslân annually submits an itemised budget, together with an explanation of its aims, to the Minister of Education, Culture and Science by 1 December (Covenant 6.6.2). The Covenant contains a non-exhaustive summary of activities that are partly funded through the central government grant for Frisian language and culture (see sections 10.63 to 10.67).

³⁵² The Performing Arts Fund also serves as a channel for minor grant applications in the framework of Dutch foreign cultural policy (see section 10.108). Regarding the difference between large-scale and non-large-scale projects, see section 10.106, footnotes.

³⁵³ The Amateur Arts Fund also serves as a channel for minor grant applications in the framework of Dutch foreign cultural policy (see section 10.108). For more information, see the previous note.

³⁵⁴ In the second progress report on the review of specific allocations, the review committee concluded with regard to the specific allocation for Frisian language and culture that the division of responsibility and activities and the distribution of information are in perfect balance. 'The regulation is clear-cut and dovetails to the greatest possible extent, in this particular case, with the distribution of information and chains of accountability at provincial level. Among other things, the legislation is now highly tailored to single audits. The committee also envisages that the four-year period defined in the cultural policy document will be adopted in relation to planning.' In the next amendment of the relevant legislation, the committee recommends creating a formal basis, if possible, for a move towards information regarding accountability that focuses increasingly on outputs and effects: see Parliamentary Papers II (House of Representatives) 1999-2000, 24 036, no. 146, pp. 7, 8 and 32-34.

- 10.63 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that central government will subsidise provincial prizes for Frisian literature via the central government grant scheme (Covenant 6.6.8).
- 10.64 The province of Fryslân further developed the above-mentioned policy proposal in its memorandum on cultural policy, entitled *Kultuer yn Fryslân 20.01\04*, in which it announces the development of a comprehensive policy on Frisian literature prizes, including an increase in the value of existing prizes and the addition of prizes for Frisian-language songs and amateur theatre.³⁵⁵
- 10.65 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân also agreed that the province will cooperate with publishers and other parties in the Frisian book industry to increase the sale of Frisian-language books. This effort will be funded in part out of the above-mentioned central government grant (Covenant 6.6.3). The Fryske Boek foundation, which is responsible for promoting and distributing Frisian-language books, will play an important part in this.
- 10.66 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed that the province will cooperate with authors, publishers and other stakeholders to ensure a substantial increase in the number of literary debuts by authors under the age of 30. This effort will be funded in part out of the central government grant for Frisian language and culture (Covenant 6.6.4). This policy proposal was also included in the provincial memorandum on cultural policy, which recommends the introduction of an annual grant for aspiring authors as a contribution towards the cost of editorial assistance.³⁵⁶
- 10.67 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân finally agreed that resources from the central government grant for Frisian language and culture can be used to commission the writing of original plays in the Frisian language (Covenant 6.6.7).

Other activities and projects

- 10.68 In 1998, the Council of Europe and the European Commission declared 2001 the European Year of Languages. Central government consequently established a National Committee for the European Year of Languages to draw the public's attention to the importance of languages, especially during 2001.³⁵⁷ On 12 December 2000, the provincial executive of Fryslân decided to establish an advisory committee on the European Year of Languages. It also provided €8,000 (NLG 150,000) for various activities that were initiated and realised with the help of an additional government grant of €2,270 (NLG 50,000). Furthermore, the municipality of Leeuwarden also provided €2,270 towards the commemoration of the fiftieth anniversary of Kneppelfreed on 16 November 2001 in Leeuwarden.³⁵⁸

³⁵⁵ Province of Fryslân, *Kultuer yn Fryslân 20.01\04*, Leeuwarden 2000, 2.6.

³⁵⁶ Ibid.

³⁵⁷ See http://www.jaarvandetalen.nl/jvdt/cm_homepage.htm

³⁵⁸ Friday 16 November 1951 went down in history as Kneppelfreed. On that day, the attitude of central government and in particular the judicial authorities towards Frisian led to a riot in the centre of Leeuwarden. Fifty years later,

- 10.69 Other notable elements of the Frisian programme for the European Year of Languages included the first ever appearance, in addition to the regular edition, of a complete Frisian-language edition of the *Leeuwarder Courant* on 12 June 2001. In addition, Omrop Fryslân produced and broadcast five television programmes on dying languages in Europe, and a Frisian spelling competition was broadcast live by the broadcasting organisation. Finally, a Frisian-language poem by Tiny Mulder, entitled ‘Bitterswiet’, was translated and published in 84 languages. The European Commission provided a subsidy of €12,800 for the publication of the poem, as well as for the production and publication of a booklet by the Dutch committee of the European Bureau for Lesser Used Languages containing the 80 most-frequently-asked questions on multilingualism.³⁵⁹
- 10.70 In the framework of the 2001 European Year of Languages, the Council of Europe and the Dutch Ministry of the Interior and Kingdom Relations organised a European conference on the European Charter for Regional or Minority Languages. The aim of the conference, which took place in Noordwijkerhout on 30 November and 1 December 2001, was to inform the member states of the Council of Europe of the value and significance of the European Charter for the development and implementation of policies on native or regional minority languages and cultures by those member states.
- 10.71 In the summer of 2000 – between 1 and 22 July – two major, interconnected events with a bearing on the Frisian language took place in the province of Fryslân. These events were the Frysk Festival, which has been held once every five years since 1980, and the Simmer 2000 event, in the framework of which all Frisians resident outside Fryslân were invited to visit Fryslân on the occasion of the beginning of the new millennium. In the context of the two events, local committees organised all kinds of local activities in as many as 272 different locations, as well as a number of regional activities.
- 10.72 The Frysk Festival included three major projects: an opera entitled ‘Orfeo Aqua’, a visual arts project entitled ‘Pylgers nei Fryslân’ and the Slachtemarathon, a marathon for competitive runners and walkers, interspersed with cultural activities. Simmer 2000 included an opening and a closing event, as well as the publication of the Simmer 2000-krante, which appeared 16 times from 1998 onwards and had 12,000 Frisian subscribers outside Fryslân. According to the organisers of the Frysk Festival, ‘Orfeo Aqua’ attracted 15,000 spectators, the Slachtemarathon attracted 9,450 participants and 100,000 spectators and ‘Pylgers nei Fryslân’ attracted 12,000 visitors. The various local activities organised in the framework of Simmer 2000 attracted 400,000 people, 200,000 people participated in the regional activities and 60,000 Frisians from outside Fryslân, many of whom from traditional immigration countries like Australia, Canada, New Zealand and the United States, were drawn to the various events. The conclusion of this major event was aptly expressed in the last line of the official Simmer 2000 song: ‘Fryslân do libbest as in hert’.³⁶⁰

Kneppelfreed is regarded as a historic turning point in the attitude of central government towards the Frisian language.

³⁵⁹ For a full overview of the nineteen different Frisian activities organised during the European Year of Languages, see Province of Fryslân, *Einferslach Jier fan de Talen*, 12 March 2002.

³⁶⁰ ‘Fryslân, you’re alive and kicking.’

- 10.73 The provincial executive of Fryslân contributed to the realisation of the Frysk Festival with a grant of NLG 877,000 (€397,900). Central government provided a grant of NLG 300,000 (€136,100) and sponsors contributed NLG 219,000 (€9,300). In addition, Simmer 2000 required a provincial subsidy of NLG 340,000 (€154,200), sponsors and various funds contributed NLG 605,000 (€274,500) and NLG 155,000 (€70,300) respectively and the closing event itself raised NLG 313,000 (€142,000) in entrance fees.
- 10.74 The ‘Frysk yn de musea’ project, organised by AFUK’s Frisian Language Support Centre, *Stipepunt* Frysk, in cooperation with the Federation of Frisian Museums and Antiquities Rooms, officially concluded in 2000. Fifty of the more than 70 museums in Fryslân participated in this project to promote the use of Frisian in museums, particularly in relation to the texts, public relations materials, signposting and websites used in the museums and their exhibitions.
- 10.75 The ‘Frysk yn de musea’ project continued in 2001 and 2002, particularly with regard to the maintenance of Frisian-language texts in the museums. Museums that did not previously participate in the project were asked to do so. The project also provided funding to cover production and material costs, thereby seemingly removing an earlier obstacle to the project’s implementation.

Article 12(1)(e): command of Frisian among staff of cultural organisations

- 10.76 On accepting the European Charter, the Netherlands undertook, with regard to cultural activities and facilities – a non-exhaustive list of which appears in Article 12(1) of the Charter:

‘within the territory in which [the Frisian language is] 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 Frisian language], as well as of the language(s) of the rest of the population.’

In this context, it is advisable to distinguish between bodies at national and provincial level.

- 10.77 The Committee of Experts considers that the above-mentioned undertaking is not being fulfilled. The Committee notes that it is the policy of the Dutch government to encourage national cultural organisations to recruit at least one staff member who can act as a link with the Frisian-speaking community. The Committee further notes that this policy has little effect in practice. On this basis, the Committee concludes that the undertaking is not being fulfilled. It therefore encourages the Dutch government to develop measures addressing this shortcoming.³⁶¹
- 10.78 The Committee of Experts’ observations appear to be based on a misunderstanding. The aim of Dutch government policy with regard to national cultural bodies, such as

³⁶¹ Council of Europe, *Report of the Committee of Experts*, 96.

the Netherlands Literary Production and Translation Fund and the Literary Fund, is not that each fund should have at least one staff member with an active command of the Frisian language, but that the advisory councils of these funds should include at least one member with a good knowledge of Frisian language and culture, in this case Frisian literature, as referred to in Article 12(1)(f) of the Charter. Similar guarantees regarding a good knowledge of Frisian language and culture also apply to the boards of bodies established on the basis of the Media Act and the boards of funds focusing on broadcasting productions (cf. section 9.39).³⁶²

- 10.79 The Covenant on the Frisian Language and Culture (2001) contains no agreements in fulfilment of the above-mentioned undertaking.
- 10.80 With regard to provincial cultural bodies, it is generally accepted that some staff members should have an active command of the Frisian language. A number of social and cultural organisations in Fryslân that deal with a large number of Frisian-speaking citizens and agencies have complained to central government about the poor quality of Frisian as a subject in secondary education. They contend that potential employees consequently have little or no knowledge of written Frisian and that this shortcoming presents them with increased costs (extra language courses for staff members) and/or a reduction in recruitment potential. In the opinion of the organisations, this would not be the case if the government had implemented the education provisions of the European Charter more effectively. During the recent reporting period, an exchange of letters on this issue took place between the Ministry of Education, Culture and Science and the Lytse Doarpen Association, among other organisations. The Ministry has expressed its expectation that this problem will be solved in the foreseeable future as a result of recent measures to improve the position of Frisian in secondary education, as adopted in the province of Fryslân's education policy document.³⁶³

Article 12(1)(f): participation by users of Frisian in facilities and activities

- 10.81 On accepting the European Charter, the Netherlands undertook, with regard to cultural activities and facilities – a non-exhaustive list of which appears in Article 12(1) of the Charter:

‘within the territory in which [the Frisian language is] used and to the extent that the public authorities are competent, have power or play a role in this field:
f to encourage direct participation by representatives of the users of [the Frisian language] in providing facilities and planning cultural activities.’

In this context, it is advisable to distinguish between bodies at national and provincial level.

³⁶² It has been determined by the constitution of the Netherlands Literary Production and Translation Fund that its board should include one member with a good knowledge of Frisian language and culture. At the reference date (March 2002), this member was Ms Tineke Steenmeijer-Wielenga, director of the Frisian Literary Museum and Documentation Centre. In the case of the Literary Fund, the Frisian input is provided by the advisory councils and reading committees, which are meant to possess a good knowledge of the Frisian language.

³⁶³ Letter dated 17 April 2002 from the Lytse Doarpen Association to the State Secretary for Education, Culture and Science. The State Secretary responded by letter on 22 May 2002, ref. PO/KB/02-17538.

- 10.82 The Committee of Experts has been informed that users of Frisian are represented on various bodies, such as the Fryske Akademy. However, in the committee's opinion, information on this issue is scarce.³⁶⁴
- 10.83 The Covenant on the Frisian Language and Culture (2001) contains no agreements in fulfilment of the above-mentioned undertaking, as the issue has already been dealt with in respect of the Netherlands Literary Production and Translation Fund (NLPVF) and the Literary Fund (see sections 10.84 and 10.85).
- 10.84 The board of the NLPVF includes a member with a good knowledge of Frisian literature and also makes use of the expertise of approximately ten advisors in this particular area.³⁶⁵
- 10.85 The board of the Literary Fund is assisted in its decision-making by an advisory council. This council consists of at most thirteen members with a broad knowledge of national and international literature and specific expertise in the fields of literary prose (fiction and non-fiction), literary translation from various languages, poetry, drama, children's literature and Frisian literature.³⁶⁶ The board of the Literary Fund also has access to the knowledge and cooperation of almost 200 external experts, including experts on Frisian books for children and young people, Frisian prose and Frisian poetry.³⁶⁷

Article 12(1)(g): encouraging the collection, presentation and publication of Frisian-language works

Article 12(1)(h): development of specific terminology

- 10.86 On accepting the European Charter, the Netherlands undertook, with regard to cultural activities and facilities – a non-exhaustive list of which appears in Article 12(1) of the Charter:

‘within the territory in which [the Frisian language is] used and to the extent that the public authorities are competent, have power or play a role in this field:

g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in [the Frisian language];

h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in [the Frisian language].’

- 10.87 The Committee of Experts considers that the Netherlands is fulfilling the above-mentioned undertakings.³⁶⁸

³⁶⁴ Council of Europe, *Report of the Committee of Experts*, 97.

³⁶⁵ Netherlands Literary Production and Translation Fund, Annual Report 2000, Amsterdam, 27. The inclusion of a member with a good knowledge of Frisian literature on the board of the NLPVF came about on the basis of article 5.3.6 of the second Covenant on the Frisian Language and Culture (1993).

³⁶⁶ Article 6 of the constitution of the Literary Fund stipulates that the board must ensure that it includes a member with a good knowledge of Frisian literature.

³⁶⁷ In addition, the Literary Fund is responsible for the composition of the Frisian advisory committees that advise the board on whether or not to award grants for Frisian-language literary activity, in accordance with the applicable regulations (cf. articles 16 and 17 of the Fund's bye-laws).

³⁶⁸ Council of Europe, *Report of the Committee of Experts*, 98.

- 10.88 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân note that the Provincial and Buma Library is regarded by the Minister of Education, Culture and Science and the provincial executive of Fryslân as being of major importance because of its impressive collection geared to the study of the Frisian language and history (Covenant 6.4.4). This importance is the result, among other things, of the Provincial Library's responsibilities with regard to the preservation and presentation of Frisian-language works.
- 10.89 The publication of a Dutch-Frisian legal dictionary in 2000 is also worth mentioning in this context. This dictionary is particularly important for the expansion of the possibilities for using Frisian in administrative and legal matters. Thanks to the dictionary, the Frisian language now possesses the necessary terminology for use in judicial and administrative documents (see further section 10.36).
- 10.90 To promote the use of Frisian in legal practice, the Fryske Akademy will replace and update a book of Frisian-language models for the notarial profession, entitled *Fryske modellen foar it notariaat* (1979) (see sections 7.38 and 10.36). The Fryske Akademy started the necessary translation work on 1 October 2001, supported by the Ministry of Justice, the Ministry of the Interior and Kingdom Relations and the province of Fryslân, among others.

Article 12(2): cultural activities and facilities for the benefit of Friezen om Utens³⁶⁹

- 10.91 On accepting the European Charter, the Netherlands undertook 'in respect of territories other than those in which [the Frisian language is] traditionally used, if the number of users of [the Frisian language] justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with [Article 12(1) of the Charter]'.
- 10.92 The Committee of Experts considers that the Netherlands is fulfilling the above-mentioned undertaking.³⁷⁰
- 10.93 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that, working via the Frysk Boun om Utens, the province will ensure that the same rules on course fees apply to people attending Frisian-language courses outside the province of Fryslân as to those resident within the province (Covenant 6.6.10).
- 10.94 In the light of the constitutional freedoms applying in the Netherlands, Frisians resident outside the province of Fryslân are entitled to plan cultural activities and provide facilities in accordance with Article 12(1) of the European Charter. Such Frisians understandably make use of this possibility, usually in the organisational context of Fryske Kriten (local Frisian associations), which are generally members of the Frysk Boun om Utens, the national umbrella organisation of Frisian associations outside the province of Fryslân.³⁷¹

³⁶⁹ 'Friezen om Utens' is the Frisian term for Frisians who are not resident in the province of Fryslân.

³⁷⁰ Council of Europe, *Report of the Committee of Experts*, 99.

³⁷¹ Twenty-seven of the 30 Fryske Kriten om Utens are members of the Frysk Boun om Utens.

- 10.95 In accordance with Article 12(1) of the European Charter, the key aims of the Frysk Boun om Utens and its member associations are:
- encouraging activities in the field of Frisian literature, for example, lectures by Frisian authors;
 - representing Friezen om Utens in Frisian organisations in Fryslân;
 - organising Frisian language courses;
 - organising training courses;
 - organising a Friezedei once every five years;³⁷² and
 - organising Frisian theatre and choir evenings.³⁷³
- 10.96 In the framework of the promotion of the interests of the Friezen om Utens, the Frysk Boun om Utens has in recent years lobbied for the ability to receive Omrop Fryslân's programmes outside the province of Fryslân.³⁷⁴ In a letter dated 19 June 1998 to the Media Authority, the State Secretary for Education, Culture and Science singled out the broadcasts of Omrop Fryslân as 'a special case' within the meaning of section 64a, subsection 2 of the Media Act, which permits the retransmission of these programmes outside the province of Fryslân (cf. section 9.8, footnotes).

Article 12(3): foreign cultural policy

- 10.97 On accepting the European Charter, the Netherlands undertook 'to make appropriate provision, in pursuing [its] cultural policy abroad, for [the Frisian language] and the [culture it reflects]'.
- 10.98 In its report, the Committee of Experts notes that, during the period until 1999, the Netherlands encouraged the presentation of the Frisian culture and language alongside the Dutch culture and language at various international events. The Committee therefore concludes that the undertaking entered into by the Netherlands was fulfilled during this period.³⁷⁵
- 10.99 In the Covenant on the Frisian Language and Culture, central government and the province of Fryslân agreed that they will strive to ensure that the Frisian language and culture are represented at literary and cultural events outside the Netherlands (Covenant 6.6.9).
- 10.100 In the Covenant on the Frisian Language and Culture, central government and the province of Fryslân further agreed that central government will ensure that Frisian language and culture will have a clear place in the broader public information policy of the Dutch embassies (Covenant 8.5).
- 10.101 In the Covenant on the Frisian Language and Culture, central government and the province of Fryslân further agreed that both parties will strive to ensure constructive

³⁷² In 1998, a Friezedei – i.e. a Day for Frisians om Utens – in Apeldoorn attracted more than 1,000 participants. The next Friezedei will take place in Enschede in 2003.

³⁷³ The Fryske Kriten that belong to the Frysk Boun om Utens include three choirs, two dance troupes and ten theatre companies.

³⁷⁴ The Frysk Boun om Utens most recently expressed its wishes regarding the reception of Omrop Fryslân's programmes at its general meeting on 13 April 2002. At this meeting, it adopted a motion, which was brought to the attention of the Minister of Education, Culture and Science, requesting *inter alia* that Omrop Fryslân's programmes be included in the 'must carry' package.

³⁷⁵ Council of Europe, *Report of the Committee of Experts*, 99.

cooperation between areas in the member states of the Council of Europe where regional or minority languages are spoken (Covenant 8.3).³⁷⁶

- 10.102 In the Covenant on the Frisian Language and Culture, central government and the province of Fryslân finally agreed that, when concluding and implementing cultural conventions between the Netherlands and other member states of the Council of Europe, central government will pay particular regard to the Frisian language and culture and to the minority language or languages in the partner state (Covenant 8.3).³⁷⁷
- 10.103 In 1994-1995, in section 3.3 of the report on the implementation of the Covenant on the Frisian Language and Culture (1993), the State Secretary for the Interior and Kingdom Relations assured the House of Representatives of the States General that the Frisian language and culture would be systematically included in the section on 'mutual languages and cultures' in bilateral agreements with third countries.
- 10.104 On 5 March 1997, the State Secretaries for Foreign Affairs and Education, Culture & Science submitted a memorandum on the intensification of the Netherlands' foreign cultural policy to the House of Representatives of the States General. This memorandum states that the key objective of international cultural cooperation is to strengthen the international profile of the Netherlands and promote good mutual relations with various countries, including neighbouring countries and the member states of the European Union.³⁷⁸ The memorandum also points out that such relations often develop directly between persons and organisations, in which case the government only needs to make available facilities and funding. A more active involvement on the part of the government is therefore only required in less straightforward cases.
- 10.105 The above-mentioned memorandum further notes that foreign cultural policy is being increasingly decentralised. Not only funds like the Performing Arts Fund but also umbrella organisations like the Netherlands Theatre Institute are free to conduct their own foreign relations (see further section 10.108). Other cultural organisations, such as theatre companies, are also entitled to conduct active foreign policies. Furthermore, by means of a special budget for local cultural projects, a small number of Dutch embassies have received greater freedom to tailor cultural programmes to local circumstances (see section 10.116).
- 10.106 The additional funding that is available in the framework of the memorandum on the intensification of foreign cultural policy is part of the Homogeneous Budget for International Cooperation (HGIS). This funding is intended in particular for large-scale activities, that is to say, activities whose scale exceeds the scope of the regular budgets of the funds and ministries concerned.³⁷⁹ The available budget for

³⁷⁶ The discussion of Article 14(b) of the European Charter also considers policies in relation to section 8.1 of the Covenant on the Frisian Language and Culture (2001) (see sections 12.18 to 12.26).

³⁷⁷ The discussion of Article 14(a) of the European Charter also considers policies in relation to section 8.3 of the Covenant on the Frisian Language and Culture (2001) (see sections 12.7 and 12.14).

³⁷⁸ Parliamentary Papers II (House of Representatives) 1996-1997, 25 270, no. 1.

³⁷⁹ The financial lower limit for HGIS cultural projects which are dealt with by the two ministries themselves, was raised from the beginning of 2001: see Parliamentary Papers II (House of Representatives) 2000-2001, 26 682, no. 6, p. 2. In principle, only projects requiring subsidies of over NLG 250,000 (€113,445) are dealt with by the

international cultural cooperation under the HGIS (HGIS cultural funding) is managed by the Ministries of Foreign Affairs and of Education, Culture & Science and allocated to specific large-scale projects.³⁸⁰ A review of the HGIS cultural projects approved between 14 July 1999 and September 2001 indicates that a subsidy was granted to a project involving the Frisian language and culture for the first time during this period. Thus, the professional Frisian-language Tryater theatre company received funding to stage an international multilingual theatre project during the open-air Oerol summer festival on Terschelling in June 2002.³⁸¹ Theatre companies from other European regions with their own regional or minority languages, as defined in the European Charter, also participated in this project.

10.107 On 15 October 1999, the State Secretary for Education, Culture & Science sent a letter to the House of Representatives outlining the basic principles of Dutch international cultural policy for 2001-2004, which will focus increasingly on clarity, coherence and effectiveness.³⁸² For this purpose, the government will apply its national cultural policy priorities to international cultural policy. It may therefore be assumed that the above-mentioned activities in support of the Frisian language (see sections 10.99 to 10.102) implicitly fall within the scope of Dutch international cultural policy as well, although the above-mentioned letter does not state so explicitly.

10.108 In 2001, in the framework of its international cultural policy, the Netherlands devoted considerable attention to coordination and cooperation with professional cultural organisations (funds, umbrella organisations and implementing organisations, as referred to in section 10.105). On 9 January 2001, the State Secretaries for Foreign Affairs and for Education, Culture & Science presented plans to further increase the role of the funds in the allocation of HGIS cultural funding.³⁸³ Some of these plans were already implemented during 2001 by means of the conclusion of multi-year agreements with sectoral organisations and the allocation of HGIS cultural funding to the Mondriaan Foundation, the Performing Arts Fund and the Amateur Arts Fund, in order to enable them to serve as channels for minor grant applications for HGIS cultural funding.³⁸⁴ In the assessment of the applications submitted to the above-

ministries. For projects on a smaller scale, recourse may be had to special funds, which have received additional central government funding for this purpose (cf. section 10.108).

³⁸⁰ Parliamentary Papers II (House of Representatives) 1996-1997, 25 270, no. 1. The Homogeneous Budget for International Cooperation (HGIS), established on 1 January 1997, constitutes a separate budgetary framework within the state budget. The HGIS combines the foreign expenditure of the various ministries in one place, making it possible to identify at a glance the most important expenditure made by the Netherlands each year in the framework of international cooperation. An important underlying principle of the HGIS is the promotion of cooperation and coordination between the ministries in the field of foreign affairs. In 2001, the HGIS operated with a total of fifteen policy themes, including the theme of international cultural policy, for which the Ministries of Education, Culture and Science and Foreign Affairs bear primary responsibility: cf. Parliamentary Papers II (House of Representatives) 2001-2002, 28 380, no. 41.

³⁸¹ See the overview mentioned in Parliamentary Papers II (House of Representatives) 2000-2001, 26 682, no. 6. Under ref. B 009/00 WW 156538, a grant of NLG 100,000 was awarded to the Oerol festival on Terschelling for the co-production of performances developed on Terschelling that subsequently go on tour outside the Netherlands.

³⁸² Parliamentary Papers II (House of Representatives) 1999-2000, 26 591, no. 3.

³⁸³ Parliamentary Papers II (House of Representatives) 2000-2001, 26 682, no. 6.

³⁸⁴ On the tasks and activities of both funds, see sections 10.59 and 10.60.

For more information, see Parliamentary Papers II (House of Representatives) 1999-2000, 26 591, no. 3: Letter concerning the basic principles of international cultural policy 2001-2004, and Parliamentary Papers II (House of Representatives) 2001-2002, 28 380, no. 41: Financial Statement/Annual Report on International Cooperation 2001.

mentioned funds, the basic principles for the allocation of HGIS cultural funding, as formulated by the government, will remain the norm. In principle, professional and amateur Frisian-language theatre companies are entitled to submit applications to the above-mentioned funds, provided these applications comply with the criteria for international cultural policy.

- 10.109 This report has already discussed subsidies from the Netherlands Literary Production and Translation Fund (NLPVF) for foreign publishers and the international writers programme, which may also be used by Frisian-language authors (cf. section 10.47). These activities can therefore also be classified under the heading of foreign cultural policy.
- 10.110 The NLPVF plays an important part in the promotion of Dutch literature at important international book fairs, starting at the 1993 Frankfurt Book Fair, where the Netherlands was one of the main exhibitors.³⁸⁵ The NLPVF subsequently adopted a systematic approach to activities aimed at promoting Dutch literature at international book fairs. In 1995, Dutch literature featured at the annual international book fair for the Spanish-speaking world in Barcelona (Liber '95). In 1997, it was one of the key topics at Scandinavia's largest book fair, the Bökmassan, in Göteborg (Sweden). In the context of the presentation of Dutch literature in Frankfurt and Barcelona, Frisian literature was also brought to the attention of a wider segment of the foreign public. The above-mentioned activities stopped in 1997, but were resumed in 1999 (see section 10.111).
- 10.111 In early 1999, the Frisian poet Tsjêbbe Hettinga was a prominent figure at the Literature of the Low Countries event during the London Festival of Literature.³⁸⁶ This major literary event on Dutch and Flemish literature was organised by the Frankfurter Buchmesse Foundation, which is responsible on behalf of the Netherlands and Flanders for the joint international promotion of Dutch (and Frisian) literature. The NLPVF is responsible for the actual implementation of these promotional activities. The aforementioned translation into English of a piece of work by Hettinga (see section 10.47) came about partly as the result of the London Festival. No Frisian authors appeared at the 2001 Turin international book fair (Fiera del Libro Torino), which included a large presentation of Dutch literature, but Frisian literature was featured at the booth arranged by the NLPVF. The next book fair at which the NLPVF will put in an appearance takes place in Paris in 2003.
- 10.112 In addition to these presentations at international book fairs, the NLPVF also arranged for Frisian authors to participate in five different presentations and/or performances in Germany during the 1999-2001 period.³⁸⁷

³⁸⁵ On the tasks and activities of the NLPVF inside the Netherlands, see sections 10.44 to 10.51.

³⁸⁶ On 21-30 March 1999: performances by Tsjêbbe Hettinga and twenty other Dutch and Flemish authors during the Literature from the Low Countries event in London.

³⁸⁷ On 15 May 1999: performances by C.O. Jellema, Maria van Daalen, Tonnus Oosterhoff, Henk Scholte, Albertina Soepboer, Tsjêbbe Hettinga, Kees 't Hart and Anne Feddema in Hamburg.

On 25 November 1999: lecture by Tsjêbbe Hettinga with Ard Posthuma in Berlin.

On 28 September - 2 October 2000: performance by Bart F.M. Droog, Tjitse Hofman and Jan Krug in Düsseldorf.

On 18 November 2000: participation of Martin Reints, Remco Ekkers, Tsead Bruinja and Jurrie Bosker in the No(o)rdschrift Festival in Bremen.

On 2 December 2000: performance by Tsead Bruinja in Bremen.

- 10.113 The funding provided by the Literary Fund to writers and translators and the facilities provided by the NLPVF may be classified partly under the promotion of Dutch culture outside the Netherlands (see section 10.47).
- 10.114 The aim of the International Board on Books for Young People (IBBY) is to promote the production, promotion and distribution of high-quality children's books. This international organisation, whose registered offices are located in Switzerland, counts a Dutch branch among its more than 65 national branches. The Dutch branch, which is currently chaired by a Frisian author of children's books, includes Frisian-language children's books in its biennial nominations for the so-called IBBY List of Honour. It is assisted in this by the Frysk Berneboek Foundation.
- 10.115 Certain activities of the Fryske Akademy (see section 10.38) and the Tryater theatre company (see sections 10.20 and 12.26) also count as activities in the field of foreign cultural policy. The relevant activities are funded from the regular budget of these organisations, and not from the HGIS or grants from the aforementioned funds, with the exception of Tryater's international theatre project (see section 10.106). For more information on foreign cultural policy, the reader is referred to the discussion of Article 14 (Transfrontier exchanges) of the European Charter (see chapter 12).
- 10.116 The operationalisation of article 8.5 of the new Covenant on the Frisian Language and Culture (2001) requires further attention. On 3 April 2002, the State Secretary for Foreign Affairs sent a letter to the House of Representatives concerning the possibility of improving the implementation of the international cultural policy of the Netherlands at Dutch embassies in certain priority countries, through cooperation between the embassies and Dutch academic institutes.³⁸⁸ However, the letter did not address the agreements concluded in the framework of the new Covenant on the Frisian Language and Culture. In the past, Dutch embassies have organised activities relating to Frisian. In 1987, for example, the Dutch embassy in Germany published a booklet on the Frisian language.³⁸⁹ In addition, in the past, the Dutch embassy in Moscow arranged for the teaching of Frisian literature at the University of Kiev. As far as can be ascertained, however, the Dutch embassies did not carry out any similar activities during the 1999-2001 reporting period.
- 10.117 **In summary**, it appears that Dutch legislation complies with the provisions of Article 12 of the European Charter that were accepted by the Netherlands. With regard to the comments of the Committee of Experts concerning Article 12(1)(e) of the Charter, the reader is referred to the relevant paragraphs in this report (sections 10.76 to 10.80), which explain how central government and the province of Fryslân are implementing the provision in question. Concerning the presentation of Frisian language and culture outside the Netherlands, Frisian bodies organising or supporting cultural activities cooperate with national cultural funds, which have the status of autonomous administrative authorities. In practice, although they are largely autonomous, these national funds implement Dutch foreign cultural policy within the parameters established by the Ministry of Education, Culture and Science, as long as this does not involve large-scale projects. The Ministries of Education, Culture & Science and of

³⁸⁸ Parliamentary Papers II (House of Representatives) 2001-2002, 28 000 V, no. 51.

³⁸⁹ A. Feitsma, W. Jappe Alberts and B. Sjölin, *Die Friesen und ihre Sprache*, Press and Culture Division of the Royal Netherlands Embassy, Bonn 1987.

Foreign Affairs, not the cultural funds, are jointly responsible for decision-making with regard to large projects. In the light of their scale, Frisian cultural projects outside the Netherlands are frequently dependent on the national cultural funds for funding. The agreements concluded in the framework of the Covenant on the Frisian Language and Culture (2001) on the presentation of Frisian literature at important international book fairs as part of the presentation of Dutch literature are part of a tradition whose origins go back to the 1993 Frankfurt Book Fair. The Netherlands Literary Production and Translation Fund plays an important part in this. The importance of the HGIS cultural funding received by the funds (for example, the Performing Arts Fund) to activities in the field of Frisian language and culture will become clear in the coming years. Frisian still does not receive structurally explicit attention, where possible, during the conclusion and implementation of cultural treaties. The same applies with regard to the policies of Dutch embassies on public information concerning the Dutch and Frisian languages and cultures in the Netherlands.

11 Article 13: Economic and social life

- 11.1 With the entry into force of the Act of 22 November 2001, concerning the introduction of the possibility of drawing up the constitutions of Frisian associations and foundations in the Frisian language (Bulletin of Acts and Decrees 2001, 574), the Dutch government has made it possible for associations and foundations to draw up their constitutions and deeds of establishment in Frisian and enter them in the public Commercial Register, provided the registered offices of the associations and foundations concerned are located in the province of Fryslân.³⁹⁰ As a result, associations and foundations can henceforth participate in economic and social life in the Frisian language.
- 11.2 The Committee of Experts considers that the undertakings entered into by the Netherlands under Article 13 of the European Charter are being fulfilled.³⁹¹
- 11.3 The Covenant on the Frisian Language and Culture (2001) fleshes out the implementation of the above-mentioned undertakings. In this context, particular attention is devoted to improving the position of Frisian in social and health care services subsidised by central government and the province whose sphere of operations includes the province of Fryslân.
- 11.4 In 2001, at the request of the Ministry of the Interior and Kingdom Relations and the provincial authority of Fryslân, the Coulon economic research agency conducted a survey of language and language policy in the health sector in Fryslân. The survey examined five branches of the health sector hospitals, nursing homes, mother and toddler clinics, services for the disabled and mental health care (see section 11.37 et seq.).

³⁹⁰ In response to questions from the MPs Van der Hoek, Middelkoop, Hoekema, Rijpstra and Atsma of 18 November 1999, the Minister of Justice said, speaking for the State Secretary for the Interior and Kingdom Relations as well, that an act accommodating the desire of Frisian legal persons to enter Frisian-language deeds of establishment in public registers and the protection of third parties wishing to consult those registers was in preparation.

³⁹¹ Council of Europe, *Report of the Committee of Experts*, 101-106.

Article 13(1)(a): employment contracts, operating instructions, etc.

- 11.5 On accepting the European Charter, the Netherlands undertook ‘with regard to economic and social activities [...] within the whole country:
- a to eliminate from [its] legislation any provision prohibiting or limiting without justifiable reasons the use of [the Frisian language] in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations.’
- 11.6 The Committee of Experts considers that the Netherlands is generally fulfilling the above-mentioned undertaking, but notes that one problem remains as regards the Chamber of Commerce. Constitutions and deeds of establishment of associations and foundations that are drawn up in Frisian cannot be registered with the Chamber of Commerce unless the Civil Code is amended. In 2001, the Committee of Experts noted that the Dutch government had expressed its wish to make this possible in the near future by amending the law.³⁹² As noted in section 11.1, this amendment has now been carried out.
- 11.7 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that central government will investigate what constraints may exist on the use of Frisian in economic and social life and will strive to ensure any necessary amendment of legislation (Covenant 7.1). In this regard, it is worth noting that the parties also agreed that the province of Fryslân will over the next few years give central government concrete indications of where legislation including the phrase ‘the Dutch language’ can be amended to read ‘the Dutch and Frisian languages’. For this purpose, central government has undertaken to endeavour to update the 1987 study by the Berie foar it Frysk and the Fryske Akademy (Covenant 3.5).³⁹³ During the course of 2002, the Berie foar it Frysk took on the task of bringing the study up to date.
- 11.8 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed that the use of Frisian on labels and in product instructions will not be prohibited. Central government will strive to ensure any necessary amendment of legislation (Covenant 7.2).
- 11.9 The above-mentioned study of the Berie foar it Frysk and the Fryske Akademy contained a list of statutory provisions on the use or limitation of the use of Frisian. It appears from this list that, at the time of the study, the use of Dutch was mandatory in certain areas of economic life. As a result, little or no room remained in these areas for the use of Frisian.
- 11.10 It also emerges from the above-mentioned list that there are no statutory regulations on the use of language in employment contracts. In practice, such agreements may be drawn up in Frisian. This happens on a moderate scale, particularly in the case of the bodies referred to in Article 12(1)(d) of the European Charter and local authorities in the province of Fryslân. In view of the fact that written and signed employment contracts may be regarded as non-notarial instruments, it is also worth referring to the

³⁹² Ibid., 101.

³⁹³ Berie foar it Frysk, *Lykberjochtiging en it Frysk: momintopname fan in ûnfolsleine rjochtssteat*, Ljouwert/Leeuwarden, Berie report no. 1, Berie foar it Frysk/Fryske Akademy, 1987.

paragraphs concerning Article 9(2)(b) of the European Charter in this context (see section 7.50).

- 11.11 It further emerges from the above-mentioned list that, pursuant to the Notaries Act in force at that time, notarial deeds could be executed in the parties' language of choice, as long as the notary concerned understood the language in question. In this sense, the use of Frisian in notarial deeds was already permitted, in so far as the law did not provide otherwise (see sections 11.12 to 11.16). As of 1 October 1999, the amended Notaries Act also permits the execution of bilingual and multilingual notarial deeds. Thus, in addition to deeds executed in Frisian, notarial deeds may henceforth also be executed in more than one language, where Frisian is one of those languages.³⁹⁴ This innovation has further expanded the scope for using Frisian in economic and social life. Section 42, subsection 2 of the Notaries Act does not specify which version of a bilingual or multilingual deed prevails with regard to the document's legal effect. A statutory rule on this issue was regarded as unnecessary and undesirable.³⁹⁵ As a matter of fact, the deed itself may stipulate which version prevails in the case of interpretational problems.
- 11.12 As of 1 January 1997, the Use of Frisian (Legal Matters) Act (the amended text of which appeared in Bulletin of Acts and Decrees 1996, 490) applies to the use of Frisian in deeds that must be entered in public registers in accordance with statutory provisions. The basic rule, as explained in section 7.40 of this report, is that documents drawn up in Frisian, such as notarial deeds, require a literal translation into Dutch. This translation is then entered in the relevant register, to which the Frisian-language documents are appended (section 8, subsections 1 and 2 of the Act). Section 8, subsection 4 of the Act allows for derogations from this basic rule in future statutory regulations. The Civil Code has already made use of this possibility; the Land Registry Act has not (see sections 11.13 to 11.16).
- 11.13 Section 41 of the Land Registry Act (Bulletin of Acts and Decrees 1989, 186; Bulletin of Acts and Decrees 1996, 473) employs the above-mentioned basic rule with regard to the use of Frisian in deeds that are entered in public registers. When a deed – such as a deed transferring the ownership of a registered good or granting a mortgage – has been executed not in Dutch, but, for example, in Frisian, a literal translation into Dutch that has been declared equivalent by a sworn translator is entered in the public registers for registered goods, pursuant to section 41 of the Land Registry Act.³⁹⁶ Accordingly, the option of entering a bilingual deed in Dutch and Frisian, as referred to in the amended Notaries Act (see section 11.11), does not apply to deeds that are entered the public registers for registered goods. This statutory limitation may be described as a limitation on the use of Frisian in economic and social life, as referred to in the relevant provision of the European Charter.

According to the Ministry of Housing, Spatial Planning and the Environment, the failure to make use of the possibility offered by section 8, subsection 4 of the Use of Frisian (Legal Matters) Act (see section 11.12) can be satisfactorily justified. The importance of the public interest in the smooth and orderly progress of legal matters and the guarantee of legal certainty in legal matters concerning registered goods

³⁹⁴ For more information, see section 7.49.

³⁹⁵ On this issue, see Parliamentary Papers II (House of Representatives) 1996-1997, 23 706, no. 12, p. 34.

³⁹⁶ For more information on the Land Registry Act, see section 7.45 of this report

makes it necessary to prevent the Land Registry Act from offering the possibility of presenting documents in the Frisian language (or documents drafted in a foreign language) for entry [in the relevant register]. The same applies to documents that have been drafted in more than one language (documents drafted in Dutch and Frisian or documents drafted in Dutch and a foreign language).

The Ministry of Housing, Spatial Planning and the Environment therefore considers that the provisions in the Land Registry Act concerning the use of Frisian in legal matters concerning registered goods are in accordance with Articles 9(2)(b) and 13(1)(a) of the European Charter, as the latter now permits reservations of this kind. In regard to the above, it is also worth noting that the Land Registry Act already permits the drafting and presentation for entry in the public registers for registered goods not only of notarial deeds and declarations, but also other Frisian-language documents, provided they are accompanied by a literal translation into Dutch that has been declared equivalent, which is then entered in the relevant register. The Frisian-language documents remain in the possession of the registrar.

Finally, it is worth noting that, in relation to existing statutory regulations in this area, including those under section 41 of the Land Registry Act, the Minister of Justice noted in the Explanatory Memorandum accompanying the bill introducing the possibility of drawing up the constitutions of Frisian associations and foundations in the Frisian language (see Parliamentary Papers II (House of Representatives) 2000-2001, 27 647, no. 3), which was submitted on 26 March 2001, that there is no evidence of problems that necessitate further investigation.

- 11.14 In this context, it is interesting to note that the first entry of a Frisian-language deed in a public register, which involved the transfer of title to a house, took place in Leeuwarden as long ago as 1 February 1949, while the related transfer in the land and mortgage register took place in Heerenveen on 5 March 1949.³⁹⁷ A researcher by the name of Van der Velden, who discovered the transfer, wonders whether the entry of the two deeds in these public registers may have conflicted with the legislation prevailing at the time, as the deeds in question were drawn up exclusively in Frisian.
- 11.15 The Civil Code is relevant to the use of Frisian in deeds intended for entry in the Commercial Register of the Chamber of Commerce. According to the list of statutory provisions from 1987, as referred to in section 11.9, the use of Frisian in such deeds was not permitted at that time. This limitation applied to the deeds of incorporation of public and private limited companies as well as the deeds of establishment of associations and foundations registered as legal persons. Pursuant to the relevant provisions in the Civil Code, all these deeds had to be executed in Dutch. Frisian cultural associations and foundations repeatedly demanded the abolition of this limitation. This demand has now been met. As of 1 February 2002, the deeds of establishment of associations and foundations whose registered offices are located in the province of Fryslân may be executed and registered in Frisian if desired. Public and private limited companies in the province of Fryslân did not feel a similar need (see also section 11.23). The scope of the relevant amendment of the Civil Code therefore does not extend to the deeds of incorporation of such companies.

³⁹⁷ B.D. van der Velden, 'Friestalige notariële akten. Over het gebruik van het Fries in notariële akten in de jaren 1945-1955', *Pro Memorie* 3(1), 2001, 112 et seq.

- 11.16 For more information on the Act of 22 November 2001, introducing the possibility of drawing up the constitutions of Frisian associations and foundations in the Frisian language (Bulletin of Acts and Decrees 2001, 574), the reader is referred to sections 7.41 to 7.44. In addition, it is also worth noting that the constitutions of associations and foundations included in notarial deeds must mention, *inter alia*, the municipality in the Netherlands where their registered offices are located (see article 27, paragraph 4 and article 286, paragraph 4 of Book II of the Civil Code). In doing so, they must use the official name of the municipality, regardless of the language of the deed. Thus, if the official name of the municipality is in Dutch, that name must also be used in a deed that is otherwise drawn up entirely in Frisian. The same applies *mutatis mutandis*: if the official name of the municipality is in Frisian, that name must also be used in a deed that is otherwise drawn up entirely in Dutch. With regard to foundations, article 286, paragraph 4 (a) of Book II of the Civil Code further stipulates that the constitution of a foundation must include the name of the foundation in question, including the word ‘stichting’ (foundation). In relation to Frisian-language deeds, this provision may be understood as meaning that the Frisian word ‘stifting’ can be used in place of the Dutch word ‘stichting’.³⁹⁸
- 11.17 Since 1956, pursuant to section 1 of the Use of Frisian (Legal Matters) Act, anyone who is required, pursuant to a statutory regulation, verbally to take an oath, or make a solemn affirmation or reaffirmation shall be authorised to use, instead of the text prescribed by law, the equivalent text in the Frisian language, unless the text of the oath, solemn affirmation, or reaffirmation is partly or wholly laid down in the Dutch constitution. This possibility is widely used in Frisian municipal councils and the provincial council of Fryslân. At their swearing in, members of the House of Representatives may also take the oath of office in Frisian. This option was utilised for the first time in 1998. With the exception of the actual oath of office, which is formulated in Dutch, the first Frisian-language swearing in of a notary took place on 7 April 1999.³⁹⁹ The ceremony in question, which took place before Leeuwarden district court, was that of E.L. Veerman, who was appointed to practise as a notary in Buitenpost as of 1 January 2000.
- 11.18 The use of Frisian on labels and in product instructions is not prohibited, in so far as the relevant provision only stipulates that the relevant indications and particulars should at least appear in Dutch.⁴⁰⁰ In the distant past, the Chamber of Commerce opposed the use of Frisian on labels and in product instructions. For this reason,

³⁹⁸ See email dated 4 February 2002 from the Ministry of Justice to notary E.M.W. de Lange of Leeuwarden, ref. DGWRR/DW.

³⁹⁹ *Leeuwarder Courant*, 7 April 1999. For the Dutch text of the oath, see section 3, subsection 2 of the Notaries Act. Other acts, such as the Provinces Act and the Municipalities Act, also only contain the Dutch text of the oath of office.

⁴⁰⁰ Article 23 of the Labelling of Foodstuffs (Commodities Act) Decree of 10 December 1991 (Bulletin of Acts and Decrees 1991, 14) stipulates that, with the exception of the name of the producer of prepackaged foods and beverages, the indications and particulars referred to in the Decree should at least appear in Dutch. Article 16 of the European directive on the labelling, presentation and advertising of foodstuffs (2000/13/EC) stipulates that member states must ensure that the particulars indicated on the labelling of foodstuffs appear in a language easily understood by the consumer. In addition, member states may stipulate that these particulars are given in one or more languages from among the official languages of the Community. These provisions do not preclude labelling particulars from being indicated in several languages, nor does European legislation preclude the use of regional or minority languages, within the meaning of the European Charter, in this regard.

among others, central government and the province of Fryslân agreed in the Covenant on the Frisian Language and Culture (2001) that central government will strive to ensure any necessary amendment of legislation (Covenant 7.2).

Article 13(1)(c) and (d): additional measures

- 11.19 On accepting the European Charter, the Netherlands undertook ‘with regard to economic and social activities [...] within the whole country:
- c to oppose practices designed to discourage the use of [the Frisian language] in connection with economic or social activities;
 - d to facilitate and/or encourage the use of [the Frisian language] by means other than those specified in the above sub-paragraphs.’
- 11.20 The Committee of Experts considers that the Netherlands is generally fulfilling the undertaking entered into under Article 13(1)(c) of the Charter. However, with regard to the Dutch Railways and the Dutch Postal Services, which both refuse to use Frisian place names, the undertaking is not fulfilled (see sections 11.28 to 11.31). Otherwise, the Committee considers that the Netherlands is meeting its obligations under Article 13(1)(d) of the Charter.⁴⁰¹
- 11.21 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that they will strive to ensure that the use of the Frisian language is permitted in economic and social activities (Covenant 7.3).
- 11.22 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed that, if they agree that projects to strengthen the position of the Frisian language in the economic and social sectors are necessary and desirable, they will contribute jointly to the costs (Covenant 7.9).
- 11.23 When developing the measures referred to in articles 7.3 and 7.9 of the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân can make use of the findings of a recent study of the relationship between the Frisian language and economic development. In 1999, Ab van Langevelde published the results of his study of the nature of the reciprocal relationship between bilingualism and economic development in Fryslân.⁴⁰² Among other observations, van Langevelde notes that the boards of Frisian enterprises do not pay systematic attention to bilingualism or government language policy and do not consider that bilingualism has any bearing on the realisation of company goals. In addition, these bodies have had problems with certain aspects of official language policy on more than one occasion, particularly with regard to the policies developed by a number of Frisian municipalities on official Frisian place names.⁴⁰³
- 11.24 In its capacity as the provincial advisory body on Frisian language policy, the Berie foar it Frysk has also immersed itself in the relationship between language and economics on a number of occasions. This attention was a direct result of the

⁴⁰¹ Council of Europe, *Report of the Committee of Experts*, 102, 103.

⁴⁰² Ab van Langevelde, *Bilingualism and Regional Economic Development: A Dooyeweerdian Case Study of Fryslân*, Royal Dutch Geographical Society/Faculty of Geographical Sciences, Utrecht/Groningen 1999, 18.

⁴⁰³ *Ibid.*, 142.

organisation's amended terms of reference, formulated by the provincial authority in 1990, which calls on the organisation to devote special attention in its activities to research and advice on the position of Frisian in the economic sphere. The Berie foar it Frysk and other institutions also launched various activities to facilitate and/or encourage the use of Frisian in economic and social life (see sections 11.25 to 11.27).

- 11.25 In 1995, the Berie foar it Frysk organised a one-day seminar for advertising agencies and entrepreneurs on the practical applications and limitations of the use of Frisian in advertising. At this time, Omrop Fryslân had only recently introduced advertising in its regional radio and television broadcasts. The percentage of Frisian-language radio and television advertisements fell short of the expectations of Omrop Fryslân's listeners and viewers, who were accustomed to Frisian being the broadcasting organisation's main language of communication. As a consequence of the above-mentioned seminar, AFUK's Frisian Language Support Centre (*Stipepunt Frysk*) established a library of Frisian voice recordings for the benefit of advertising companies. This library has collected a wide variety of voices. Today, advertising companies are increasingly making use of Frisian in a creative manner, often in combination with Dutch, in radio and television advertising.
- 11.26 In 1992, the Ried fan de Fryske Beweging took the first steps towards the establishment of a prize for the best Frisian-language radio and television advertisements, which have been awarded annually since 1999. The fifth prize-giving ceremony, organised in cooperation with the commercial associations of Fryslân, took place in Leeuwarden in 2001 and included the presentation of an audience award. Four hundred entrepreneurs and other interested parties attended the ceremony. The originality of the advertisements and the skilful, i.e. non-folkloristic, use of the Frisian language are important criteria in the eyes of the jury. The number of Frisian-language advertisements increases each year. In 2001, a total of 47 radio advertisements and 25 television advertisements were produced and broadcast in Frisian.
- 11.27 In 1995-1996, AFUK's Frisian Language Support Centre organised a campaign promoting the use of Frisian on menus in restaurants and cafes. AFUK now offers a fast translation service for short texts such as menus. Many restaurants and cafes have a Frysk menu, but fully bilingual menus are still not very common.
- 11.28 The Covenant on the Frisian Language and Culture (2001) contains no agreements on the use of Frisian place names by Dutch Railways, PTT Post and KPN Telecom. In fact, such agreements are no longer necessary, as the three companies now use official Frisian-language place names in their databases. The policies of the companies are discussed in the following paragraphs (sections 11.29 to 11.31).
- 11.29 Since 1998, the Dutch telecommunications company KPN Telecom (formerly PTT Telecom) has amended the entries for official Frisian place names in its telephone directories by listing them in Frisian, while referring to these Frisian-language entries under their Dutch equivalents.⁴⁰⁴ On checking individual subscribers, it emerges that KPN Telecom uses the correct versions of official Frisian place names in its telephone directories on CD-ROM. On checking individual subscribers in the telephone

⁴⁰⁴ The *Gouden Gids* (Yellow Pages) has used official Frisian place names since 1997.

directory on the internet, however, it emerges that KPN Telecom still uses the incorrect, Dutch-language version of official Frisian place names.

- 11.30 As of 1 September 2000, the Dutch postal service TPG Post (formerly PTT Post) has incorporated official Frisian-language place names in its postcode databases, which are used by the administrative authorities (see section 8.51). The decision of TPG Post to incorporate Frisian-language place names in these databases implies that these changes were also made to the company's commercial databases. During the transitional period, the Dutch-language versions of these place names still appear in the databases, together with references to the official Frisian-language names.
- 11.31 As of 30 May 1999, Dutch Railways use the official Frisian-language place names of the two places that qualify for such treatment, both at the stations and in their timetables.⁴⁰⁵

Article 13(2)(b): economic and social sectors (public sector)

- 11.32 On accepting the European Charter, the Netherlands undertook 'with regard to economic and social activities [...] within the territory in which [the Frisian language is] 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 [the Frisian language].'
- 11.33 The Committee of Experts has found no evidence that such activities have taken place and thus cannot conclude that the Netherlands is fulfilling this undertaking.⁴⁰⁶
- 11.34 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that they will strive to ensure that the use of the Frisian language is permitted in economic and social activities (Covenant 7.3).
- 11.35 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed that, if they agree that projects to strengthen the position of the Frisian language in the economic and social sectors are necessary and desirable, they will contribute jointly to the costs (Covenant 7.9).
- 11.36 During the 1999-2001 reporting period, the Ministry of Economic Affairs did not undertake any activities or adopt any measures that focused wholly or partly on the Frisian language. In addition, the Ministry did not make use of the possibility available under section 2:9, subsection 2 of the General Administrative Law Act to make rules on the use of Frisian in written documents for central government bodies, in so far as they fall within the relevant Minister's competence (see section 3.7.7).⁴⁰⁷

⁴⁰⁵ In May 1999, the operations of Dutch Railways in the province of Fryslân were partially taken over by NoordNed Personenvervoer B.V. With regard to the use of Frisian place names, NoordNed has maintained its predecessor's policies.

⁴⁰⁶ Council of Europe, *Report of the Committee of Experts*, 104.

⁴⁰⁷ Letter dated 27 February 2002 from the Ministry of Economic Affairs to the Fryske Akademy, ref. WJZ 02008395.

Article 13(2)(c): care sector: retirement homes, hospitals, etc.

- 11.37 On accepting the European Charter, the Netherlands undertook ‘with regard to economic and social activities, [...] in so far as the public authorities are competent, within the territory in which [the Frisian language is] used, and as far as this is reasonably possible:
- 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 [the Frisian language] who are in need of care on grounds of ill-health, old age or for other reasons.’
- 11.38 In its report, the Committee of Experts notes that there is no clear information available about the use of Frisian in the above-mentioned social care facilities. The Committee considers that the Netherlands has partially fulfilled its undertakings under Article 13(2)(c) of the Charter. The Committee further notes that there is an urgent need for Frisian-speaking staff in such institutions, as well as a serious shortage of funds to provide the necessary training.⁴⁰⁸
- 11.39 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that they will strive to ensure that government-subsidised social care institutions whose sphere of operations includes the province of Fryslân pay due regard to the Frisian language (Covenant 7.4)
- 11.40 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed that they will strive to ensure that government-subsidised social care institutions whose sphere of operations includes the province of Fryslân pay due regard to the Frisian language, both generally and in their annual reports (Covenant 7.4 and 7.5).
- 11.41 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed with regard to speech therapy that the province will strive to ensure that testing and therapeutic materials used in speech therapy are examined to ensure their suitability for use in the particular bilingual situation in Fryslân; that the province will strive to ensure that Frisian as well as Dutch-language testing and therapeutic materials are available for the treatment of aphasia patients and children with speech defects; and that the province will consult with speech therapists in Fryslân on the implementation of Frisian-language testing and therapeutic materials (Covenant 7.6).
- 11.42 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed that they will strive to ensure that the complaints schemes of social care institutions subsidised by central government and the province whose sphere of operations includes the province of Fryslân will pay due regard to the position of the Frisian language (Covenant 7.7). In addition, the province will strive to ensure that interest groups in the social care sector that are active in the province of Fryslân pay due regard to the use of Frisian in their work (Covenant 7.8).

⁴⁰⁸ Council of Europe, *Report of the Committee of Experts*, 105-106.

- 11.43 The publication of the findings of a survey conducted by the Coulon economic research agency at the request of the Ministry of the Interior and Kingdom Relations and the provincial authority of Fryslân partly makes up for the lack of clear information on the use of Frisian in the health sector noted by the Committee of Experts (see section 11.33). As a matter of fact, the survey does not corroborate the aforementioned urgent need for Frisian-speaking staff in social care institutions or the lack of funds to provide the necessary training, but recommends establishing demonstration language projects and providing courses aimed at increasing the Frisian-language skills of Dutch-speaking senior staff. In addition, the report recommends devoting systematic attention to Frisian in MBO (secondary vocational education) and HBO (higher professional education) courses for work in the care sector.⁴⁰⁹
- 11.44 The survey further notes that Frisian is used primarily in informal situations, among close colleagues and in contacts with clients, while Dutch is the predominant choice for communicating with managers and in formal situations. In addition, the survey notes that Frisian is used least often in mother and toddler clinics, and most often in services for the disabled. The general attitude towards Frisian is positive, but declines in the presence of concrete situations or measures.⁴¹⁰
- 11.45 The survey examines five different branches of the health sector: hospitals, nursing homes, mother and toddler clinics, services for the disabled and mental health care.⁴¹¹ Among its various findings, the survey indicates that the command of Frisian among staff, clients and patients corresponds with that of the inhabitants of the province of Fryslân. The survey also identifies differences in language skills between the various branches. Staff and residents of nursing homes and staff providing services for the disabled demonstrate an above-average command of Frisian, while staff of mother and toddler clinics demonstrate a below-average command.⁴¹²
- 11.46 With regard to the development and execution of language policies in the Frisian care sector, the survey notes that Frisian hospitals generally devote little or no attention to Frisian and/or bilingualism, although various hospitals have taken incidental measures with regard to Frisian, including the purchase of Frisian-language books for hospital libraries and participation in Frisian language courses. The Tjongerschans hospital in Heerenveen has designated Dutch as the language of communication within the institution, whereas other hospitals have not made declarations of this kind.⁴¹³
- 11.47 None of the nursing homes in Fryslân has developed policies on the use of Frisian, but staff frequently make use of Frisian on the wards.⁴¹⁴ Language is not an issue in mother and toddler clinics.⁴¹⁵ Services for the disabled and mental health care services have not developed language policies either, but, depending on the location, there do exist opportunities to use Frisian on the wards.⁴¹⁶ Revalidatie Fryslân, an organisation

⁴⁰⁹ Jasper Blömer, Engbert Boneschansker and Iris van der Tuin, *Taal in de zorg / Taal yn'e soarch*, Economisch Bureau Coulon, Leeuwarden, October 2001, 50, 52 and 53.

⁴¹⁰ *Ibid.*, 33.

⁴¹¹ *Ibid.*

⁴¹² *Ibid.*, 23.

⁴¹³ *Ibid.*, 36.

⁴¹⁴ *Ibid.*, 37.

⁴¹⁵ *Ibid.*, 38.

⁴¹⁶ *Ibid.*, 39, 40.

located at the intersection of the education and health sectors, has developed official language rules for its work, but its staff are not familiar with them.⁴¹⁷

- 11.48 The authors of the survey conclude that it would be advisable to devote attention to Frisian bilingualism in the quality assurance policies of the various organisations.⁴¹⁸ They then make various specific recommendations for improving the position of Frisian in the health sector.
- 11.49 **In summary**, it appears that no reliable answer is available to the question whether or not Dutch legislation complies fully with the provisions from Article 13 of the European Charter that have been accepted by the Netherlands, due in part to the absence of an up-to-date list of statutory provisions on the use of the Frisian language and limitations on its use. At present, such a list is being prepared, in accordance with article 3.5 of the Covenant on the Frisian Language and Culture (2001). In addition, the Covenant contains a number of agreements concluded between central government and the province of Fryslân on the use of Frisian in economic and social life. The use of Frisian in the social care sector is the subject of special attention in the new Covenant.

12 Article 14: Transfrontier exchanges

- 12.1 In 1996, the Dutch government identified strengthening the international profile of the Netherlands and stimulating good relations with certain countries, including neighbouring countries and the member states of the European Union, as the key objectives of the intensification of Dutch foreign cultural policy. In addition, in its cultural policy document for 2001-2004, *Cultuur als confrontatie*, the government formulated the basic principles of its international cultural policy for 2001-2004. Neither the key objectives of 1996 nor the basic principles for 2001-2004 refer to the undertakings entered into by the Netherlands under Articles 12(3) and 14 of the European Charter (see also sections 10.104 to 10.107).
- 12.2 The province of Fryslân formulated its policy on international contacts in the field of bilingualism in 1987 (Provincial Bulletin 1998, 4) and operates a grants scheme for such contacts. The purpose of the scheme is to support international exchanges between minority language areas in Europe, by means of occasional grants, in order to strengthen the position of Frisian.
- 12.3 The Committee of Experts considers that the Netherlands is generally fulfilling its undertakings under Article 14 of the European Charter.⁴¹⁹
- 12.4 According to the Covenant on the Frisian Language and Culture (2001), one of the objectives of the international cultural policy of central government and the province of Fryslân is that the unique position of Frisian in the Netherlands is recognised internationally.⁴²⁰ This will require proper public information. The Covenant goes on to note that it is important to be able to compare the situation of language minorities elsewhere in Europe with that of Frisian-speakers. Within the context of the European

⁴¹⁷ Ibid., 41.

⁴¹⁸ Ibid., 45, 48-54.

⁴¹⁹ Council of Europe, *Report of the Committee of Experts*, 107.

⁴²⁰ See the introductory paragraph of chapter 8 of the Covenant on the Frisian Language and Culture (2001).

Union, however, it is still more important that Fryslân should be able to project its own identity and that areas with their own regional or minority languages are given a chance to cooperate with each other. For Fryslân, relations with the German regions of North and East Friesland are particularly important in this regard.

Article 14(a): bilateral agreement on the Frisian language between the Netherlands and Germany

- 12.5 On accepting the European Charter, the Netherlands undertook ‘to apply existing bilateral and multilateral agreements which bind them with the states in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the states concerned in the fields of culture, education, information, vocational training and permanent education.’
- 12.6 The Committee of Experts considers that the Netherlands is generally fulfilling the above-mentioned undertaking, but encourages the government to explain in its next periodical report how it intends to further promote transfrontier exchanges (see sections 12.8 and 12.14).⁴²¹
- 12.7 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân agreed that, when concluding and implementing cultural conventions between the Netherlands and other member states of the Council of Europe, central government will pay particular regard to the Frisian language and culture and to the minority language or languages in the partner state (Covenant 8.3).⁴²²
- 12.8 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed that they will strive to ensure that sufficient resources will be provided to establish and promote cultural and educational exchanges between the Dutch province of Fryslân and the German regions of East and North Friesland (Covenant 8.4).
- 12.9 Before considering the policy of the Netherlands and Germany on Frisian language and culture, this report provides a brief description of German government policy in this area. However, since the German *Länder* bear primary responsibility for cultural policy, this description actually focuses on Schleswig-Holstein and Lower Saxony.
- 12.10 In 1998, the Landtag (parliament) of Schleswig-Holstein, which is located in Kiel, established a Gremium für Fragen der friesischen Bevölkerung im Lande Schleswig-Holstein. This committee consists of the president of the Landtag, one member from each of the political parties represented in it, the North-Frisian members of the German Bundestag in Berlin, the Grenzlandbeauftragte, a representative from Schleswig-Holstein’s Ministry of Culture in Kiel, and four representatives from the Frisian minority in the region of North Friesland. The committee meets at least twice a year under the chairmanship of the president of Landtag of Schleswig-Holstein in

⁴²¹ Council of Europe, *Report of the Committee of Experts*, 107.

⁴²² The discussion of Article 12(3) of the European Charter also considers central government policy in relation to article 8.3 of the Covenant on the Frisian Language and Culture (2001) (see sections 10.102 and 10.117).

Kiel. The committee's activities are aimed at supporting and encouraging Frisian language and culture in the region of North Friesland.⁴²³

- 12.11 In addition to the Establishment of the above-mentioned committee, a provision was incorporated into article 5 of the constitution of Schleswig-Holstein in 1990 concerning the right of the Frisian minority in the region of North Friesland to support and protection.⁴²⁴ A similar provision with regard to Sater Frisian does not appear in the constitution of Lower Saxony.
- 12.12 Since 1986, the government of Schleswig-Holstein has reported regularly to the Landtag on the status of minorities within Schleswig-Holstein. The status of North Frisian was first discussed in a meeting on 4 June 1987 and was subsequently included in the 'broad' minorities reports, which focus on both the Danish minority in Schleswig-Holstein and the German minority in South Jutland (Denmark). Following the meeting of 4 June 1987, Frisian was discussed in the framework of these minorities reports at Landtag meetings on 22 January 1992, 26 January 1996 and 18 November 1999.⁴²⁵
- 12.13 Since 1 January 1999, North Frisian has fallen under the scope of the European Charter in Schleswig-Holstein, which has endorsed 36 policy measures from Part III of the Charter in relation to North Frisian. At the same time, Lower Saxony has endorsed 35 policy measures from Part III of the Charter in relation to Sater Frisian. On 18 December 2000, the Federal Republic of Germany submitted its first report to the Council of Europe in the framework of the European Charter for Regional or Minority Languages.⁴²⁶
- 12.14 There are no cultural agreements between the Netherlands and Schleswig-Holstein or Lower Saxony that identify Frisian as an area of common interest. The 1961 cultural treaty between the Netherlands and Germany does not explicitly mention Frisian either, although the treaty can serve as a basis for cultural exchanges in the fields of culture, education, youth, etc., that involve Frisian language and culture.⁴²⁷ The fields of education and research, in particular, are characterised by close contacts and regular cooperation between the institutions concerned (including the Fryske Akademy in Leeuwarden, the Ostfriesische Landschaft in Aurich, the Nordfriisk Institut in Bredstedt and the Nordisch Institut of the Christian Albrechts University in Kiel). In addition, the Fryske Rie and the Frysk Ynternasjonaal Kontakt also play a part in promoting transfrontier exchanges (see sections 12.19 to 12.24).

⁴²³ Section 10.6 of the first Report on the measures adopted by the Netherlands in respect of the Frisian language and culture refers to the post of Beauftragter der Regierung für Grenzlandfragen. However, the official title of the post is Beauftragter der Ministerpräsidentin für Fragen der deutschen und dänischen Minderheiten und für friesische Angelegenheiten. In practice, as well as in the official *Minderheitenbericht*, this honorary post is referred to as Grenzlandbeauftragte.

⁴²⁴ Piet Hemminga, *Het beleid inzake unieke regionale talen*, Fryske Akademy, Leeuwarden 2000, 245.

⁴²⁵ *Ibid.*, 270.

⁴²⁶ Federal Ministry of the Interior, *Erster Bericht der Bundesrepublik Deutschland gemäß Artikel 15 Absatz 1 der Europäischen Charta der Regional- oder Minderheitensprachen*, Bonn 2000.

⁴²⁷ As of 3 October 1990, the above-mentioned cultural treaty applies unamended to the entire territory of the Federal Republic of Germany, pursuant to the Protocol between the Kingdom of the Netherlands and the Federal Republic of Germany concerning the implications of German unification for their bilateral treaty relations of 25 January 1994 (Dutch Treaty Series 1994, 81).

- 12.15 On accepting the European Charter, the Netherlands undertook ‘for the benefit of [the Frisian language], to facilitate and/or promote cooperation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form’.
- 12.16 The Committee of Experts considers that the Netherlands is generally fulfilling the above-mentioned undertaking, but notes that central government ceased funding transfrontier exchanges between the Dutch province of Fryslân and the German regions of East and North Friesland in 1996. The Committee encourages the government to explain in its next periodical report how it intends to further promote transfrontier exchanges.⁴²⁸ For more information, see sections 12.17, 12.20 and 12.21.
- 12.17 In the Covenant on the Frisian Language and Culture (2001), central government and the province of Fryslân further agreed that they will strive to ensure that sufficient resources will be provided to establish and promote cultural and educational exchanges between the Dutch province of Fryslân and the German regions of East and North Friesland (Covenant 8.4).
- 12.18 The Covenant on the Frisian Language and Culture (2001) contains agreements on the promotion of transfrontier exchanges. In the Covenant, central government and the province of Fryslân agreed that they will strive to ensure constructive cooperation between areas of member states of the Council of Europe in which regional or minority languages are spoken (Covenant 8.1).⁴²⁹ The province will also make a financial contribution to the Fryske Rie and the European Bureau for Lesser-Used Languages (Covenant 8.2).
- 12.19 The Fryske Rie foundation, which was established in 1956, aims to foster social and cultural contacts between Frisians in Fryslân and the regions of North and East Friesland. Since 11 September 1998, the Fryske Rie has participated in the Ynterfryske Rie, of which it is one of the founders. The Ynterfryske Rie is an umbrella organisation for the Fryske Rie in Fryslân and its two counterparts in North and East Friesland. In addition to an annual programme of exchanges in the field of Frisian language and culture, the Ynterfryske Rie organises an Ynterfrysk Kongres, where topical and common issues are discussed before a wide audience once every three years. The three organisations that participate in the Ynterfryske Rie take it in turns to organise this conference. In 2000, the Fryske Rie’s East Frisian counterpart organised the conference, which took place in Jever.
- 12.20 Until 1996, the Fryske Rie received an annual subsidy from the Ministry of Welfare, Health and Cultural Affairs. This ended when the Ministry’s welfare memorandum for 1995-1998 did not include the Fryske Rie in the national infrastructure to be awarded grants.⁴³⁰ As a result, the welfare memorandum for 1999-2002 does not even mention the Fryske Rie.⁴³¹

⁴²⁸ Council of Europe, *Report of the Committee of Experts*, 107.

⁴²⁹ The discussion of Article 12(3) of the European Charter also considers national and provincial policy in relation to article 8.1 of the Covenant on the Frisian Language and Culture (2001) (see sections 10.101 to 10.116).

⁴³⁰ Parliamentary Papers II (House of Representatives) 1994-1995, 23 900 XVI, nos. 22 and 60, and

- 12.21 The Ministry of Education, Culture and Science honoured the Fryske Rie's request for a grant to organise a transfrontier language course in 2002 with a one-off grant of €4,537.⁴³²
- 12.22 The Fryske Rie receives an annual grant from the province of Fryslân to foster contacts with East and North Friesland by means of exchanges and the above-mentioned conference. During the 1999-2001 reporting period, the grant was worth €3,700 per year. In addition to this regular grant, the province of Fryslân awards ad hoc grants for specific activities, but turned down a request to provide structural funding for the activities of the Ynterfryske Rie, the platform for cooperation between the Fryske Rie (Fryslân), the Friesenrat (East Friesland) and the Fräsche Rädj (North Friesland).
- 12.23 Frysk Ynternasjonale Kontakt is an organisation for 15 to 35-year-olds that aims to raise the awareness of young Frisian people regarding their own language and culture. International contacts between speakers of regional or minority languages in the member states of the Council of Europe play a key role in this regard. The organisation does not receive structural funding for its activities from central government or the province of Fryslân, although the latter subsidises the organisation's activities in the framework of the provincial scheme 'ynternasjonale kontakten op it mêd fan twataligens' (international contacts in bilingualism) (see annexe 1.2). In addition, the organisation makes frequent and successful use of the European Commission's subsidy programme for youth.
- 12.24 During the reporting period 1999-2001, Frysk Ynternasjonale Kontakt organised three different activities per year and participated in a further six activities in Germany, Italy (twice), Hungary, Romania and Slovakia. This involved activities specifically intended for German and Dutch Frisian-speakers, as well as meetings with representatives of other regional or minority languages, including North Frisian and Sater Frisian.
- 12.25 Since 1983, the European Bureau for Lesser Used Languages has operated a programme of annual study visits to areas in the member states of the European Union where regional or minority languages are spoken. The Bureau has so far organised over 105 study visits for a total of 1,140 participants.⁴³³ A number of Frisians have participated in these visits, and Fryslân has served as a destination on a number of occasions. A unique type of European exchange programme, known as Euroschool, involves primary school pupils from areas where regional or minority languages are spoken. Between 25 and 30 Frisian pupils participated in the Euroschool programmes that took place on the Western Isles of Scotland in 1999 and in Ladinia (Italy) in 2001.
- 12.26 Since 1997, the Frisian theatre company Tryater has been a co-founder and lynchpin of Offspring, the European network of theatre companies performing in regional or minority languages. As there are no theatre companies similar to Tryater in North

Parliamentary Papers II (House of Representatives) 1995-1996, 24 400 XVI, no. 13, p. 8.

⁴³¹ Parliamentary Papers II (House of Representatives) 2000-2001, 26 477, no. 2.

⁴³² Letter of 31 October 2001, ref. FTO/TPK-2001/113414 U.

⁴³³ See <http://www.eblul.org>.

Friesland and the Saterland, the company's activities involve contacts with users of different rather than similar or identical regional or minority languages. The aim of Offspring is to stimulate young people's interest in regional language theatre. Approximately 40 theatre companies are associated with Offspring. In 1999, six companies participated in an initiatory meeting on Terschelling, which subsequently led to study visits to the Lausitz region, Catalonia, Fryslân, Occitania and Wales.⁴³⁴ A Tryater production entitled 'Geweld ... nee' was translated into and performed in Frisian. In October 2000, Tryater participated in and performed at a theatre festival in Nîmes (Occitania) organised by Offspring. In 2001, the company organised workshops for young actors. In 2002, it participated in the Oerol festival on Terschelling, made possible in part by means of cultural funding under the Homogeneous Budget for International Cooperation (HGIS) (see sections 10.20 and 10.115).

12.27 Provincial and local authorities are free to establish ties of friendship or twinnings with other regions or municipalities where the regional or minority language and culture occupy an important place in social and cultural life. In spite of this, the Frisian municipalities and the province of Fryslân have yet to establish such links with local or regional authorities in North Friesland, East Frisian Saterland or other European regions with their own language and culture.⁴³⁵

12.28 **In summary**, it appears from the Covenant on the Frisian Language and Culture (2001) that Dutch policy in the areas referred to in Article 14 of the European Charter is developed in consultation with the province of Fryslân.

⁴³⁴ The Lausitz region includes those areas of Brandenburg and Saxony where Sorbian is spoken. The German-Sorbian amateur theatre company, which is associated with Offspring, is based in Bautzen (Saxony).

⁴³⁵ At any rate, no such links appear on the list of friendship ties of Dutch municipalities that can be found on the internet at <http://www.stedenbanden.nl>.

Annexe 1 Statutory and other government measures relating to the Frisian language

1.1 National measures

Contains a chronological overview of the main statutory and other government measures relating to the Frisian language

1937	education	amendment to Primary Education Act 1920 (Bulletin of Acts and Decrees 1937, 323) <ul style="list-style-type: none">• Frisian is permitted as an optional subject in primary education under the classification of vernacular language (Frisian was not yet explicitly mentioned in the Act)
1948	education	amendment to the Secondary Education Act (Bulletin of Acts and Decrees 1948, 127) <ul style="list-style-type: none">• secondary schools given the opportunity, after obtaining the consent of the Minister, to provide tuition in subjects other than those listed in the Act (Frisian was not yet explicitly mentioned in the Act)
1948	education	the Minister of Education provides funding for Frisian as an optional subject at secondary schools
1952	education	Decree amending the University Statute (Bulletin of Acts and Decrees 1952, 635) <ul style="list-style-type: none">• Frisian can be chosen as a main subject in higher education (introduction of the ‘doctoraal’ (first degree) examination in Frisian)
1955	education	amendment to the Primary Education Act 1920 (Bulletin of Acts and Decrees 1955, 225) <ul style="list-style-type: none">• Frisian is explicitly mentioned as an optional subject in primary education• Frisian also permitted as language of instruction in the first years of primary school
1956	judicial/ legal matters	Act containing rules governing the use of Frisian, in particular in legal matters (Bulletin of Acts and Decrees 1956, 242) <ul style="list-style-type: none">• permits the use of Frisian in oral dealings with the judicial authorities in the province of Fryslân
1967	education	amendment to the Secondary Education Act 1963 (Bulletin of Acts and Decrees 1967, 386) <ul style="list-style-type: none">• Frisian allowed as an optional subject in secondary education from 1968 onwards;• Frisian becomes a permitted subject in the first year of secondary school
1970	education	Decree regulating the leaving examinations in pre-university education (VWO), senior general secondary education (HAVO) and junior general secondary education (MAVO) (Bulletin of Acts and Decrees 1970, 151) <ul style="list-style-type: none">• Frisian permitted as an optional leaving examination subject in the senior years of secondary education (VWO, HAVO and MAVO schools).⁴³⁶

⁴³⁶ In 1989 the regulation establishing Frisian as a leaving examinations option was incorporated in the VWO-

1972	culture	establishment of central government grant for the Frisian language and culture (Proceedings II (House of Representatives) 1972, p. 127) <ul style="list-style-type: none"> amount of the grant fixed annually in the budget
1974	education	amendment to the Primary Education Act 1920 (Bulletin of Acts and Decrees 1974, 271) <ul style="list-style-type: none"> Frisian taught as an ordinary subject in all primary schools in the province of Fryslân from 1980 onwards (Provincial Executive of Fryslân given the power to grant exemptions) Frisian permitted as language of instruction in all years of primary school⁴³⁷
1982	education	Special Education Interim Act (ISOVSO) (Bulletin of Acts and Decrees 1982, 730) <ul style="list-style-type: none"> Frisian permitted as language of instruction in special education (primary and secondary level)
1984	administrative matters	Local Government Boundary Reform (General Regulations) Act (Bulletin of Acts and Decrees 1984, 475) <ul style="list-style-type: none"> the council of a newly formed municipality may change its official name in an order redrawing the boundaries (allowing the Frisian name to be adopted as the official name, even though the Frisian language is not explicitly mentioned in the Act)⁴³⁸
1988	education	amendment to ISOVSO of 1982 (Bulletin of Acts and Decrees 1988, 559) ⁴³⁹ <ul style="list-style-type: none"> Frisian language and culture to be a compulsory subject in special schools Frisian allowed as a subject in special secondary schools
1989	judicial/ legal matters	Land Registry Act (Bulletin of Acts and Decrees 1989, 186) <ul style="list-style-type: none"> documents may be drawn up in the Frisian language and submitted for entry in public registers, providing they are accompanied by a literal, authenticated Dutch translation, also to be included in the register. The Frisian-language documents are retained by the keeper of the register
1989	administrative matters	Elections Decree containing regulations implementing the Elections Act (Bulletin of Acts and Decrees 1989, 471) <ul style="list-style-type: none"> appellations of lists of candidates for elections to the provincial council or municipal councils in Fryslân may be in Frisian
1992	administrative matters	Municipalities Act (Bulletin of Acts and Decrees 1992, 96) <ul style="list-style-type: none"> from 1994 municipal authorities have the power to determine the names of municipalities (allowing new or existing municipalities to be given a Frisian name, or have a Frisian

HAVO-MAVO-VBO Leaving Examinations Decree (Bulletin of Acts and Decrees 1989, 327). See also in this overview 1997 (education) and 2000 (education).

⁴³⁷ Frisian's new status as a subject and as a language of instruction was incorporated in the Primary Education Act 1981 (Bulletin of Acts and Decrees 1981, 468) and the Primary Education Act 1998 (Bulletin of Acts and Decrees 1998, 228; 495).

⁴³⁸ In 1992 this power was extended to all municipalities through the inclusion of a clause to this effect in the new Municipalities Act. As a result, it is no longer necessary to include in legislation general rules regarding local government boundary reforms or similar provisions.

⁴³⁹ In 1998 the Special Education Interim Act was replaced by the Expertise Centres Act, under which special primary and secondary schools now fall.

		name added to their Dutch name, although the Frisian language is not specifically mentioned in the Act)
1992	education	<p>amendment to the Secondary Education Act (Bulletin of Acts and Decrees 1992, 270)</p> <ul style="list-style-type: none"> • Frisian becomes an ordinary subject in basic secondary education at all schools in the province of Fryslân from 1 August 1993 (Education Inspectorate given the power to grant exemptions)
1992	media	<p>amendment to the Media Decree (Bulletin of Acts and Decrees 1992, 334)</p> <ul style="list-style-type: none"> • order in council fixing the minimum percentage of Dutch-language and Frisian-language programmes on commercial television channels
1992	administrative matters	<p>Provinces Act (Bulletin of Acts and Decrees 1992, 550)</p> <ul style="list-style-type: none"> • from 1994 provinces may determine the name of the province (under the new Provinces Act the name of Friesland was officially changed to Fryslân on 1 January 1997)
1992	education	<p>Higher Education and Research Act (WHW) (Bulletin of Acts and Decrees 1992, 593)</p> <ul style="list-style-type: none"> • regulates the statutorily prescribed use of Dutch as the language of instruction and as the language of examinations at institutions of higher education • another language may be used in a course relating to that language • another language may be used, providing the competent authorities lay down a code of conduct to this effect • as the Act does not specifically refer to the Frisian language as a possible language of instruction, the above exceptions also apply to the use of Frisian
1993	education	<p>Primary Education (Attainment Targets) Decree (Bulletin of Acts and Decrees 1993, 264)</p> <ul style="list-style-type: none"> • attainment targets laid down by order in council for all subjects in primary education, including Frisian⁴⁴⁰
1995	administrative matters	<p>amendment to the General Administrative Law Act (Bulletin of Acts and Decrees 1995, 302)</p> <ul style="list-style-type: none"> • contains rules governing the use of Dutch and Frisian in administrative matters
1995	media	<p>amendment to the Media Act (Bulletin of Acts and Decrees 1995, 320)</p> <ul style="list-style-type: none"> • regulates the minimum percentage of Dutch-language and Frisian-language programmes for broadcasting organisations that have been allocated broadcasting time on a public television channel
1995	judicial/ legal matters	<p>Use of Frisian (Legal Matters) Act (amendment to the Act of 1956) (Bulletin of Acts and Decrees 1995, 440)⁴⁴¹</p> <ul style="list-style-type: none"> • increases the scope for using Frisian in oral dealings with judicial authorities in the province of Fryslân

⁴⁴⁰ The attainment targets for Frisian were incorporated in the Primary Education (Attainment Targets) Decree 1998 (Bulletin of Acts and Decrees 1998, 354).

		<ul style="list-style-type: none"> • written use of Frisian also permitted in legal matters
1995	education	<p>Adult and Vocational Education Act (WEB) (Bulletin of Acts and Decrees 1995, 501)</p> <ul style="list-style-type: none"> • regulates the statutory use of Dutch as the language of instruction and the language of examinations at institutions which fall under this Act (including institutions for secondary vocational and adult education) • another language may be used in a course relating to the language in question • another language may be used, providing the competent authorities lay down a code of conduct to this effect • as the Act does not specifically refer to the Frisian language as a possible language of instruction, the above exceptions also apply to the use of Frisian
1996	administrative/ legal matters	<p>amendment to the 1994 Births, Deaths and Marriages (Registration) Decree (Bulletin of Acts and Decrees 1996, 445)</p> <ul style="list-style-type: none"> • certificates of births, deaths and marriages to be drawn up as bilingual documents (Dutch and Frisian) in the province of Fryslân
1996	general	<p>Act approving for the Netherlands the European Charter for Regional or Minority Languages, concluded at Strasbourg in 1992 (Bulletin of Acts and Decrees 1996, 136)</p> <ul style="list-style-type: none"> • on the basis of Part III of the Charter, the Netherlands undertook to apply 48 provisions in respect of the Frisian language in education, legal and judicial affairs, administrative matters, the media, culture, economic and social life and in transfrontier contacts
1997	administrative matters	<p>amendment to the Environmental Management Act (Bulletin of Acts and Decrees 1997, 170)</p> <ul style="list-style-type: none"> • companies based in Fryslân may use the Frisian language in environmental reports intended for administrative authorities in Fryslân • a Dutch translation may be required in specific cases
1997	education	<p>amendment to the VWO-HAVO-MAVO-VBO (Organisation of Teaching) Decree and the VWO-HAVO-MAVO-VBO Leaving Examinations Decree (Bulletin of Acts and Decrees 1997, 588)</p> <ul style="list-style-type: none"> • relates to the introduction of fixed subject combinations in secondary schools • regulates the position of Frisian as an examination subject at secondary schools in the province of Fryslân
1997	administrative matters	<p>provision under the General Administrative Law Act (Government Gazette 1997, 138)</p> <ul style="list-style-type: none"> • order by the State Secretary for Finance regarding the application of the above Act in dealings between members of the public and local offices of the Tax and Customs Administration • taxpayers may submit applications or objections in Frisian to local offices based in the province of Fryslân
1998	education	<p>amendment to the Secondary Education Act (Bulletin of Acts and Decrees 1998, 512)</p>

⁴⁴¹ Amendment of the Act of 11 May 1956 (Bulletin of Acts and Decrees 242)

		<ul style="list-style-type: none"> • regulates the statutorily prescribed use of Dutch as the language of instruction and examinations in secondary schools • another language may be used in a course relating to that language • another language may be used, providing the competent authorities lay down a code of conduct to this effect • since the Act does not specifically refer to the Frisian language as a possible language of instruction, the above exceptions also apply to the use of Frisian
1998	education	<p>Expertise Centres Act (Bulletin of Acts and Decrees 1998, 496)</p> <ul style="list-style-type: none"> • successor to the Special Education Interim Act (see 1982 and 1988) • the provisions of the Special Education Interim Act regarding Frisian in special schools (both primary and secondary) are incorporated in this new Act
1999	judicial/ legal matters	<p>Notaries Act (Bulletin of Acts and Decrees 1999, 190)</p> <ul style="list-style-type: none"> • regulates the execution of deeds in Dutch, Frisian and foreign languages • allows notarial deeds to be executed in more than one language • this Act does not regulate the entry of notarial deeds in public registers⁴⁴²
2000	education	<p>amendment to the VWO-HAVO-MAVO-VBO Leaving Examinations Decree (Bulletin of Acts and Decrees 2000, 158)</p> <ul style="list-style-type: none"> • relates to the introduction of new learning pathways in junior general secondary education (MAVO) and pre-vocational education (VBO) • regulates the position of Frisian as an examination subject at secondary schools in the province of Fryslân
2001	judicial/ legal matters	<p>amendment to the Civil Code (Bulletin of Acts and Decrees 2001, 574)⁴⁴³</p> <ul style="list-style-type: none"> • enables the constitutions of Frisian associations and foundations to be drawn up and entered in public registers in the Frisian language

⁴⁴² See Land Registry Act (1989), Civil Code (2001)

⁴⁴³ The official name of the Act is – in translation – the Frisian-language Constitutions of Frisian Associations and Foundations Act (Bulletin of Acts and Decrees 2001, 574)

1.2 Province of Fryslân

Contains an overview of the main provincial ordinances in the field of the Frisian language and culture

1969	general	order of the provincial council of Fryslân determining the official spelling of the Frisian language (Provincial Bulletin 1969, 116) <ul style="list-style-type: none">the power to determine the official spelling of the Frisian language is vested in the provincial council
1985	administrative matters	ordinance relating to the written use of the Frisian and Dutch languages by administrative authorities in the province of Fryslân (Provincial Bulletin 1985, 82)
1997	culture	ordinance on the Budget for Language and Culture in Fryslân (Provincial Bulletin 1997, 12) <ul style="list-style-type: none">contains guidelines on subsidising activities and projects relating to the Frisian language
1998	culture ⁴⁴⁴	<i>Regeling Teater en Muzyk</i> (Provincial Bulletin 1998, 4) <ul style="list-style-type: none">theatre and music subsidy scheme; creates scope for subsidising Frisian-language performances
1998	culture	<i>Regeling befoordering Frysk Taalgebrûk</i> (Provincial Bulletin 1998, 4) <ul style="list-style-type: none">promotes the use of the Frisian language and creates scope for subsidising activities and projects relating to the Frisian language
1998	media	<i>Regeling Kulturele Mediaproduksjes</i> (Provincial Bulletin 1998, 4) <ul style="list-style-type: none">creates scope for subsidising Frisian-language media productions
1998	culture	<i>Regeling Produksje Podiumkeunsten</i> (Provincial Bulletin 1998, 4) <ul style="list-style-type: none">creates scope for subsidising Frisian-language stage performances
1998	culture	<i>Regeling koarbegelyding</i> (Provincial Bulletin 1998, 4) <ul style="list-style-type: none">creates scope for subsidising performances by choirs singing in the Frisian language
1998	culture	<i>Regeling kulturele aktiviteiten</i> (Provincial Bulletin 1998, 4) <ul style="list-style-type: none">creates scope for subsidising one-off cultural activities, including cultural activities in the Frisian language
1998	culture	<i>Regeling ynternasjonale kontakten op it mêd fan twataligens</i> (Provincial Bulletin 1998, 4) <ul style="list-style-type: none">creates scope for subsidising international contacts in the field of bilingualism
1998	culture	<i>Regeling Frysktalige boeken</i> (Provincial Bulletin 1998, 4) <ul style="list-style-type: none">creates scope for subsidising books published in the Frisian language
1998	culture	<i>Regeling aktiviteiten Fryske literatuer</i> (Provincial Bulletin 1998, 4) <ul style="list-style-type: none">creates scope for subsidising activities in the field of Frisian

⁴⁴⁴ In 1998 a number of provincial ordinances relating to the Frisian language and culture were updated. The old ordinances are not included in this overview.

literature

2000	administrative matters	ordinance concerning the written use of the Frisian and Dutch languages by administrative authorities of the province of Fryslân (Provincial Bulletin 2000, 75) <ul style="list-style-type: none">• allows administrative authorities of the province of Fryslân to use the Frisian language in administrative matters pursuant to the General Administrative Law Act• replaces the provincial ordinance of 1985
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1.3 Municipalities in Fryslân

This overview lists only ordinances concerning the use of the Frisian language in written communications between municipal administrative authorities in Fryslân, adopted pursuant to the General Administrative Law Act (Bulletin of Acts and Decrees)

1996	administrative matters	<i>Oardering Frysk yn it skriftlik ferkear</i> , adopted by the municipal council of Skarsterlân on 27 March 1996
1997	administrative matters	<i>Oardering Frysk yn it skriftlik ferkear</i> , adopted by the municipal council of Menaldumadeel on 28 August 1997
1998	administrative matters	<i>Oardering oer it brûken fan de Fryske taal yn it skriftlik ferkear fan de gemeente Boarnsterhim</i> , adopted by the municipal council of Boarnsterhim on 24 March 1998
2001	administrative matters	<i>Oardering Frysk yn it skriftlik ferkear</i> , adopted by the municipal council of Ferwerderadiel on 17 May 2001
2001	administrative matters	<i>Oardering oer it brûken fan de Fryske taal yn it skriftlik ferkear fan de gemeente Tytsjerksteradiel</i> , adopted by the municipal council of Tytsjerksteradiel on 31 May 2001
2001	administrative matters	<i>Oardering oer it brûken fan de Fryske taal yn it skriftlik ferkear fan de gemeente Littenseradiel</i> , adopted by the municipal council of Littenseradiel on 10 September 2001
2001	administrative matters	<i>Oardering oer it brûken fan de Fryske taal yn it skriftlik ferkear fan de gemeente Wûnseradiel</i> , adopted by the municipal council of Wûnseradiel on 24 September 2001

Annexe 2 Dutch Government position on the Frisian language

1953	administrative/ judicial/legal matters	government position paper of 1953 on the report of the Kingma - Boltjes Committee on the Frisian question (Parliamentary Papers II (House of Representatives) 1953-1954, 3521, no. 1)
1970	general	government position paper of 1970 on the report of the Van Ommen Committee on Frisian-language policy (Parliamentary Papers II (House of Representatives) 1969-1970, 10728, no. 1)
1989	general	first Covenant on the Frisian Language and Culture (1989) (Government Gazette 1989, 133) <ul style="list-style-type: none">• contains agreements between central government and the province of Fryslân on policy with regard to Frisian
1993	general	second Covenant on the Frisian Language and Culture (1993) (Government Gazette 1993, 237) <ul style="list-style-type: none">• contains renewed agreements
2001	general	third Covenant on the Frisian language and culture (2001) (Government Gazette 2001, 125) <ul style="list-style-type: none">• contains renewed agreements

Annexe 3 European and international conventions relevant to the Frisian language

1950	general	<p>The Netherlands signs the European Convention for the Protection of Human Rights and Fundamental Freedoms, concluded in Rome in 1950 (Dutch Treaty Series 1951, 154)</p> <ul style="list-style-type: none">• contains a provision prohibiting discrimination on the basis of language
1954	general	<p>Act approving for the Netherlands the European Convention for the Protection of Human Rights and Fundamental Freedoms</p> <ul style="list-style-type: none">• instrument of ratification, 31 August 1954 (cf. Dutch Treaty Series 1954, 151)
1978	general	<p>Act approving for the Netherlands the International Covenant on Civil and Political Rights, concluded in New York in 1966 (Bulletin of Acts and Decrees 1978, 624)</p> <ul style="list-style-type: none">• instrument of ratification, 11 December 1978 (cf. Dutch Treaty Series 1978, 177)
1992	general	<p>The Netherlands signs the European Charter for Regional or Minority Languages, concluded at Strasbourg in 1992 (Dutch Treaty Series 1993, nos. 1 and 199)</p>
1995	general	<p>Signature by the Netherlands of the European Framework Convention for the protection of national minorities (Dutch Treaty Series 1995, nos. 73 and 197)</p>
1996	general	<p>Act approving for the Netherlands the European Charter for Regional or Minority Languages, concluded at Strasbourg in 1992 (Bulletin of Acts and Decrees 1995, 136)</p> <ul style="list-style-type: none">• the Netherlands undertakes to be bound by 48 provisions of Part III of the Charter regarding the Frisian language in the province of Fryslân• instrument of acceptance, 2 May 1996 (cf. Dutch Treaty Series 1998, 20)

Annexe 4 Reports and policy documents on the Frisian language (as of 1990)⁴⁴⁵

1991	general	<i>Ramtnota Taalbelied</i> (Language Policy Framework Document), policy document adopted by the provincial council of Fryslân <ul style="list-style-type: none">• provides a basis for an integral language policy for the province of Fryslân
1992	judicial/ legal matters	report on the use of Frisian in legal matters (advisory report of the Frisian Language Committee) <ul style="list-style-type: none">• commissioned by the Minister of Justice and the State Secretary for the Interior
1996	culture	<i>Pantser of ruggengraat</i> <ul style="list-style-type: none">• policy document published by the State Secretary for Culture setting out cultural policy from 1997-2000• specifically recognises Frisian as the second official language
1998	culture	<i>Provinsjale Notysje Letterebelied</i> <ul style="list-style-type: none">• policy memorandum outlining provincial policy on literature
1999	education	<i>Fries in de basisvorming. Evaluatie van de eerste vijf jaar</i> <ul style="list-style-type: none">• Education Inspectorate report on secondary education
2000	culture	<i>Kultuer yn Fryslân 20.01/04</i> <ul style="list-style-type: none">• provincial cultural policy document 2001-2004
2001	education	<i>Het onderwijs in het Fries op de basisscholen in Friesland. De stand van zaken</i> <ul style="list-style-type: none">• Education Inspectorate report on primary education
2001	education	<i>Project Onderwijskansen. Plan van aanpak</i> <ul style="list-style-type: none">• report by the province of Fryslân on measures to tackle educational disadvantage at primary schools in Fryslân
2001	education	<i>Plan fan oanpak Frysk yn it ûnderwiis</i> <ul style="list-style-type: none">• draft report by the province of Fryslân; drawn up to meet the obligations undertaken by the province within the framework of the Covenant on the Frisian Language and Culture 2001 to promote the position of Frisian in education
2001	media	<i>Finansjele Ympuls Omrop Fryslân</i> <ul style="list-style-type: none">• this provincial memorandum is one of the steps taken to implement provisions relating to the media in the above Covenant

⁴⁴⁵ For an overview of policy documents prior to 1990 see annexe 3 of the first report (1999)

Annexe 5 Authorities and organisations consulted

For the purpose of this report information was obtained from:

1. Ministry of Education, Culture & Science
2. Ministry of the Interior & Kingdom Relations
3. Ministry of Health, Welfare & Sport
4. Ministry of Justice
5. Ministry of Transport, Public Works & Water Management
6. Ministry of Finance
7. Ministry of Economic Affairs
8. Ministry of Social Affairs & Employment
9. Ministry of Agriculture, Nature Management & Fisheries
10. Provincial Authorities of Fryslân, Leeuwarden
11. Consultatief Orgaan Friese Taal (Consultative Committee on the Frisian Language), Leeuwarden
12. Frisian municipal authorities
13. Frisian water boards
14. President of Leeuwarden District Court
15. President of Leeuwarden Court of Appeal
16. Information Management Group, Groningen
17. University of Amsterdam
18. University of Groningen
19. University of Leiden
20. Fryske Akademy, Leeuwarden
21. Noardelijke Hogeschool, Leeuwarden
22. Christelijke Hogeschool Noord-Nederland, Leeuwarden
23. Van Hall Institute, Leeuwarden
24. National Institute for Educational Measurement (CITO), Arnhem
25. Friese Poort Regional Training Centre, Leeuwarden
26. Friesland College, Leeuwarden
27. Dutch Cultural Broadcasting Promotion Fund, Amsterdam
28. Omrop Fryslân, Leeuwarden
29. Literary Fund, Amsterdam
30. Dutch Literary Production and Translation Fund, Amsterdam
31. Tryater, Leeuwarden
32. Performing Arts Fund, The Hague
33. Amateur Arts Fund, The Hague
34. Foundation for the Promotion of Reading, Amsterdam
35. Stichting Fryske Rie, Leeuwarden
36. Jongereinferiening Frysk Ynternasjonaal Kontakt, Leeuwarden

The following submitted additions/corrections after reading the first draft of the report:

- Ministry of the Interior & Kingdom Relations
- Ministry of Education, Culture & Science
- Ministry of Health, Welfare & Sport
- Ministry of Justice
- Ministry of Housing, Spatial Planning & the Environment
- Province of Fryslân

Consultative Committee on the Frisian Language

Annexe 6 Duly constituted bodies and associations legally established in the Netherlands for the object of protecting and developing the Frisian language

Overview as referred to in part I, No. 2 of the Outline for three-yearly periodical reports on the European Charter for Regional or Minority Languages of the Council of Europe, 7 February 2002 (MIN-LANG (2002) 1)

1 General

1.1 Consultatief Orgaan Friese Taal

name: Consultatief Orgaan Friese Taal
translation: Advisory body for matters pertaining to the Frisian language policy under the European Charter for Regional or Minority Languages
address: p/a Provinsjehûs
Postbus 20120
8900 HM Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2925878
fax: + 31-58-2925125
Email: berie.frysk@fryslan.nl
website:
type of organisation: advisory committee on the Frisian language, instituted on 15 January 1998 by the State Secretary for the Interior & Kingdom Relations, pursuant to art. 7, paragraph 4 of the Charter.
references: 3.7.3; 4.4; 5.13

1.2 Berie foar it Frysk

name: Berie foar it Frysk
translation: Frisian Language Board
address: p/a Provinsjehûs
Postbus 20120
8900 HM Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2925878
fax: + 31-58-2925125
Email: berie.frysk @ fryslan.nl
website:
type of organisation: advisory committee on the Frisian language, instituted by the provincial council of Fryslân; remodelled in 1990
references: 3.3.2; 3.3.7-3.3.9; 3.7.3; 4.4; 5.13; 6.67; 6.71; 6.86; 8.37; 11.7; 11.9; 11.25

1.3 Nederlânske Kommisje fan it Europeesk Buro foar Lytse Talen

name: Nederlânske Kommisje fan it Europeesk Buro foar Lytse Talen (EBLT)
translation: Netherlands' Member State Committee of the European Bureau for Lesser Used Languages
address: Postbus 54
8900 AB Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2343027
fax: + 31-58-2131409
Email: akeizer@fa.knaw.nl
website:
type of organisation: umbrella organisation (voluntary organisation)
references: 12.25

1.4 Ried fan de Fryske Beweging
name: Ried fan de Fryske Beweging
translation: Council of the Frisian Movement
address: Ipe Brouwerssteech 8
8911 BZ Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2138913
fax: + 31-58-2138913
Email: skriuwerrfb@operamail.com
website: <http://www.fryskebeweging.nl>
type of organisatio umbrella organisation (voluntary organisation)
references: 3.6.9; 11.26

1.5 Federaasje fan Fryske Studinteferienings
name: Federaasje fan Fryske Studinteferienings
translation: Federation of Frisian Student Associations
address: Tuinstraat 22
9711 VD Groningen
The Netherlands
telephone: + 31-50-3121147
fax:
Email: federaasje@krystkongres.nl
website: <http://www.krystkongres.nl/federaasje/index.html>
type of organisation: umbrella organisation (voluntary organisation)
references:

- 2 Education (article 8 of the Charter)**
- 2.1 GCO *fryslân* / Taalsintrum Frysk**
name: GCO *fryslân* / Taalsintrum Frysk
translation: Centre for Educational Advice in Fryslân / Department for Frisian
address: Sixmastrjitte 2
8932 PA Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2843434
fax: + 31-58-2880585
Email: frysk@gco.nl
website: <http://www.gco-fryslan.nl>
type of organisation: education support service
references: 6.48; 6.55; 6.63; 6.68-6.69; 6.90; 6.102; 6.167; 6.172
- 2.2 Fryske Akademy**
name: Fryske Akademy
translation: Frisian Academy
address: Postbus 54
8900 AB Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2131414
fax: + 31-58-2131409
Email: fa@fa.knaw.nl
website: <http://www.fa.knaw.nl>
type of organisation: research institute
references: 1; 2.8; 4.4; 5.13; 6.63; 6.68; 6.121; 6.124; 6.126; 7.38; 8.41; 9.27; 10.4; 10.12; 10.28-10.39; 10.48; 10.82; 10.90; 10.115; 11.7; 11.9; 12.14
- 2.3 Afûk**
name: Algemiene Fryske Underrjocht Kommisje (Afûk)
translation: Institute for Frisian Learning Material and Frisian Adult Courses
address: Postbus 53
8900 AB Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2343070
fax: + 31-58-2159475
Email: ynfo@afuk.nl
website: <http://www.afuk.nl>
type of organisation: institute of higher education (Frisian language courses), educational publisher
references: 4.4; 6.90; 6.133; 6.143; 6.147-6.148; 6.167; 6.172; 6.178; 6.180; 6.199; 7.18; 8.73; 9.28; 10.53; 10.74; 11.25; 11.27

2.4 Fryske Folkshegeskoalle Schylgeralân
name: Fryske Folkshegeskoalle Schylgeralân
translation: Frisian Centre for Residential Adult Education 'Schylgeralân'
address: Badwei 71
8896 JB Hoarne/Hoorn
Skylge/Terschelling
The Netherlands
telephone: + 31-562-448954
fax: + 31-562-448268
Email: info@folkshegeskoalle.nl
website: http://www.folkshegeskoalle.nl
type of organisation: centre for residential adult education, conference centre
references:

2.5 Stifting Pjutteboartersplak
name: Stifting Pjutteboartersplak
translation: Organisation for Frisian-medium Playgroups
address: Postbus 2549
8901 AA Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2161699
fax:
Email: sytskedeboer@hotmail.com
website: http://www.pjutteboartersplak.nl
type of organisation: umbrella organisation for Frisian playgroups and nurseries
references: 6.29-6.33

2.6 Feriening Frysktalige Berne-opfang
name: Feriening Frysktalige Berne-opfang
translation: Frisian Nurseries Association
address: Mr. R. Valk
secretary
Hempenserweg 8
8935 BC Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2883259
fax: + 31-58-2890821
Email: rw-valk@zonnet.nl
website:
type of organisation: interest organisation
references:

2.7

Feriening foar Frysk Underwiis
name: Feriening foar Frysk Underwiis (FFU)
translation: Association for Frisian Language Education
address: c/o Mr. G. van der Hoef
secretary
Pasteurwei 42
8921 VR Ljouwert/Leeuwarden
The Netherlands
+ 31-58-2139235

telephone:
fax:
Email:
website:
type of organisation: interest organisation
organisation:
references:

2.8

Vereniging van Leraren in Levende Talen / sectie Fries
name: Vereniging van Leraren in Levende Talen / sectie Fries
translation: Association for Teachers of Modern Languages / Frisian section
address: c/o Mr. J. Popkema
president
Pater Doesburgloane 2
9251 PK Burgum
The Netherlands
+ 31-511-462710

telephone:
fax:
Email: j.popkema@iec.nhl.nl
website: <http://www.levendetalen.nl>
type of organisation: interest organisation
organisation:
references:

3 Public administration (article 10 of the Charter)

3.1 Ried fan de Fryske Beweging / Plaknammekommisje

name: Ried fan de Fryske Beweging / Plaknammekommisje
translation: Council of the Frisian Movement / Committee for Topographic Names
address: Ipe Brouwerssteech 8
8911 BZ Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2138913
fax: + 31-58-2138913
Email: skriuwerrfb@operamail.com
website: <http://www.fryskebeweging.nl>
type of organisation: part of umbrella organisation (see 1.4 of this annexe)
references:

4 Media (article 11 of the Charter)

4.1 Stichting Omrop Fryslân

name: Stichting Omrop Fryslân
translation: Radio and TV Fryslân
address: Postbus 7600
8900 JP Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2997799
fax: + 31-58-2997778
Email: direksje@omropfryslan.nl
website: <http://www.omropfryslan.nl>
type of organisation: regional radio and television broadcasting organisation
references: 3.7.17; 4.4; 6.90; 9.4; 9.7-9.10; 9.12-9.13; 9.18-9.19; 9.21-9.25; 9.37-9.38; 9.41; 9.43; 10.69; 10.96; 11.25

4.2 Feriening Freonen fan Omrop Fryslân

name: Feriening Freonen fan Omrop Fryslân
translation: The 'Omrop Fryslân' Audience Association
address: Suderkrúswei 2
8938 AP Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2153375
fax: + 31-58-2997778
Email: freonen@omrop.fryslan.nl
website: <http://www.omropfryslan.nl>
type of organisation: association/support group
references:

5 Culture (article 12 of the Charter)⁴⁴⁶

5.1 Frysk Letterkundich Museum en Dokumintaasjesintrum

name: Frysk Letterkundich Museum en Dokumintaasjesintrum
translation: Frisian Literary Museum and Documentation Centre
address: Grutte Tsjerkstrjitte 212
8911 EG Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2120834
fax: + 31-58-2132672
Email: post@flmd.nl
website: <http://www.flmd.nl>
type of organisation: museum and documentation centre (association)
references: 10.4-10.7; 10.12; 10.22-10.27; 10.43; 10.49

5.2 It Skriuwersboun

name: It Skriuwersboun
translation: Association of Frisian Authors
address: Grutte Tsjerkstrjitte 212
8911 EG Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2120834
fax: + 31-58-2132672
Email: post@flmd.nl
website:
type of organisation: interest organisation
references:

5.3 Stichting It Fryske Boek

name: Stichting It Fryske Boek
translation: The Frisian Book Foundation
address: Postbus 1311
8900 CH Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2343090
fax: + 31-58-2131866
Email: ynfo@fryskeboek.nl
website: <http://www.kultuerside.nl>
type of organisation: foundation
references: 10.48; 10.65

⁴⁴⁶ Institutions, organisations and associations that operate specifically in the field of international contacts are listed in part 6 of this annexe.

- 5.4 Stichting It Frysk Berneboek**
name: Stichting It Frysk Berneboek
translation: The Frisian Children's Book Foundation
address: Postbus 1311
8900 CH Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2343090
fax: + 31-58-2131866
Email: ynfo@fryskeboek.nl
website: http://www.kultuerside.nl
type of foundation
organisation:
references: 10.114
- 5.5 Tryater**
name: Fryske Toaniel Stifting Tryater
translation: The Frisian Theatre Foundation Tryater
address: Eastersingel 70
8921 GB Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2882335
fax: + 31-58-2886824
Email: info@tryater.nl
website: http://www.tryater.nl
type of professional Frisian-language theatre company
organisation:
references: 10.4-10.6; 10.9; 10.13-10.21; 10.106; 10.115; 12.26
- 5.6 Boun Frysktalige Toanielselskippen**
name: Boun Frysktalige Toanielselskippen
translation: Federation of Frisian Amateur Theatre Groups
address: p/a mw. T. Julianus
Haven 6
9034 HL Marsum/Marssum
The Netherlands
telephone: + 31-58-2541252
fax:
Email:
website:
type of umbrella organisation
organisation:
references:
- 5.7 Stichting It Fryske Amateur Toaniel**
name: Stichting It Fryske Amateur Toaniel
translation: Frisian Amateur Theatre Foundation
address: p/a dhr. K. Kuipers
Willem Loadewykstrjitte 115
8933 BL Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2125383
fax:
Email:
website:
type of umbrella organisation of Frisian organisations (incl. 5.6 and 5.8) to promote Frisian-
organisation: language amateur theatre
references:

5.8 **It Frysk Boun om Utens**
name: It Frysk Boun om Utens
translation: Federation for Frisians living outside the province of Fryslân
address: c/o Mr. H.J. Weijer
 Witterweg 29
 9421 PE Bovensmilde
 The Netherlands
telephone: + 31-592-412165
fax:
Email: h.jweijer@freeler.nl
website:
type of
organisation: umbrella organisation of voluntary associations
references: 10.93-10.96

5.9 **Feriening Eftrije**
name: Feriening Eftrije
translation: Youth Organisation for Frisian language and culture
address: p/a dhr. S.S. Posthumus
 Ibisstrjitte 35
 8916 BH Ljouwert/Leeuwarden
 The Netherlands
telephone: + 31-58-2884700
fax:
Email: sybrenposthumus@hotmail.com
website: http://eftrije.angelcities.com
type of
organisation: voluntary organisation
references: 7.42 n.

5.10 **Stichting Fryske Klub Ljouwert**
name: Stichting Fryske Klub Ljouwert
translation: Frisian Club Ljouwert Foundation
address: p/a dhr. S.S. Posthumus
 Ibisstrjitte 35
 8916 BH Ljouwert/Leeuwarden
 The Netherlands
telephone: + 31-58-2884700
fax:
Email: info@fryskeklub.org
website: http://www.fryskeklub.org
type of
organisation: voluntary organisation
references:

6 International exchanges (article 12, paragraph 2 and article 14 of the Charter)

6.1. Fryske Rie

name: Fryske Rie
translation: Frisian Council
address: Postbus 54
8900 AB Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2131414
fax: + 31-58-2131409
Email: hwolf@fa.knaw.nl
website:
type of organisation: voluntary organisation
references: 12.14; 12.18-12.22

6.2 FYK

name : Jongereinferiening Frysk Ynternasjonaal Kontakt (FYK)
translation: Frisian International Contact Youth Association
address: Postbus 2548
8901 AA Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-15-2613428
fax:
Email: boerfrank@hotmail.com
website: <http://www.fyk.nl>
type of organisation: voluntary organisation
references: 12.14; 12.23-12.24

6.3 Mercator-Education

name: Mercator-Education
translation:
address: Postbus 54
8900 AB Ljouwert/Leeuwarden
The Netherlands
telephone: + 31-58-2131414
fax: + 31-58-2131409
Email: mercator@fa.knaw.nl
website: <http://www.mercator-education.org>
type of organisation: information network (part of the Fryske Akademy; see this annexe under 2.2)
references: 10.38

Annexe 7 List of abbreviations

AFUK	Algemeine Fryske Underrjocht Kommissje (Institute for Frisian Learning Material and Frisian Adult Courses)
AOC	Agricultural Training Centre
BA/MA CHN	Bachelor's/Master's Christelijke Hogeschool Noord-Nederland
ETS	European Treaties Series (Council of Europe)
FBO	Frisian Nurseries Association
FLD	Lytse Doarpen Association
FLMD	Frisian Literary Museum and Documentation Centre
GCO <i>fryslân</i>	Joint School Advisory Services Centre in Fryslân
HAVO	senior general secondary education
HBO	higher professional education
HGIS	Homogeneous Budget for International Cooperation
IBBY	International Board on Books for Young People
ISOVSO	Special Education Interim Act
IVBO	individualised pre-vocational education
KNAW	Royal Netherlands Academy of Arts and Sciences
LOM	learning and behavioural difficulties
MAVO	junior general secondary education
MBO	secondary vocational education
MLK	children with learning difficulties
NEN	Netherlands Standardisation Institute
NHL	Noordelijke Hogeschool Leeuwarden
NLPVF	Netherlands Literary Production and Translation Fund
OSG	public-authority combined school
OU	Open University
ROC	Regional Training Centre
RSH	Radio Schleswig-Holstein
TMT	Twa Minute-Toets (two-minute test)
VBO	pre-vocational education
VMBO	pre-vocational secondary education
VWO	pre-university education
WBO	Primary Education Act 1981
WEB	Adult and Vocational Education Act
WPO	Primary Education Act 1998
WEC	Expertise Centres Act
WHW	Higher Education and Research Act
WO	university education
WVO	Secondary Education Act
ZMLK	children with severe learning difficulties

Annexe 8 Frisian literature grants by the Literary Fund

Type of grant	Year	Amount in euros	No. of authors and translators	No. of titles
WBA	1999	56,725	9	
	2000	63,532	9	
	2001	102,102	8	
WBV	1999	11,400	2	
	2000	0	0	
	2001	6,807	1	
RB	1999	0	0	
	2000	1,044	1	
	2001	3,630	1	
AHO	1999	21,900		8
	2000	25,868		11
	2001	46,148		20
AHV	1999	0		0
	2000	3,630		1
	2001	3,349		1
Contribution to Frisian Literature Day	2001	6,800		
Total	1999	90,025		
	2000	94,074		
	2001	168,836		

WBA = working grants for authors

WBV = working grants for translators

RB = travel allowances

AHO = supplementary fee for original work

AHV = supplementary fee for translation

Literary Fund			No. of advisers	
Advisers	1999		2 + 11	
	2000		1 + 9	
	2001		1 + 12	

Volume II: Second Report on Low Saxon languages in the Netherlands (1999-2000-2001)

Responsible editor: Auke van der Goot

Ministry of the Interior and Kingdom Relations
The Hague 2003

Low Saxon languages in the Netherlands

1 Introduction

1.1 Several variants of Low Saxon are spoken in the provinces of Groningen, Drenthe and Overijssel, in the municipalities of Ooststellingwerf and Weststellingwerf in the southeastern part of the province of Fryslân, and in the regions Achterhoek and Veluwe in the province of Gelderland. The greatest divergence is found in the province of Drenthe, between east and west in the province of Overijssel (Twente and Salland, respectively), between east and west in the province of Gelderland (Achterhoek and Veluwe), and between northwest and southeast in the province of Groningen. The Stellingwerfs variant is spoken in the municipalities of Ooststellingwerf and Weststellingwerf in the southeastern part of the province of Fryslân and in adjacent parts of Drenthe and the northwestern part of Overijssel. In the northeastern part of Ooststellingwerf Frisian is spoken as an everyday language.

1.2 The population of the area where Low Saxon languages are spoken totals approximately 3,000,000. A study by the regional radio station in the province of Groningen showed that about 65% of the inhabitants of the province were able to speak the Gronings variant of Low Saxon. It is estimated that in the entire Low Saxon linguistic area about 1,800,000 people can speak Low Saxon.

1.3 Since the previous report (1999/2000), there have been no new language census results. But on 1 May 2002 – the reference date for this report – the Low Saxon Institute at Groningen University was preparing a large-scale survey for the whole Low Saxon linguistic region in cooperation with SONT (see 1.4). The new survey will be based on an earlier pilot in Weststellingwerf. However, it will only go ahead if there is a guarantee of funding to cover the entire project. Financial contributions are to be made by all the Dutch provinces in the Low Saxon linguistic region, the municipalities of Ooststellingwerf and Weststellingwerf, the municipality of Steenwijk and the Planten Fund. An application to the VSB Fund is still under consideration. The survey is to be conducted under the aegis of Dr H. Bloemhoff (regional language officer for Stellingwerfs), Professor H. Niebaum (professor of Low Saxon) and Professor S. Reker (professor of Gronings).

In addition, there are plans for a new statistically representative telephone survey of residents of the Low Saxon linguistic region in the province of Gelderland. This survey is to be conducted by a specialist market research bureau. Funding commitments for this have been received from e.g. the Zutphen-based Planten Fund.

1.4 There are in the Netherlands various bodies and organisations that seek to preserve and develop the Low Saxon languages. SONT, the federation of regional and local language

associations in the Low Saxon linguistic region, is an umbrella organisation of 21 associations that focus on Low Saxon languages in fields varying from plays in Low Saxon to research into local language. Names and addresses are listed in Annexe I.

1.5 At the time of the parliamentary debates on the Bill to ratify the Charter, the Dutch government was asked to consider the Low Saxon languages as regional languages within the meaning of the Charter. In consultation with the provincial authorities concerned and on the basis of opinions put forward by linguists, the Dutch government acceded to this request. In accordance with this decision, the principles enumerated in Part II of the Charter are being applied to the Low Saxon languages used in the Netherlands.

1.6 The text of the Charter is published in English and French in the Netherlands Treaty Series 1993.⁴⁴⁷ The Dutch translation was published in the Netherlands Treaty Series 1993, 199. Netherlands Treaty Series 1998, 20 (at letter C) is also relevant to the Dutch translation. In 1996 the Netherlands ratified the European Charter for Regional or Minority Languages after a Bill to this effect had been passed by the Lower House of the Dutch Parliament on 19 October 1995 and by the Upper House on 23 January 1996 (Bulletin of Acts and Decrees 1996, 136).

1.7 For the purposes of this report, the Dutch government has consulted the provincial authorities of Drenthe, Fryslân, Gelderland, Groningen and Overijssel, and the municipal authorities of Ooststellingwerf and Weststellingwerf. SONT, the umbrella organisation, was consulted by the provincial and local authorities. Part of the information in this report was derived from the Mini-Guide to the Lesser Used Languages of the EU (Brussels, 1998). The regional language officers subsidised by the relevant provinces in Groningen, Drenthe, Overijssel, Ooststellingwerf and Weststellingwerf also provided supplementary information. The reference date for this report is 1 May 2002.

1.8 Following the first information-gathering operation in 1999-2000, the committee of experts (referred to in Article 16, paragraph 3, of the European Charter) visited the Netherlands in February 2000 to gather additional information from civil-society organisations promoting Low Saxon. In early 2001, the committee of experts set out its findings and recommendations, based on the information gathered during the working visit and on the government report on the Low Saxon languages.

1.9 At its 765th meeting, on 19 September 2001, the Committee of Ministers of the Council of Europe took note of the committee of experts' report. The Committee of Ministers has made certain recommendations, which are also relevant to Low Saxon. The report and the recommendations can be consulted on the Council of Europe's local and regional democracy website: www.coe.int/local.

1.10 The Netherlands was advised to develop a national language policy on Low Saxon and the other languages protected under Part II of the European Charter in accordance with the objectives and principles set out in Part II.

1.11 The Netherlands Government's policy consists of making local and regional authorities in the Low Saxon linguistic region primarily responsible for developing policy on Low Saxon

⁴⁴⁷ Council of Europe. *Report of the Committee of Experts on the application of the Charter: The Netherlands*, ECRML (2001)1, Strasbourg, 20 September 2001.

in accordance with the obligations entered into under the European Charter. The emphasis and intensity of policy will vary from one province or municipality to another, depending on the situation of each Low Saxon dialect. The local and provincial authorities, which have an intimate knowledge of the needs in this area, have developed various new initiatives on Low Saxon since the committee of experts' visit. The province of Gelderland has taken seriously the concern expressed by the committee of experts about its policy on Low Saxon.⁴⁴⁸ This report describes its response – and the policy pursued in the other provinces in the northeast of the Netherlands – in more detail.

2 Application of Article 7

2.1 Article 7, paragraph 1.a

The Dutch government, by ratifying the Charter in 1996, recognises the contribution of the Low Saxon languages to the cultural wealth of our country. Dutch policy thereby accords with Article 7, paragraph 1.a, as the committee of experts noted.⁴⁴⁹ Local and regional authorities in the entire Low Saxon linguistic region have a primary responsibility to develop a policy favouring these regional languages. Depending on the situation of each of the Low Saxon languages, the provincial and local authorities have taken several initiatives in this respect and have based their policies on the following objectives:

2.1.1 Province of Drenthe

The following policy documents have been published:

- 1982 'Provincial policy on the cultural heritage of Drenthe'
- 1995 'Art and culture in Drenthe'
- 1997 'Regional culture and literature'
- 1999 The provinces of Drenthe, Fryslân and Groningen and the cities of Groningen and Leeuwarden jointly laid down their aspirations for regional languages in the policy document 'Northern Cultural Compass'.
- 2002 Letter on the 'State of play in cultural policy' from the Provincial Executive to the province's Culture and Welfare Committee

The province of Drenthe's current policy on local language is laid down in the 1997 sub-policy document on regional culture and literature. It contains ten policy proposals relating to language, of which RC 19 is considered the most significant. RC 19: 'We shall continue to promote the use and acceptance of Drents alongside Dutch, at all levels of society and in various social sectors, with particular emphasis on the use of Drents in the media, education, the courts and administration, as well as in cultural activities and exchanges.'

2.1.2 Province of Fryslân (municipalities of Ooststellingwerf and Weststellingwerf)

- 1977 First policy proposals submitted to the Speaker of the Lower House, Dr A. Vondeling, in a report entitled 'Veerder mit et Stellingwerfs'
- 1980 The provincial authority of Fryslân asked the two municipalities to take an official stance on Stellingwerfs
- 1981 Positive stance concerning the local language explicitly laid down in council decisions on a number of occasions. The municipal executives of Ooststellingwerf and Weststellingwerf undertook to protect the local culture and language of Stellingwerf, if possible in cooperation with other authorities. It was also agreed by the local councils that Dutch is the official language in both municipalities, but that

⁴⁴⁸ Ibid., sections 16 and 18.

⁴⁴⁹ Ibid., section 15.

- members of the public may use Stellingwerfs in their dealings with the local authorities of Ooststellingwerf and Weststellingwerf.
- 1982 Establishment of an intermunicipal working group on Stellingwerfs
- 1983 The final report by the provincial working party on the use of Frisian in official matters, entitled 'Fan geunst nei Rjocht' (From favour to right) also looks at the position of Stellingwerfs. The municipal authorities bear primary responsibility for local languages, while the provincial and central authorities bear secondary responsibility.
- 1984 Final advisory report by the intermunicipal working group.
- 1986 The two municipal executives fully acknowledged their policy responsibility in a council decision stating that 'regional languages have a historic and a living value and that the wealth of uniquely regional expression they represent is worthy of preservation. The central aim as far as the linguistic policy of Stellingwerf municipalities is concerned will be to strive to keep the regional language alive alongside and equal to standard Dutch (ABN).'
- 1995 The provincial executive of Fryslân indicated that it favoured 'non-prescriptive language policy', thus placing primary administrative responsibility with the municipal executives of Ooststellingwerf and Weststellingwerf.
- 1999 The provinces of Drenthe, Fryslân and Groningen and the cities of Groningen and Leeuwarden jointly laid down their aspirations for regional languages in the policy document 'Northern Cultural Compass'.
- 2001 The executives of both municipalities Ooststellingwerf and Weststellingwerf have decided to maintain the activities of the regional language officer for some years to come. These activities relate to research, the production of language aids and the provision of advice on correct language usage. Priority is being given to e.g. the development of a Dutch-Stellingwerfs dictionary, a map showing the names of villages, roads, bodies of water and other major topographical features in Stellingwerfs, and an official glossary.
- 2002 The municipal executives have also decided to cooperate on further planning with a view to an intensification of action on the Stellingwerfs language (see also subsection 2.3.2). This was decided at meetings of the executives on 19 and 26 February 2002, respectively. The decision is recorded in a joint letter to the Provincial Executive of Fryslân dated 7 March 2002.

2.1.3 Province of Gelderland

In order to support research into and awareness of the unique local heritage of the Achterhoek and the Liemers districts, the Staring Institute receives subsidies from provincial and local authorities.

2.1.4 Province of Groningen

- 1995 Motion by the provincial council relating to the recognition of Low Saxon within the framework of the European Charter for Regional or Minority Languages (4 October 1995)
- 1995 Decision to establish a Gronings Language and Culture Office (13 December 1995)
- 1997 Provincial Cultural Document 1997-2000 'The art of balancing', approved by the provincial council on 5 February 1997
- 1999 The provinces of Drenthe, Fryslân and Groningen and the cities of Groningen and Leeuwarden jointly laid down their aspirations for regional languages in the policy document 'Northern Cultural Compass'.
- 2001 Province of Groningen's 2001 policy document on art and culture.

2.1.5 Province of Overijssel

- 1995 Publication of policy document 'Regional culture in Overijssel'.
2001 An action plan was drawn up for the implementation of the regional culture policies contained in the 'Foreign food/New appetite' provincial cultural policy document.

The province of Overijssel's current policy on regional languages is laid down in the 1995 policy document. This 'delegated' the provincial policy on the protection and promotion of regional languages to the IJssel Academy in Kampen and the Van Deirse Institute in Enschede. In 1998 each of these institutions appointed a regional language consultant for a three-year period. Since 1998, these consultants have done much to improve the position of Sallands and Twents. In 2002, the provincial council has started to provide structural funding for regional culture. This is mainly intended to finance the work of the regional language consultants.

2.2 Article 7, paragraph 1.b

No measures of whatever nature have been taken to devise territorial divisions so as to render the use or survival of the Low Saxon languages more difficult. Dutch policy thereby accords with Article 7, paragraph 1.b.⁴⁵⁰

2.3 Article 7, paragraph 1.c

This paragraph requires the authorities to act resolutely to protect Low Saxon as a regional language. The committee of experts is of the opinion that central government could do more for the provinces and municipalities concerned. It is also of the opinion that Low Saxon speakers in Gelderland receive proportionately less assistance than those in the other provinces.⁴⁵¹

On 9 May 2000, the State Secretary for the Interior and Kingdom Relations consulted with representatives of provinces and municipalities in the northeast of the Netherlands. While praising various initiatives on behalf of Low Saxon, the State Secretary and the provinces noted that local and provincial policy will have to be intensified in some cases if the tiers of government concerned are to meet their obligations under Part II of the Charter. The current report shows that this conclusion has been taken to heart. The following steps have been taken to promote and safeguard Low Saxon languages:

2.3.1 Province of Drenthe

Structural subsidies have been given to the following facilities:

Drentse Taol, centrum veur Taol en Letterkunde

The Drenthe regional language institute is active in the following fields:

1. language promotion (including Drents courses and a telephone language service),
2. literature,
3. Drents in schools and
4. language studies.

Annual provincial subsidy: €140,585.

Stichting Het Drentse Boek

This is a non-commercial publisher of books in Drents.

Annual provincial subsidy: €28,109.

⁴⁵⁰ Ibid., section 16.

⁴⁵¹ Ibid., section 18.

Roet

Drents literary periodical. Bilingual
Annual provincial subsidy: €2,800.

Oeze Volk

A popular Drents monthly.
Annual provincial subsidy: €18,000.

Subsidy scheme for Drents publications

This seeks to promote the publication of literary and historical works. Recent years have seen the publication of many high-quality literary works in Drents thanks to funding from this source. The scheme's annual budget is €1,500.

Subsidy for activities in the field of art and culture

This budget is generally used to fund one-off events such as Drents writing competitions, a Drents drama evening, research on Low Saxon (see section 1.3), cross-regional Low Saxon language gathering in Hoogeveen, etc. The funds are largely intended for new activities. The annual budget is €8,000. Drents language projects account for 10 to 20% of spending.

Drents spelling

Promotes the quality and accessibility of written Drents. Authorised by the provincial council in 1987. A spelling committee is now reviewing the current authorised spelling.

2.3.2 Province of Fryslân (municipalities of Ooststellingwerf and Weststellingwerf)

Structural subsidies have been awarded by the provincial authorities/local authorities of Ooststellingwerf and Weststellingwerf to the following facilities:

Stellingwarver Schrieversronte

Its activities include:

- Stellingwerfs language courses;
- Stellingwerfs as part of regional culture;
- a documentation centre with collections relating to the language, literature, history and culture of the people of the Stellingwerf region;
- Stellingwerf literary ball;
- a 'sutelaktie' project on books in Stellingwerfs;
- publicity and information;
- development activities.

The Cultural Activities Scheme

This seeks to promote the publication of books in Stellingwerfs

Linguistic research into Stellingwerfs (project 1999-2002)

Provincial scheme to promote use of the Frisian language

The scheme's annual budget is €68,067 for projects

Since 11 June 1997 this scheme has been extended to the local languages, including Stellingwerfs and Bildts

Additional subsidies

Contribution to SONT for research into recognition of Low Saxon

From 2000 to 2002 funding totalled approximately €530,000 for both structural and occasional projects. This amount has been divided evenly among the province of Fryslân, the municipality of Ooststellingwerf and the municipality of Weststellingwerf.

The municipal executives of Ooststellingwerf and Weststellingwerf have decided to intensify language policy substantially up to 2007. This intensification, along with the activities of the

regional language officer in 2001 and 2002 (see section 2.1.2), is being included in a master plan for an integrated "new policy on the Stellingwerfs dialect".

The planned intensification of this policy will include action to ensure the integrated introduction of Stellingwerfs into relevant fields covered by the European Charter for Regional or Minority Languages.

The planned timetable is as follows:

- a general preparatory phase (2003)
- introduction of Stellingwerfs in the work of local authorities and associated public services (2004)
- further introduction and integration in education (2005)
- further introduction in the media (2006)
- further introduction in cultural activities and facilities and in social and economic life (2007).

2.3.3 Province of Gelderland

Achterhoek and Liemers

- In order to support research into and awareness of the unique local heritage of the Achterhoek and Liemers, the Staring Institute receives an annual provincial subsidy, a subsidy from the municipality of Doetinchem and an allowance per inhabitant of most other municipalities in the Achterhoek and Liemers.
- Since 1993 the province of Gelderland has given an annual subsidy to the Staring Institute's WALD project, which seeks to produce a dictionary of the Achterhoek and Liemers dialects. Six volumes of the systematic Dictionary of the Achterhoek and Liemers Dialects (WALD) have now been published, the last of them in 2001. The postal survey on which this systematic dictionary is based ended in 2002. Work on publishing the results is still continuing and the next volume is due to appear in 2003. The provincial subsidy for this project totals €4,265 a year (not including indexation).
- In May, the Staring Institute is to commence the survey work for a follow-up research project on the grammar of Achterhoek and Liemers. The project will be headed by Dr J.B. Berns. No subsidy applications have yet been submitted.
- The province is providing an annual subsidy of €23,333 (not including indexation) towards the cost of employing the regional language consultant appointed at the Staring Institute on 15 February 2002. This means that Achterhoek and Liemers now have an officer whose job it is to draw attention to the value of the local dialect. The regional language consultant will focus his activities on primary schools.

Veluwe

- Since 1 April 2002, the province has been subsidising (€74,420) a large-scale research project on the dialects of the Veluwe and the Gelderse Rivierengebied (the southern part of the province watered by the Rhine, Waal and Maas rivers). On that date, researchers at the University of Nijmegen began work on a (systematically structured) dictionary of the dialects spoken in the Veluwe and Rivierengebied. The aim of the research is to record dialect in a manner similar to that employed since 1980 in the Achterhoek and Liemers by the Staring Institute and since 1998 in Overijssel by the IJssel Academy (in each case in the context of the dialect dictionaries for those areas). This project has been launched by the following institutions: University of Nijmegen, Gelders Oudheidkundig Contact (GOC: an umbrella organisation for museums, local history societies, regional language associations etc. in Gelderland), the IJssel Academy and the Staring Institute. The research project is concerned with both the

Low Saxon dialects of the Veluwe and the Dutch-language dialects spoken in the Gelderse Rivierengebied not belonging to the Low Saxon linguistic region.

2.3.4 Province of Groningen

The Province of Groningen gives an annual subsidy to:

- | | |
|--|----------|
| • Groninger Language and Culture Office | € 90,756 |
| • Stichting Grunninger Taal | € 15,882 |
| • Stichting Kostverloren | € 5,672 |
| • Provinciale Schriefwestried (provincial writing contest) | € 681 |

By the summer of 2002, the provincial council is due to decide whether or not to award a proposed €200,000 increase in the budget for the Gronings variety of Low Saxon.

2.3.5 Province of Overijssel

By subsidising regional language consultants at the IJssel Academy and the Van Deinse Institute (the two institutes of regional culture in the province), Overijssel seeks to contribute to the preservation of the Sallands and Twents varieties of Low Saxon. As part of their task, these consultants spend a day or so per week working on the Cross-border Regional Language Project (GOS). The activities of the regional language consultants are discussed below (cf. section 2.4.5).

- | | |
|---|----------|
| • The Province of Overijssel awards an annual subsidy to the two regional culture institutes (IJssel Academy in Kampen and Van Deinse Institute in Enschede). | €131,200 |
| • In 2000 and 2001, the province subsidised the regional language consultants to the tune of €95,500 per year. From 2002 on, the work of the language consultants will be supported by a structural provincial subsidy of €100,000. | € 95,500 |
| linguistic research by the GOS foundation
The results of this research are published in the Dictionary of Overijssel Dialects, three volumes of which have so far appeared. | € 36,000 |

In 2000 and 2001, the Province of Overijssel also granted the following occasional subsidies:

- | | |
|--|----------|
| • Overijssel public library service for a literary ball | € 11,798 |
| • The Van Deinse Institute for a proverbs trail | € 11,102 |
| • The Sasland foundation at the University of Groningen, for research on Low Saxon languages (cf. section 1.3) | € 1,588 |
| • SONT for the cross-regional Low Saxon language gathering in Hoogetveen | € 2,269 |
| • GOS for the continuation of its linguistic research project | € 16,654 |
| • The IJssel Academy for the “Wark an de diek” cycle trail | € 817 |

2.4 Article 7, paragraph 1.d

In cultural activities and at cultural events, there is a growing tendency to use the Low Saxon languages in speech and in writing. The publicly-funded provincial and local broadcasting companies regularly use Low Saxon in programmes about regional culture. The length of

such programmes varies from one to five hours a week. The use of Low Saxon in newspapers and magazines largely depends on whether or not the publications in question have a cultural section and how often it appears, and therefore the frequency varies from once/twice a week to once a fortnight. Low Saxon in newspapers is mainly used in prose, poetry and reflective texts about regional culture.

About 50 books are published annually in one of the variants of Low Saxon. CDs are also produced of songs and texts in Low Saxon. In Groningen 10 CDs are launched each year and in Gelderland editions of 3,000 are not unusual. In addition, there is a great variety of amateur cabaret, revue and theatre in the Low Saxon languages. On cultural occasions, Low Saxon is incidentally used by local and provincial authorities. Some municipalities in Drenthe and Overijssel offer to solemnise marriages in Drents and Twents. A similar practice exists in the municipality of Ooststellingwerf for marriages in Stellingwerfs.

The committee of experts rightly notes that there is no all-embracing government policy on Low Saxon.⁴⁵² This is partly because the emphasis and intensity of policy varies from one province or municipality to another, depending on the situation of each Low Saxon dialect. The local and provincial governments, which have an intimate knowledge of the needs in this area, can thus deliver tailored solutions with scope for intensifying policy, as became evident during a conversation between the State Secretary for the Interior and Kingdom Relations and provincial and municipal representatives in the northeast of the Netherlands on 9 May 2000. Since then, the provinces have developed many activities.

The following steps have been taken to stimulate the use of Low Saxon languages, in speech and writing, and in public and private life:

2.4.1 Province of Drenthe

- The local language institutes which are subsidised by the Province of Drenthe play a major role in encouraging the use of Low Saxon in public and private life. Their work would not be possible without the subsidies they receive from the province.
- The advisory report on the future of Drents which appeared in 2001 was written on the initiative of the province. Based on it, the provincial council has appointed a new board of governors for the Drentse Taol organisation (whose staff costs are met by the province) and the local language institute has been relaunched as a new not-for-profit organisation.
- The province acts as a facilitator in relation to the annual Drents Dictation Competition, which is held in the Provincial States assembly room.
- In 2001, Queen's Commissioner Mr. A.L. ter Beek chaired the cross-regional Low Saxon language gathering in Hoozevee.
- Radio TV Drenthe broadcasts part of its programmes in Drents.

Some subsidised projects:

- the literary café 2002-2003 in Amen (bilingual)
- dinners with readings (Het Drentse Boek)
- writing competition (Het Drentse Boek)
- Dutch index to Drents dialects dictionary in 2000

⁴⁵² Ibid., section 21.

2.4.2 Province of Fryslân (municipalities of Ooststellingwerf and Weststellingwerf)

The municipalities have decided to use the Stellingwerfs names for local bodies of water in their official business. These decisions were taken by the municipal council of Ooststellingwerf on 17 April 2001 and the municipal executive of Weststellingwerf on 27 March 2002.

The municipalities of Oost- and Weststellingwerf have decided that work should continue on the development of a new local language policy document entitled 'New language policy for Stellingwerf(s)'.

The municipalities have decided to increase the number of literary prizes from two to three.

The municipality of Ooststellingwerf is explicitly encouraging the use of texts in Stellingwerfs on vehicles used by the refuse department.

The mayor of Weststellingwerf speaks Stellingwerfs when appropriate.

2.4.3 Province of Gelderland

The promotion of Low Saxon languages is an important aim as far as the Staring Institute and the foundations and associations listed under Gelderland (see Annexe I) are concerned.

New initiatives relating to Low Saxon languages have been launched in this period in Gelderland (cf. subsection 2.3.3).

2.4.4 Province of Groningen

Numerous language-related activities have been organised by the Stichting Gruninger Toal and Stichting Kostverloren. In addition, an annual provincial local language writing competition has been launched and activities are being organised in the context of the four regional cultural plans (cf. subsections 2.3.4 and 2.5.4).

2.4.5 Province of Overijssel

The IJssel Academy in Kampen and the Van Deirse Institute in Enschede play a major role in the implementation of provincial policies on regional culture. Both institutions provide support for the implementation of a range of projects designed to ensure the survival of regional culture in the Province of Overijssel. In addition, since 1998 each of the institutions has employed a regional language consultant. These posts are funded by the Province of Overijssel and help to meet local needs in Overijssel in relation to the regional language (Sallands and Twents). The two consultants undertake numerous activities designed to ensure the survival of the regional language and to improve its status. Their efforts have created increased interest in and appreciation of Sallands and Twents. The IJssel Academy is a publisher as well as a knowledge centre.

The two regional culture institutes undertake innumerable activities involving the use of Low Saxon in spoken and/or written form. These include publishing a volume of winning entries to a regional language writing competition, Noaber in Salland, the publication of Jip and Janneke (favourite Dutch story books for small children) in Twents, the translation of (parts of) the Bible into Twents, the organisation of language courses and programmes on regional television (e.g. Kiek'n waj zegt, Aksent, studio Oost, all on RTV-Oost).

As part of their task, the above consultants spend a day or so per week working on the Cross-border Regional Language Project (GOS). The GOS project aims to carry out research into regional languages and to produce thematic dictionaries and grammars.

In addition, the IJssel Academy is carrying out its own grammar project, for which purpose it employs its own project leader for a day or so a week.

The Overijssel member of the Provincial Executive Kristen speaks Low Saxon whenever appropriate.

2.5 Article 7, paragraph 1.e

Cooperation between regional and local language institutions involved in the promotion of the variants of the Low Saxon in the northeastern part of the Netherlands has been encouraged in various ways. Most contacts between the organisations in the Low Saxon linguistic region are cultural in nature. Dutch policy thereby accords with Article 7, paragraph 1.e.⁴⁵³

2.5.1 Province of Drenthe

The Province of Drenthe's 1997 policy document on regional culture and literature contains the following objective: RC23 - "Now that Low Saxon has been recognised as a European language, awareness of being part of a larger linguistic region has grown among the various local linguistic regions. There is greater scope than before for cooperative ventures in the field of language and literature within the linguistic region. In instances where this can be of demonstrable added value for Drents we shall encourage cooperative ventures in the field of language and literature. We shall ask SONT if it can play a larger role in such activities than hitherto. We shall also research, in close consultation with partner authorities in the Low Saxon linguistic region, whether it would be sensible to allocate a separate budget to such activities. We shall also consider the question of whether the SONT board should in future play a more important role, providing advice and recommendations on Low Saxon."

Various actions were carried out over the past year:

- One aim of the cross-regional Low Saxon language gathering in Hoozeveer (2001) was to encourage networking between speakers of different variants of Low Saxon in the Netherlands.
- The province supports SONT, the Federation of local and regional language organisations in the Low Saxon linguistic region. Cooperation under the SONT umbrella extends to every field of language use: language promotion, literature, government and administration, education, the courts, the church, the media and academic life. The emphasis is on cooperation and mutual information transfer in the education field.
- Within Drenthe, action has been taken to promote cooperation between regional language institutions, in particular between Drentse Taol and Het Drentse Boek. The two institutions now work together on the publication of the Taolkraant, a Drents language magazine.

2.5.2 Province of Fryslân (municipalities of Ooststellingwerf and Weststellingwerf)

- Both province and municipalities support SONT.
- The province of Fryslân and the municipalities of Ooststellingwerf and Weststellingwerf subsidise the Stellingwarver Schrieversronte Foundation.

⁴⁵³ Ibid., section 25.

- In recent years, the Schrieversronte has been carrying out the following activities:
- active assistance with the Low Saxon Handbook, a project of the University of Groningen (two contributions on Stellingwerfs have been provided)
 - active assistance with a major new language survey (SONT/Univ. Groningen) (cf. section 1.3)
 - active assistance with restructuring of SONT.
- The Stellingwarver Schrieversronte is represented in:
 - SONT
 - SONT's Working Group for European Recognition of Low Saxon
 - the Dutch Committee of the European Bureau for Lesser Used Languages.

2.5.3 Province of Gelderland

The province supports SONT.

A number of organisations work together, particularly in Gelderland and Overijssel.

- The GOS foundation, i.e. the Cross-border regional language project foundation, is a platform in which the Staring Institute, the IJssel Academy and the Van Deirse Institute work with the Landeskundliches Institut Westmünsterland in Vreden (Germany).
- The Union of Low Saxon Dialect Circles is a platform that has existed for a great many years between the Dialectkringe Salland en Oost-Veluwe, the Kreenk vuur de Twentse Sproak, the Dialectkringe Achterhook en Liemers and the Vereniging van de Streektaal voor Lochem en Omgeving.
- Dr A.H.G. Schaars, employed by the Staring Institute, is a member of various SONT working groups: the European recognition working group, the working group on spelling (which seeks to establish a Low Saxon spelling) and the media working group (which carries out small-scale studies in its field). He is also a member of the editorial board preparing a Low Saxon Handbook. Here, cooperation is not just cultural but academic.
- Dr Schaars represents the Staring Institute on the project steering committee for the Dictionary of Gelders dialects (WGD); the other members are: Professor R. van Hout (representing the University of Nijmegen), Mrs. P. Bloemhoff-de Bruijn (representing the IJssel Academy) and Mr. B. van Straalen (representing the GOC).

2.5.4 Province of Groningen

The province supports the following activities and bodies

- SONT Federation
- SONT's Working Group for European Recognition of Low Saxon
- regional and culture plans: cooperation between the province and the Groninger municipalities. The plans provide for cooperation not only in the amateur arts field, but also in the fields of language and culture.

2.5.5 Province of Overijssel

The Province of Overijssel has asked the two regional culture institutes to draw up a joint programme of activities for the regional language consultants. The consultants are to work in concert wherever possible. The Van Deirse Institute is based in Twente, the IJssel Academy in Kampen.

The province supports SONT. In addition, Overijssel is also taking the lead in the process of giving further recognition to Low Saxon.

2.6 Article 7, paragraph 1.f

Depending on the situation of each individual Low Saxon language, schools can make provisions for the teaching of a variant of Low Saxon. Since 1937, the Primary Education Act has contained a provision that living regional languages may be used as mediums of instruction in schools. Only the Stellingwerf variety of Low Saxon has been made a regular part of the primary school curriculum in the municipalities of Ooststellingwerf and Weststellingwerf. In the other areas Low Saxon merely receives incidental attention. This also applies to secondary education in the Low Saxon linguistic region as a whole. Language courses are organised by regional institutes. At university level the language can be studied at the University of Groningen. Occasionally language courses are offered to teachers in primary education. The committee of experts urges the development of a more coherent strategy for the study of Low Saxon and education in it.⁴⁵⁴ Several provinces have responded to this suggestion. More details are given below.

2.6.1 Province of Drenthe

- Drentse Taol is working with primary and secondary education to update the regular attention paid to Drents in the schools.
- At the request of individual schools, Drentse Taol runs parents' evenings about Drents and bilingualism.
- The Drenthe college of higher professional education provides a module on the Drents language as an option in the training courses for future primary school teachers.
- A modest selection of literary works in Drents is part of the reading list in the senior classes of secondary schools.

2.6.2 Province of Fryslân (municipalities of Ooststellingwerf and Weststellingwerf)

Preschool education and playgroups

Preparatory work has been done on a project called "Ukkespeulplak" ('Kindergarten'), the aim of which will be to ensure systematic use of Stellingwerfs in pre-school provision

Primary education

Stellingwerfs has been made a regular part of the primary school curriculum, in accordance with the findings of the 1995 Education Inspectorate report "Frisian in the study of local history and environmental studies". For the period 1997-1999 the municipalities of Ooststellingwerf and Weststellingwerf made funds available for the production of learning materials on and in the Stellingwerfs language for the teaching of local studies at primary schools in the two municipalities. The project has been entrusted to the Stellingwerver Schrieversronte.

- All primary schools in Weststellingwerf (27) have been exempted from the statutory requirement to teach Frisian as a subject, and teach local studies in its place in accordance with the findings of the above-mentioned Education Inspectorate report. Local studies covers history, languages (Frisian and Stellingwerfs), country and people, society, nature and art. It is part of the school plan in primary education. Language teaching is structured differently in each school, and there are differences in levels of comprehension, oral and written skills.
- In Ooststellingwerf the situation is different. Here all public-authority primary schools in (15) have been exempted from the requirement to teach Frisian as a subject. They teach local studies in its place. Seven publicly-funded Protestant primary schools, two of which are in Oosterwolde, are not exempted, and teach Frisian as a subject instead of local studies.

⁴⁵⁴ Ibid., section 27.

The Frisian youth magazine, developed by GCO *fryslân* for use in the top classes of primary schools, also appears in a Stellingwerfs edition (circulation 2300). A quarterly bulletin is written for the infant and junior classes:

- 't Herenhoentien (circulation 2500)
- Uut de buse (circulation 2300)
- Switsj (circulation 2300).

The Stellingwerfer Schrieversronte provides a Stellingwerfs language course for primary school teachers. In 1996 over 40 people attended the course.

Secondary education

A secondary school in Oosterwolde (Stellingwerf College) provides regional language classes as an option.

2.6.3 Province of Gelderland

At the request of third parties (including schools) the Staring Institute provides assistance. It also provides writing and spelling courses at antiquarian societies, village halls and Doetinchem Adult Education Centre.

As a result of the appointment of the regional language consultant in February 2002, the Staring Institute will now be able to play a more active part in bringing the local language to the attention of primary and other schools of Achterhoek and Liemers districts.

2.6.4 Province of Groningen

Schools in the province of Groningen make limited use of Low Saxon. It is not known exactly which schools offer activities in Low Saxon. However, most primary and secondary schools take part in an annual writing competition in the Gronings variety of Low Saxon.

2.6.5 Province of Overijssel

Schools in Overijssel make regular use of the services of both institutes of regional culture.

Salland (West Overijssel)

- The IJssel Academy develops educational support programmes, which are then delivered and supervised at primary school level by the regional language consultant. The IJssel Academy also holds courses in regional language and culture.

Twente (East Overijssel)

- The Van Deirse Institute has adapted the "Jewilmke" teaching pack (6 dialect lessons and 2 history lessons) for the dialect and history of Glanerbrug and launched it in the primary schools. Lessons have also been made for Weerselo and Vroomshoop/Daarleveen. Throughout Twente, there is a demand for "separate" lessons (i.e. not part of a package).

2.7. Article 7, paragraph 1.g

Facilities to enable interested non-speakers of Low Saxon to learn the language if they so desire are found in several places. These facilities are run by organisations subsidised by provinces and municipalities. Dutch policy thereby accords with Article 7, paragraph 1.g.⁴⁵⁵ The various facilities are listed below:

2.7.1 Province of Drenthe

- Drentse Taol organises three different types of Drents courses for both speakers and non-speakers in six to eight different places (depending on demand). They make use of a

⁴⁵⁵ Ibid., section 32.

course folder, official Drents spelling, the Drents pocket dictionary and the Drents dialects dictionary. Separate training is provided for course teachers.

2.7.2 Province of Fryslân (municipalities of Ooststellingwerf and Weststellingwerf)

- A Stellingwerfs language course is organised annually by the Stellingwarver Schrieversronte. The course takes some three months to complete and culminates in an examination. The subsidy for the course is part of a standing agreement between the municipalities and the Stellingwarver Schrieversronte.
- A Dutch-language course booklet entitled ‘How do you spell Stellingwerfs?’ has been published. It was written by Dr H. Bloemhoff and subsidised by the province of Fryslân.

2.7.3 Province of Gelderland

- The Staring Institute provides writing and spelling courses at antiquarian societies, village halls and Doetinchem Adult Education Centre. A number of these are specifically geared to interested non-speakers of the Achterhoeks variety of Low Saxon (Achterhoeks).
- The Achterhoek and Liemers dialect associations and the Friends of the Local Language of Lochem and District organise a wide range of meetings which are also open to people who cannot speak Achterhoeks.
- The Staring Institute cooperates with both these dialect associations on the organisation of events which are also intended for people who cannot speak Achterhoeks; these include an annual writing competition and the “Achterhoek and Liemers Book Week”.

2.7.4 Province of Groningen

- Since 1998 Low Saxon courses (Gronings) have been developed for adult education in north Groningen and the Veenkolonie area. These are now being elaborated for other parts of the province. The local language officer develops the material, which is disseminated via the Scheemda platform. Thus, the material is available to any body or individual wanting to set up a course. A great deal of use is currently being made of it.

2.7.5 Province of Overijssel

Non-speakers of variants of Low Saxon can learn them through courses at the two regional cultural institutes.

Salland (West Overijssel)

- The special facilities on offer include a local language writing course produced by the IJssel Academy. The spelling used by the institute has been published in brochure form. The IJssel Academy is engaged in developing courses in the local language in the towns of Kampen and Heino.

Twente (East Overijssel)

- In Twente a standard spelling as devised by the Van Deirse Institute has been laid down for Twents. The institute also promotes teaching in Twents at primary school level. The Van Deirse Institute provides lessons together with the Kreenk vuur de Twentse Spraak. Candidates have also been trained as teachers in the different varieties of the Low Saxon language. The Van Deirse Institute regularly works with RTV Oost (the regional radio and television station for Overijssel) and promotes the use and study of local languages using a number of different angles.

2.8 Article 7, paragraph 1.h

By ratifying the Charter in 1996, the Netherlands underlined that opportunities for studying and researching Low Saxon should be available at universities and similar institutions. The Netherlands is thereby implementing Article 7, paragraph 1.h, as the committee of experts

noted in 2001.⁴⁵⁶ Since then, the position of research into Low Saxon has been strengthened at universities and research institutes in the Netherlands.

Groningen University has created a chair of Low Saxon, paid for out of the general university budget. In 2001, the university also created a professorship in the language and culture of Groningen, an appointment for one day per week, funded by the J.B. Scholten Fund, provisionally for three years. The Low Saxon Institute at Groningen University plays an important part in researching Low Saxon. It is also involved in the large-scale survey mentioned in section 1.3. In September 2001, the University of Groningen awarded Mr H. Nijkeuter a doctorate in the literary history of Drents. His thesis is a standard work entitled "*De pen gewijd aan Drenthe's dierbren grond*". *Litteraire bedrijvigheid in de Olde Lantschap, 1816-1956*.

Nijmegen University is playing a substantial part in recording the Low Saxon vocabulary of the Veluwe (see 2.3.3 and 2.5.3).

The Meertens Institute in Amsterdam - one of the research institutes of the Royal Netherlands Academy of Arts and Sciences - is involved in the research and documentation of Dutch language and culture. Its research includes dialectology, and covers all the dialects spoken in the Netherlands as well as the variants of Low Saxon.

Research themes:

- dialect as an autonomous system (phonology, morphology, syntax);
- the relationship between dialect and standard language.

Dialectology research findings are published in books and in the journal *Taal en Tongval*.

2.9 Article 7, paragraph 1.i

By ratifying the European Charter in 1996, the Netherlands underlined that attention was being focused on cross-border exchanges concerning Low Saxon. The Netherlands is thereby implementing Article 7, paragraph 1.i, as the committee of experts noted in 2001.⁴⁵⁷ The current state of affairs is as follows.

SONT and the Stellingwarver Schrieversronte are represented in the Dutch Committee of the European Bureau for Lesser Used Languages.

2.9.1 Province of Gelderland

Dialect meetings held as part of Achterhoek-Westmunsterland cross-border cooperation.

On 29 September 2001, Henk Krosenbrink (former Director of the Staring Institute) was awarded the Freudenthal-Preis 2001 by the Freudenthal-Gesellschaft, Vereinigung zur Pflege der Brüder Freudenthal, der plattdeutschen Sprache und Literatur in Germany. Only one other non-German has received the honour since this literary prize was established 45 years ago.

A current employee of the Staring Institute, Dr A.H.G. Schaars, received the Rheinlandtaler 2000, an annual prize awarded by the Landschaftsverband Rheinland for "grenzüberschreitende Verdienste um den gemeinsamen Kulturraum". The presentation took place on 23 November 2001.

⁴⁵⁶ Ibid., section 37.

⁴⁵⁷ Ibid., section 41.

2.9.2 Province of Overijssel

As part of their task, the above regional languages consultants in the province of Overijssel spend a day or so per week working on the Cross-border Regional Language Project (GOS). The GOS foundation is a platform in which the Staring Institute, the IJssel Academy and the Van Deirse Institute work with the Landeskundliches Institut Westmünsterland in Vreden (Germany). The GOS project aims to carry out research into regional languages and to produce thematic dictionaries and grammars.

As part of the GOS project two GOS groups have been set up in Nordhorn and Schüttorf (Germany). There has also been contact with the Euregio. This included the running of a symposium workshop in cooperation with a cross-border library project in the Euregio building and in Halteren.

2.10 Article 7, paragraphs 2, 3 and 4

The above measures and activities comply with the obligations of Article 7, paragraphs 2, 3 and 4.

Annexe I: List of bodies and associations which further the protection and development of the Low Saxon languages in the Netherlands

Entire linguistic region of Low Saxon

SONT, Federation of regional and local language organisations in the Low Saxon linguistic region

c/o IJsselacademie

Molenstraat 28a

Postbus 244

8260 AE Kampen

The Netherlands

Tel. + 31-38-3315235

E-mail: ijsselacademie@a1.nl

Province of Drenthe

Drentse Taol, centrum veur Taol en Letterkunde

Postbus 78

9400 AB Assen

The Netherlands

Tel. + 31-592-381172

E-mail: drentsetaol@pbc.drenthe.nl

website: <http://www.drentsetaol.nl>

Stichting Het Drentse Boek

Postbus 11

7920 AA Zuidwolde

The Netherlands

Tel. + 31-528-371443

E-mail: drentse.boek@planet.nl

website: www.hetdrentseboek.nl

Stichting Roet

c/o Het Drentse Boek

Postbus 11

7920 AA Zuidwolde

The Netherlands

tel.0528-371443

Stichting Oeze Volk

Hoofdstraat 48

9514 BG Gasselternijveen

The Netherlands

Tel. + 31-599-512270

Province of Fryslân (municipalities of Ooststellingwerf and Weststellingwerf)

Stichting Stellingwarver Schrieversronte

Willinge Prinsstraat 10

8421 PE Oldeberkoop

The Netherlands

Tel. + 31-516-451108

Province of Gelderland

Staring Instituut

Grutstraat 31

Postbus 686

7000 AR Doetinchem

The Netherlands

Tel. + 31-314-332831

Dialectkringe Achterhook en Liemers
Dollemanweg 6
7102 GC Corle-Winterswijk
The Netherlands

Vrienden van de Streektaal veur Lochem en Umgeving
Beukenlaan 5
7213 DD Gorssel
The Netherlands
Tel. + 31-575-493341

Dialectkringe Salland en Oost-Veluwe
Eekwal 15
8181 ZZ Heerde
The Netherlands
Tel. +31-578-693894

Gelders Oudheidkundig Contact
Oudewand 31-33
7201 LJ Zutphen
The Netherlands
Tel. +31-575-511826

Katholieke Universiteit Nijmegen – N.C.D.N.
Erasmusplein 1
6525 HT Nijmegen
The Netherlands

Verbond Neersasse Dialecten
Hoog Delenseweg 1
6877 AB Deelen
The Netherlands
Tel. +31-26-4421069

Province of Groningen

Bureau Groninger Taal en Cultuur
Postbus 716
9700 AS Groningen
The Netherlands
Tel. +31-50-3635943

Stichting Grunneger Taol
Grunniger Cultuurcentrum
Stationsstraat 11b
9679 EA Scheemda
The Netherlands
Tel. +31-597-591025

(This Scheemda Platform is an umbrella organisation of various associations and foundations that focus on the Gronings variety of Low Saxon in fields varying from plays in Gronings to research into local language).

Krödde
Groningerweg 9
9738 AA Groningen
The Netherlands
Tel. +31-50-5710617
E-mail: F.Pleiter@phys.rug.nl
Internet: <http://www.phys.rug.nl/nvsf/members/pleit/krodde.html>

Grunneger Schrieversverainen
Thorbeckelaan 30
9602 TP Hoogezand
The Netherlands
Tel. +31-598-322422

Grunneger Bouk
Postbus 145
9350 AC Leek
The Netherlands
Tel. +31-594-516834

Grunneger Genootschap
Populierenweg 15
9674 JR Winschoten
The Netherlands
Tel. +31-597-422432

Stichting Kostverloren
Ms A. Krijgsheld,
E 8
9471 KA Zuidlaren
The Netherlands

Province of Overijssel

Van Deirse Instituut
Twentse Academie voor Streekcultuur
De Klomp 35
7511 DG Enschede
The Netherlands
Tel. +31-53-4334577
Internet: <http://www.obd.nl/deinse.htm>

IJsselacademie
Molenstraat 28a
Postbus 244
8260 AE Kampen
The Netherlands
Tel. +31-38-3315235
E-mail: ijsselacademie@a1.nl
Internet: <http://www.obd.nl/instel/ijsselac/acad1.htm>
(IJssel Academy's activities cover West Overijssel and the northern part of Gelderland)

Stichting Grensoverschrijdende Streektalen "GOS"
c/o IJsselacademie
Postbus 244
8260 AE Kampen
The Netherlands
Tel. +31-38-3315235
(the GOS activities also include Gelderland)

Gaellemuniger Taelkrink
Stuivenbergstraat 5
8281 EJ Genemuiden
The Netherlands
Tel. +31-38-3855229

Dialektringe Salland en Oost-Veluwe
Eekwal 15
8181 ZZ Heerde
The Netherlands
Tel. +31-578-693894

Secretary Kreenk vuur de Twentse Sproak
Tonnendijk 130
7681 BS Vroomshoop
The Netherlands
Tel. +31-546-642589

Stichting Johanna van Buren
Pastoor Rientjesstraat 13
7447 GE Hellendoorn
The Netherlands
Tel. +31-548-656368

Schrieversbond Oaveriessel
Ververstraat 6
7621 TT Borne
The Netherlands
Tel. +31-74-2427231
E-mail: a.g.m.wolbert@wb.utwente.nl
Internet: <http://www.a1.nl/bb/twents/sb.htm>

[NB Many of the 60 local history organisations in Overijssel focus structurally or sporadically on regional languages].

Volume III: Second report on Limburger language, Yiddish and Roma and Sinti languages in the Netherlands (1999-2000-2001)

Responsible editor: Auke van der Goot

Ministry of the Interior and Kingdom Relations
The Hague 2003

The Limburger language in the Netherlands

1 Introduction

- 1.1 Within the Netherlands, the Limburger language is spoken only in the province of Limburg. There are three main variants, spoken respectively in north Limburg, central and south Limburg, and the south-east of the province (the area around Heerlen, Kerkrade and Vaals).⁴⁵⁸ The Limburger language is spoken throughout the whole province, though somewhat less commonly in the far north and north-west.
- 1.2 The province of Limburg has a population of around 1.1 million. It is thought that approximately 70-75% of its residents can be regarded as “speakers”. In this context, this means that they can understand or actively speak the Limburger language. Research on the Limburger language is undertaken by the dialectology departments of the universities of Nijmegen and Louvain and by the Veldeke Limburg association. In 1999, the latter published the results of a survey on the image of the Limburger language.
- 1.3 There are various local bodies concerned with the protection and promotion of the Limburger language. The best known is the Veldeke Limburg association, founded in 1926 (see address list). With 3500 members, this is the largest dialect association in the Netherlands. Another noteworthy body is the DOL Association, which promotes use of the Limburger language within education. In addition, a working group, known as AGL, is trying to develop a standard written form of the Limburger language which will take precedence over the various spoken dialects. For names and addresses see appendix.
- 1.4 In 1996, the Netherlands approved the European Charter for Regional or Minority Languages after the Lower House passed relevant legislation on 19 October 1995 and the Upper House on 23 January 1996 (Bulletin of Acts and Decrees 1996, 136).
- 1.5 On 14 February 1997, following consultation with the province of Limburg, the Dutch government took action to recognise the Limburger language as a regional language within the meaning of the Charter. This decision means that the principles of Part II of the Charter now apply to the Limburger language spoken in the Dutch province of Limburg. The letter from the Ministry of the Interior & Kingdom Relations setting out the decision dates from 20 February 1997 and was signed by Jacob Kohnstamm, acting State Secretary for the Interior & Kingdom Relations.

⁴⁵⁸ Source: *Een eeuw Limburgse dialectologie*. Hasselt/Maastricht: vereniging voor Limburgse Dialect- en Naamkunde en Veldeke Limburg, 1996.

- 1.6 On 19 March 1997, the Government of the Kingdom of the Netherlands made a supplementary declaration to the Council of Europe concerning the official recognition of the Limburger language as a regional language within the meaning of Article 2 (1) of the Charter. This action commits the Netherlands to applying the principles of Part II of the Charter to the Limburger language (c.f. Treaty Series 1998, 20).
- 1.7 The text of the European Charter for Regional or Minority Languages was concluded on 5 November 1992 in English and French. The Government of the Kingdom of the Netherlands has published both texts in Treaty Series 1993, 1, and a Dutch translation in Treaty Series 1993, 199 (but see also Treaty Series 1998, 20 (C)).
- 1.8 When drafting this report, use was made of data provided by the province of Limburg. It was drawn up and collected with the assistance of the provincial advisory body on the Limburger language (Raod veur 't Limburgs) and the new regional language officer. The reference date for this report is 1 May 2002.
- 1.9 Following the first information-gathering operation in 1999-2000, the committee of experts (referred to in Article 16, paragraph 3, of the European Charter) visited the Netherlands in February 2000 to gather information about civil-society organisations promoting the Limburger language. In early 2001, the committee of experts set out its findings and recommendations, based on the information gathered and a working visit.
- 1.10 At its 765th meeting, on 19 September 2001, the Committee of Ministers of the Council of Europe took note of the committee of experts' report. The Committee of Ministers has made certain recommendations, which are also relevant to the Limburger language.⁴⁵⁹ The report and the recommendations can be consulted on the Council of Europe's local and regional democracy website: www.coe.int/local.
- 1.11 The Netherlands was advised to develop a national language policy encompassing the Limburger language and the other languages protected under Part II of the European Charter in accordance with the objectives and principles set out in Part II.
- 1.12 The Dutch government's policy consists of making local and regional authorities in the province of Limburg primarily responsible for developing policy on the Limburger language in accordance with the obligations entered into under the European Charter. The emphasis and intensity of provincial policy will vary as the needs of different localities vary. The provincial government, which has an intimate knowledge of these needs, has developed various new initiatives on the Limburger language since the committee of experts' visit. This report describes these initiatives in more detail.

⁴⁵⁹ Council of Europe. *Report of the Committee of Experts on the application of the Charter: The Netherlands*, ECRML (2001)1, Strasbourg, 20 September 2001.

2 Application of Article 7

2.1 Article 7, paragraph 1.a

By recognising the Limburger language as a regional language within the meaning of the Charter, the Dutch government wished to make clear that it regards it as an expression of the cultural wealth of the Netherlands. Dutch policy thereby accords with Article 7, paragraph 1.a, as the committee of experts noted.⁴⁶⁰ Prime responsibility for policy-making on the Limburger language lies with the local and provincial authorities in Limburg. The province of Limburg has taken many steps in this area (see para 2.3).

2.2 Article 7, paragraph 1.b

No measures of any kind have been taken to modify the administrative divisions within the province of Limburg in such a way as to constitute any obstacle to the continued existence of the Limburger language. Dutch policy thereby accords with Article 7, paragraph 1.b.⁴⁶¹

2.3 Article 7, paragraph 1.c

This paragraph requires governments to act resolutely to protect the Limburger language as a regional language. The committee of experts is of the opinion that provincial policy will have to be intensified if it was to meet the obligations under Part II of the Charter.⁴⁶² The current report underlines that the province has taken this conclusion to heart. The province of Limburg has taken the following steps to promote and safeguard the Limburger language:

- appointment of a regional language officer on 1 March 2001, entrusted with the task of keeping alive the Limburger language in all its diversity, and of the above-mentioned advisory body, the Raod veur 't Limburgs, to assist in this task. The regional language officer was initially appointed on a parttime basis (0.4 FTE); since 1 July 2001 the appointment has been fulltime
- on 15 March 2002 the Provincial Council approved the plan for 2001-2004 drawn up by the Raod veur 't Limburgs and the regional language officer, thus accepting the policy set out in section 6.2 of the plan concerning measures to determine whether language policy complies with the provisions of the European Charter for Regional or Minority Languages. The Raod veur 't Limburgs advises the Provincial Executive, which also directs the regional language officer. By approving the plan, the provincial authorities have also approved the projects in which the regional language officer is involved. These are:
 - a. the creation of a website www.limburgsedialecten.nl, whose aim is to preserve the use of Limburg dialects, especially by young people;
 - b. carrying out a wide-scale survey of people's perceptions of speaking the Limburger language and how perceptions and attitude are related to command of that language. The questionnaire was designed by Rob Belemans of the University of Louvain;
 - c. designing a campaign for primary schools, mainly geared to attitude forming;
 - d. designing a campaign for secondary schools, mainly geared to attitude forming;
 - e. setting up a theatrical production for secondary schools in Limburg;
 - f. establishing standard spelling for the Limburger language, including a selection of local variants;
 - g. holding a symposium (on 24 May 2002) on the preservation of the Limburger language.

⁴⁶⁰ Ibid., section 15.

⁴⁶¹ Ibid., section 16.

⁴⁶² Ibid., section 18.

The regional language officer also has the task of monitoring developments relating to the regional language in the Dutch province of Limburg and surrounding areas (including Belgian Limburg) and, if necessary, to respond to such developments. Appendix 2 provides an overview of the budgets for the regional language officer's projects for the 2001-2004 period;

- incidental support for Veldeke Limburg, which in turn undertakes various activities (see 2.5)
- subsidies for local dialect dictionaries
- cooperation with the Belgian province of Limburg to subsidise the main dialect dictionary (Woordenboek Limburgse dialecten)
- incidental support for the Stichting DOL (Dialect Teaching Limburg)
- support for incidental projects relating to the Limburger language, including the publication of a number of books for young people.

2.4 Article 7, paragraph 1.d

Through the support described above (2.3), the province of Limburg is encouraging the use of the Limburger language in speech and writing, in both public and private life. At executive level this takes the form of Limburger-speaking members of the executive using the language freely in the media and at meetings. The regional language officer always speaks and writes in Limburger wherever the language is understood, and is willing to converse and correspond in two languages (mostly Dutch-Limburger). Dutch policy thereby accords with Article 7, paragraph 1.d.⁴⁶³

2.5 Article 7, paragraph 1.e

The province of Limburg promotes cooperation between speakers of the Limburger language, amongst other things by subsidising the Veldeke Limburg and DOL associations. The former comprises 11 local branches, which are in frequent contact with each other. The province subsidises a series of literary works in dialect (Veldeke literair) covering all the linguistic variants. Comic strips have also been translated to make the various characters speak variants of the Limburger language. Dutch policy thereby accords with Article 7, paragraph 1.e.

2.6 Article 7, paragraph 1.f

The committee of experts urges the development of a more coherent strategy for the study of the Limburger language and education in it.⁴⁶⁴ The province of Limburg has responded to this suggestion by appointing a regional language officer and setting up an advisory Limburger language board (see section 2.3). The current state of affairs is as follows.

Schools in Limburg are free to make arrangements for the use of the Limburger language in the classroom. Ever since 1937 the legislation governing primary education in the Netherlands has included provision for schools to use living regional languages as well as standard Dutch as languages of communication wherever local conditions make it appropriate to do so.

- Veldeke Limburg is currently cooperating with the Dutch and Belgian provinces of Limburg to establish a course on 'the Limburger language in the classroom' at primary and secondary schools

⁴⁶³ Ibid., section 22.

⁴⁶⁴ Ibid., section 28.

- the local branches of Veldeke Limburg are holding competitions to encourage recitals of poetry or prose in dialect by children in primary school and the early years of secondary education; they have the active support of teachers
- authors are giving readings of their work in schools
- in addition, there are various school courses, for example in local Maastricht dialect, published by Veldeke's kring Maastricht.

2.7 Article 7, paragraph 1.g

In a number of places in Limburg, there are facilities for non-native speakers to learn the dialect if they so wish. For example, some of the branches of Veldeke Limburg provide courses in speaking, reading and writing dialect. Advanced reading and writing courses have been available since 2001. As noted in 2.6, work is also being done to establish a course on 'the Limburger language in the classroom' for use in schools and this is also designed to help non-native speakers. A mini-course in the Roermond dialect can be found on the website www.limburgsedialecten.nl. Dutch policy thereby accords with Article 7, paragraph 1.g.⁴⁶⁵

2.8 Article 7, paragraph 1.h

By declaring the European Charter applicable to the Limburger language in 1997, the Netherlands accepted that opportunities for studying and researching the Limburger language should be available at universities and similar institutions. The Netherlands is implementing Article 7, paragraph 1.h, as the committee of experts noted in 2001.⁴⁶⁶ Academic research on the Limburger language is being conducted by the dialectology departments of the universities of Nijmegen in the Netherlands and Louvain in Belgium.

2.9 Article 7, paragraph 1.i

By declaring the European Charter applicable to the Limburger language in 1997, the Netherlands underlined that attention was being focused on cross-border contacts concerning the Limburger language. The Netherlands is thereby implementing Article 7, paragraph 1.i, as the committee of experts noted in 2001⁴⁶⁷. The current state of affairs is as follows.

There is extensive cooperation between the Dutch and Belgian provinces of Limburg on issues of regional language and culture. The private dialect associations are also heavily involved in this.

Action includes:

- the appointment of two Belgian-Limburg members to the Raod veur 't Limburgs
- extensive cooperation between the Veldeke Limburg association and its Belgian counterpart, the Limburg Dialect and Onomastics association
- a cross-border branch of Veldeke Limburg was established in 2001
- bringing in experts on the Limburger language in Belgium to advise various working parties and committees within Veldeke Limburg
- attendance at special meetings of the Veldeke Limburg association by elected representatives from both provinces in support of the goal of promoting and safeguarding the dialect

⁴⁶⁵ Ibid., section 33.

⁴⁶⁶ Ibid., section 37.

⁹ Ibid., section 41.

- inclusion of Belgian as well as Dutch authors in the Veldeke literair series
- regular participation (and frequent prize winning) by Belgian writers in Veldeke Limburg's annual cross-border literary competition
- inclusion of a representative from the Belgian province of Limburg on the editorial board of Veldeke Limburg's bimonthly journal.

2.10 Article 7, paragraphs 2, 3 and 4

The measures and actions described above meet the obligations imposed by Article 7, paragraphs 2, 3 and 4.

Appendix 1: Addresses of associations promoting and preserving the Limburger language in the Netherlands

Veldeke Limburg
Kerkweg 48, 6155 KN Puth
Postbus 2250, 6201 HB Maastricht, the Netherlands
Tel: +31 46 443 1166 or + 31 46 443 1655
Fax: +31 46 443 1644
Email: jos.stassen@freeler.nl
Website: www.veldeke.net

DOL Association (promoting dialect and cultural education in Limburg)
Op de Nobel 58
6411 GD Heerlen
The Netherlands
Tel: +31 45 572 6321

AGL Working Group (developing a standard written form of the Limburg language)
Beatrixlaan 46
6133 BD Sittard
The Netherlands
Tel: +31 46 451 7363
Fax: +31 46 452 3541
Email: info@limburghuis.nl
Website: www.limburghuis.nl

Appendix 2: Budget for the regional language officer's projects 2001-2004

1. Wide-scale survey	€ 9,075
2. Regional language officer's website	€15,238
3. 'Limburgs is ós leef' – campaign promoting the Limburger language in secondary schools	€68,067
4. 'Limburgs is ós leef' – campaign promoting the Limburger language in primary schools	€68,067
5. Symposium 't Is neet allein 'n kwestie va gedöld' (24 May 2002)	€ 5,410

Grants have already been awarded for projects 1-5. A grant was awarded to the Veldeke association for project 6, as it will be setting up the framework course together with the regional language officer

6. Limburger language framework course for new primary school teachers	€21,555
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Budgets will be requested for projects 7-9

7. Introduction of standard spelling
8. Theatrical production for secondary schools
9. Programmes for teenagers on regional and local television

Yiddish in the Netherlands

1. Introduction

1.1 There are thought to be a few hundred Yiddish-speakers in the Netherlands, most of them in Amsterdam and a few in The Hague. In this context, Yiddish-speakers means people who use Yiddish as the medium of domestic or scholarly communication. The figures relate therefore to those with an active command of the language. It should be noted, however, that they are not derived from surveys or other systematic research, but are based on estimates by the Cheider in Amsterdam.

1.2 Various bodies are concerned with the preservation and promotion of Yiddish in the Netherlands, most of them based in Amsterdam. These include the Cheider, the Jiddisjer Kraiz and the Menasseh ben Israel Institute (see address list).

1.3 In 1996, the Netherlands approved the European Charter for Regional or Minority Languages after the Lower House passed relevant legislation on 19 October 1995 and the Upper House on 23 January 1996 (Bulletin of Acts and Decrees 1996, 136).

1.4 During the parliamentary proceedings on the bill on the acceptance of the Charter, the Dutch government decided to recognise Yiddish as a non-territorial language within the meaning of the Charter. This decision means that the principles of Part II of the Charter now apply to the Yiddish spoken in the Netherlands, taking due account of the provisions of Article 7, paragraph 5 of the Charter.

1.5 The text of the European Charter for Regional or Minority Languages was concluded 5 November 1992 in English and French. The Government of the Kingdom of the Netherlands has published both texts in Treaty Series 1993, 1, and a Dutch translation in Treaty Series 1993, 199 (but see also Treaty Series 1998, 20 (C)).

1.6 In drafting this report in 2000, the rapporteur drew on information provided by Mr J.H. Sanders, Secretary of the Cheider, and Professor H.D. Meijering, Chairman of the Menasseh ben Israel Institute. The report has been updated here and there at the request of the Cheider. The reference date for this report is 1 October 2002.

1.7 Following the first information-gathering operation in 1999-2000, the committee of experts (referred to in Article 16, paragraph 3, of the European Charter) visited the Netherlands in February 2000 to gather information about civil-society organisations concerned with the promotion and study of Yiddish. In early 2001, the committee of experts set out its findings and recommendations, based on the information gathered and a working visit.

1.8 At its 765th meeting, on 19 September 2001, the Committee of Ministers of the Council of Europe took note of the committee of experts' report. The Committee of Ministers has made certain recommendations, which are also relevant to Yiddish.⁴⁶⁸ The report and the

⁴⁶⁸ Council of Europe. *Report of the Committee of Experts on the application of the Charter: The Netherlands*, ECRML (2001)1, Strasbourg, 20 September 2001.

recommendations can be consulted on the Council of Europe's local and regional democracy website: www.coe.int/local.

1.9 The Netherlands was advised to develop a national language policy encompassing Yiddish and the other languages protected under Part II of the European Charter in accordance with the objectives and principles set out in Part II.

1.10 The Dutch government's policy consists of making civil-society organisations concerned with preserving and studying Yiddish primarily responsible for expressing any wishes concerning policy on the language, taking account of the obligations entered into under the European Charter.

2 Application of Article 7

2.1 Article 7, paragraph 1.a

The Dutch government regards Yiddish as an expression of the cultural wealth of the Netherlands.

2.2 Article 7, paragraph 1.b

This provision does not apply to non-territorial languages.

2.3 Article 7, paragraph 1.c

The following action has been/is being taken to promote and safeguard Yiddish:
in recent years

the Ministry of Health, Welfare and Sport and the municipality of Amsterdam have provided funding for the annual Yiddish festivals
in 2000-2002

From 2000 to 2002, the Ministry of Health, Welfare and Sport carried out the following activities aimed at protecting and preserving Yiddish, using money from the Second World War Jewish Assets project:

- development of a Yiddish course book and teaching materials for the Cheider in Amsterdam (NLG 200,000)
- research in archives and libraries concerning the Yiddish legacy of Dutch Jewry for the Menasseh ben Israel Institute in Amsterdam (NLG 150,000).

Dutch policy thereby accords with Article 7, paragraph 1.c of the European Charter.

2.4 Article 7, paragraph 1.d

Through the support described above (para. 2.3), central government and the municipality of Amsterdam are encouraging the use of Yiddish in speech and writing, in both public and private life.

Prime responsibility for initiatives in this field lies with the private-sector organisations (see address list), as the committee of experts noted in its report on the implementation of the Charter in the Netherlands.⁴⁶⁹ The organisations mentioned carried out the following activities:

- the Cheider uses Yiddish as a language of communication and instruction and, as mentioned above, is working on the development of teaching materials
- the Jiddisjer Kraiz promotes the speaking and reading of Eastern Yiddish

⁴⁶⁹ Ibid., section 24.

- the Hachnoset-Orchim organisation is dedicated to the study of the history and language of the East European Jews who emigrated to the Netherlands in the inter-war years; its work is currently being supported out of funds available under the project concerning redress for the looting of Jewish assets during World War II
- the Stichting Hebreeuwse en Jiddische Woorden in het Nederlands is compiling a list of Dutch words borrowed from Hebrew and Yiddish; this is now almost complete
- the Menasseh ben Israel Institute is devoted to Jewish social and cultural studies; some of its activities are mentioned in para. 2.3 (but see also para. 2.8)
- the Stichting Jiddisj has the general aim of promoting Yiddish language, literature and culture in the Netherlands; its activities are currently focused on the establishment and maintenance of a substantial library of books in Yiddish acquired from the estate of Yiddish specialist Mira Rafalowicz
- Uitgeverij Vasallucci commissions and publishes a series of translations of literary works in Yiddish; there are also other publishers which publish translations from Yiddish.

2.5 Article 7, paragraph 1.e

The Cheider is an orthodox Jewish combined school which uses Yiddish alongside Dutch as a language of communication and instruction. This makes the school a centre both for everyday Yiddish and for Yiddish as a language of scholarship. The Cheider works with those members of the Jewish community who, whether from background or persuasion, use Yiddish as a language of communication in their private and scholastic lives.

2.6 Article 7, paragraph 1.f

The Council of Europe's committee of experts noted in 2000 that there was an orthodox Jewish school in Amsterdam – the Cheider – where Yiddish was taught at both primary and secondary level.⁴⁷⁰ The Cheider also offers Yiddish-language childcare facilities. In the traditional Jewish education which the Cheider offers, Yiddish is the language of communication, even for those pupils who have not grown up speaking it in the home. The immersion method is used to give them a rapid command of the language. New teaching materials have now been introduced to teach non-Yiddish-speaking children in Yiddish.

2.7 Article 7, paragraph 1.g

In 2000, the Council of Europe's committee of experts noted that the University of Amsterdam (UvA) was offering Yiddish courses. But these courses closed because they failed to attract enough students. There are private institutes offering Yiddish courses, as the committee noted.⁴⁷¹

The Cheider in Amsterdam gives all its pupils a knowledge of Yiddish, whether or not it is their home language. Classical instruction is provided in the language for non-Yiddish-speakers. Until now, this has been done on a fairly informal basis, but the course development project is now putting teaching on a more formal footing (the Ministry of Health, Welfare and Sport helped fund the development of a Yiddish course book and teaching materials – see para. 2.3)

There are also one or two basic courses in Yiddish elsewhere in the country for adult learners.

⁴⁷⁰ Ibid., section 30.

⁴⁷¹ Ibid., section 35.

2.8 Article 7, paragraph 1.h

Innumerable studies relating to Yiddish are currently being conducted at Dutch universities and research institutions. At university level, teaching and research relating to Yiddish were undertaken until 1998 at both the universities in Amsterdam, but are now confined to only one of them. Outside the universities, there is also extensive research on Yiddish, generally undertaken in cooperation with the University of Amsterdam.

- The University of Amsterdam has taught Yiddish since time immemorial. The Menasseh ben Israel Institute's Yiddish project is to be managed by Dr Shlomo Berger, a lecturer at that university.
- Until 1998, Yiddish was also taught by the department of German studies at the Free University of Amsterdam. The retirement of the relevant professor has put an end to this activity, although a doctoral research project is still being conducted there concerning changes in eighteenth-century Yiddish in the Netherlands.
- The Menasseh ben Israel Institute of Jewish social and cultural studies is based on a collaborative venture between the two Amsterdam universities and the Jewish Historical Museum in that city. The institute is currently housed within the Jewish Historical Museum. One of its research projects concerns the documentary and other legacy of the Ashkenazi Jewish community in the Netherlands, which used Yiddish from the seventeenth century through to around 1900. The project involves cooperation with the chair of Yiddish culture, language and literature at Heinrich-Heine-universität in Düsseldorf. It is co-financed by the Netherlands Organisation for Scientific Research (NWO).
- At the International Institute of Social History, also in Amsterdam, Professor R.G. Fuks-Mansfeld is conducting research on the Institute's own Yiddish collection (mainly political documents, pamphlets etc.). The professor was previously attached to the University of Amsterdam.
- the research activities of the Hachnoset-Orchim organisation have already been mentioned in para. 2.4.

2.9 Article 7, paragraph 1.i

Many exchanges take place with Yiddish-speakers in Jewish communities worldwide. In practice, however, the majority of contacts are with Antwerp, London and Israel. They take the following forms:

- the Cheider organises exchange programmes for its pupils, with tests of their knowledge of Jewish law in which Yiddish is the lingua franca
- there are exchanges for teachers, enabling staff at the Cheider to acquaint themselves with teaching methods and lesson themes developed in larger Yiddish-speaking communities elsewhere
- Yiddish-speaking adults have social, religious and intellectual contact with kindred spirits in communities in other countries.

2.10 Article 7, paragraphs 2, 3 and 4

The measures and activities described above meet the obligations imposed by Article 7, paragraphs 2, 3 and 4.

List of organisations and associations concerned with the protection and promotion of Yiddish in the Netherlands

Stichting Joodse Kindergemeenschap Cheider
Yiddish School
Postbus 7828
1008 AA Amsterdam
The Netherlands
Tel. 00-31-20-646 5564

Jiddisjer Kraiz
East-Yiddish Association
Van Eeghenstraat 113
1071 EZ Amsterdam
The Netherlands

Menasseh ben Israel Instituut
Postbus 16737
1001 RE Amsterdam
The Netherlands

Stichting Hebreeuwse en Jiddische woorden in het Nederlands
The Foundation for Hebrew and Yiddish Words in Dutch
Mariotteplein 13
1098 NW Amsterdam
The Netherlands

Stichting Hachnosés-Orchim
The Hachnosés-Orchim Foundation
Geerdinkhof 505
1103 RH Amsterdam
The Netherlands

Stichting Jiddisj
The Yiddish Foundation
Weesperzijde 300
1097 EB Amsterdam
The Netherlands

Roma and Sinti languages in the Netherlands

1 Introduction

1.1. Around 4500 people in the Netherlands can be classified as Sinti and approximately 750 people as Roma. The Sinti live mainly in the south, in the provinces of North Brabant and Limburg, while the Roma are spread around the country. The Sinti speak a single language, the Roma various dialects, depending on their origins. The National Organisation for Sinti in the Netherlands estimates that 90% of the Sinti can speak their own language, whereas it is not known how many Roma can speak Romani.

1.2 In 1996, the Netherlands approved the European Charter for Regional or Minority Languages after the Lower House passed relevant legislation on 19 October 1995 and the Upper House on 23 January 1996 (Bulletin of Acts and Decrees 1996, 136).

1.3 In the bill on the adoption of the Charter, the Dutch government conveys that the Roma and Sinti languages should be regarded as non-territorial languages within the meaning of the Charter. This decision means that the principles of Part II of the Charter now apply to these languages as spoken in the Netherlands, taking due account of the provisions of Article 7, paragraph 5 of the Charter.

1.4 The text of the European Charter for Regional or Minority Languages was concluded on 5 November 1992 in English and French. The Government of the Kingdom of the Netherlands has published both texts in Treaty Series 1993, 1, and a Dutch translation in Treaty Series 1993, 199 (but see also Treaty Series 1998, 20 (C)).

1.5 This report is based on information provided by the Ministry of the Interior & Kingdom Relations and the Ministry of Health, Welfare & Sport in 2000. It has been updated with the assistance of the National Organisation for Sinti in the Netherlands. The reference date for this report is 1 October 2002.

1.6 Following the first information-gathering operation in 1999-2000, the committee of experts referred to in Article 16, paragraph 3, of the European Charter visited the Netherlands in February 2000 to gather information about civil-society organisations promoting the Roma and Sinti languages. But representatives of speakers of these languages did not have the opportunity to exchange thoughts with the committee of experts.⁴⁷²

1.7 In its 765th meeting, on 19 September 2001, the Committee of Ministers of the Council of Europe took note of the committee of experts' report. The Committee of Ministers has made recommendations that are also relevant to the Roma and Sinti languages. The report and the recommendations can be consulted on the Council of Europe's local and regional democracy website: www.coe.int/local.

1.8 With regard to Romani and Sinti and the other languages protected under Part II of the European Charter, the Netherlands was advised to develop a national language policy that accords with the objectives and principles set out in Part II.

⁴⁷² Council of Europe. *Report of the Committee of Experts on the application of the Charter: The Netherlands*, ECRML (2001)1, Strasbourg, 20 September 2001, section 4.

1.9 The Dutch government's policy consists of making Roma and Sinti civil-society organisations primarily responsible for expressing any wishes concerning policy on their languages, taking account of the obligations entered into under the European Charter.

2 Application of Article 7

2.1 Article 7, paragraph 1.a

With the ratification of the Charter in 1996, the Dutch government recognised that the Roma and Sinti languages are expressions of the cultural wealth of the Netherlands.

2.2 Article 7, paragraph 1.b

This provision does not apply to non-territorial languages.

2.3 Article 7, paragraph 1.c

The government has in the past taken measures to promote and safeguard the Roma and Sinti languages spoken in the Netherlands:

- a grant has been provided for a schools video (partly in Sinti) to be devised in cooperation between the National Organisation for Sinti in the Netherlands and the Institut für Lehrerfortbildung (Pädagogik mit Roma und Sinti) in Hamburg (Germany)
- a Roma-speaking advisor has been appointed to a primary school in Amsterdam (South-East).

2.4 Article 7, paragraph 1.d

The government has done nothing to encourage the use of Roma and Sinti either in speech or in writing, in either public or private life. The National Organisation for Sinti in the Netherlands has given no indication of any problem in this area.

2.5 Article 7, paragraph 1.e

The government subsidises educational and promotional activities by the National Organisation for Sinti in the Netherlands.

2.6 Article 7, paragraph 1.f

Schools in the Netherlands make no use whatever of the Roma or Sinti languages, other than the aforementioned video (see 2.3).

2.7 Article 7, paragraph 1.g

No effort is being made by government to provide facilities for the teaching of these languages to non-speakers either within the educational system or elsewhere. There is no desire for this within the Sinti community.

2.8 Article 7, paragraph 1.h

No study or research is currently being undertaken at Dutch universities or equivalent institutions in relation to the Roma and Sinti languages.

2.9 Article 7, paragraph 1.i

Government is doing nothing to encourage speakers of Roma and Sinti to maintain links with speakers of these languages in other countries.

2.10 Article 7, paragraphs 2, 3 and 4

Taking due account of the situation of these languages in the Netherlands, the measures and actions described above go as far as possible to meet the obligations imposed by Article 7, paragraphs 2, 3 and 4.

Address of the National Organisation for Sinti in the Netherlands

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Sportlaan 10
5683 CS Best
The Netherlands
Tel. +31-499-371212