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ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

**Third Opinion on the Netherlands¹
Adopted on 6 March 2019**

¹ This Opinion remains subject to editorial revision until its publication.

EXECUTIVE SUMMARY

The Netherlands continues to maintain a high standard of protection of the rights of the Frisian national minority and significant investments have been made in particular in the fields of education, language and culture. The Province of Fryslân received more competencies in the field of education, which paved the way for a long-term policy in this regard. The respective competencies of central and provincial authorities are clearly defined in administrative agreements that are regularly reviewed by means of consultation.

One of the key issues of concern is the lack of Frisian language teachers and, more generally, the still limited Frisian writing skills. As regards the right to use the Frisian language in court, a lack of Frisian-speaking interpreters and court staff represents a practical barrier to its effective implementation. The administrative reform involving mergers of municipalities entailed risks for the Frisian language in the sense of weakening its use. In all areas, the Advisory Committee considers that more effective consultation and participation of associations representing the Frisian minority is important.

Despite its long tradition of tolerance and openness to other cultures and many measures to promote an inclusive society, Dutch society is increasingly challenged by racism, Islamophobia, and anti-Semitism. Some divisive and xenophobic messages feed into the mainstream political discourse. Owing to the absence of a functioning consultative structure and cuts in funding for minority NGOs, minority groups have fewer opportunities to make their voices heard and to contribute to the integration of society from their own perspective.

Roma, Sinti and Travellers continue to be excluded from the scope of application of the Framework Convention. Those belonging to these groups experience discrimination in many areas, in particular as regards housing, where a recently adopted improved governmental policy requires urgent implementation at local level. The absence of a strategic approach and an effective and sustainable consultative mechanism hampers the implementation of policies which aim to improve the situation of persons belonging to such communities.

Issues for immediate action

- **Ensure that the implementation of the 2019-2023 Administrative Agreement on the Frisian Language and Culture results in substantial and lasting improvements for the rights of persons belonging to the Frisian national minority; ensure that the province of Fryslân is equipped with all necessary resources to fulfill its newly assigned role as “language captain” for Frisian; take a strategic and participatory approach in all areas of language use with a specific focus on education and teacher training, on the right to use the Frisian language in court, and on the use of the Frisian language on TV, in print and in digital media.**
- **Ensure the effective participation of Roma, Sinti and Travellers in policy making and, together with the stakeholders concerned, develop a comprehensive policy addressing discrimination against Roma, Sinti and Travellers in education, the labour market and housing. In particular, take resolute measures to support municipalities in implementing the new housing policy adopted in June 2018.**
- **Promote intercultural respect and tolerance in society, *inter alia* through the creation of a sustainable, transparent and representative structure for consultation of minority groups and supporting civil society organisations of these groups.**

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ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

THIRD OPINION ON THE NETHERLANDS

1. The Advisory Committee adopted the present Opinion on the Netherlands in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the State Report (hereinafter the State Report), received on 11 July 2018, other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Leeuwarden/Ljouwert, Eindhoven, Gerwen/Nuenen and The Hague from 19 to 22 November 2018.

2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in the Netherlands. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.

3. Both sections make extensive reference to the follow-up given to the findings of the monitoring of the Framework Convention, contained in the Advisory Committee's first and second Opinions on the Netherlands, adopted on 25 June 2009 and 20 June 2013 respectively, and in the Committee of Ministers' corresponding Resolutions, adopted on 12 January 2011 and 28 May 2014.

4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on the Netherlands.

5. The Advisory Committee looks forward to continuing its dialogue with the Dutch authorities as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt.² It also invites the authorities to translate the present Opinion and the forthcoming Committee of Ministers' Resolution into Dutch and Frisian, and to disseminate it widely among all relevant actors. The Advisory Committee encourages the authorities to hold a follow-up event after the publication of this third cycle Opinion. It considers that a follow-up dialogue to review the observations made in this Opinion would be beneficial for further implementation of the recommendations.

² On 16 April 2009, the Committee of Ministers amended the rules for the publication of the Advisory Committee's Opinion and other monitoring documents, aiming at increasing transparency and at sharing the information on the monitoring findings and conclusions with all the parties involved at an early stage (see Resolution CM/Res(2009)3 amending Resolution (97) 10).

I. MAIN FINDINGS

Monitoring process

6. The Netherlands continues a constructive approach towards the monitoring process under the Framework Convention. The second Opinion of the Advisory Committee was published shortly after its adoption together with the government's comments in December 2013. The Committee of Ministers' resolution was adopted in May 2014.

7. The Advisory Committee welcomes the fact that its second Opinion was translated into Dutch and Frisian and encourages the authorities to do the same for the third Opinion on the implementation of the Framework Convention.

8. The third State Report was submitted with a delay of two years, which is regrettable. Furthermore, the Advisory Committee is deeply concerned that persons belonging to national minorities and civil society organisations were not consulted during the preparation of the State Report. It strongly encourages the authorities to give representatives of associations, non-governmental organisations or research institutes, especially those working on Frisian minority issues, the opportunity to participate in the drafting of the fourth State Report.

9. The Advisory Committee welcomes the excellent co-operation with Dutch authorities at central level as well as in the Province of Fryslân before, during and after its visit in November 2018.

General overview of the implementation of the Framework Convention after three monitoring cycles

10. The position of the authorities regarding the limitation of the scope of application of the Framework Convention to the Frisians remains unchanged. Equally, the authorities continue to apply the same criteria as defined upon ratification of the Framework Convention, which include not only a citizenship criterion, but also the requirement for a national minority to live in "traditional/ancestral settlement areas", which by definition leads to the exclusion of Roma, Sinti and Travellers³ as well as other groups.

11. As far as persons belonging to the Frisian national minority are concerned, the Advisory Committee observes the clear political will of the central government and an even stronger commitment of the provincial authorities in Fryslân to actively protect and promote the Frisian language and culture. The administrative agreements between the central and provincial governments, which are concluded regularly, are an important tool in achieving this objective. Good communication and co-operation between both sides and sustainable commitment by the central authorities will be crucial for the successful implementation of the 2019-2023 administrative agreement.

³ The term "Roma, Sinti and Travellers" is used to reflect the self-designation of the respective groups in the Netherlands unless reference is made to specific documents covering only one of these communities. See also the Council of Europe Descriptive Glossary of terms relating to Roma and Travellers (1 February 2019), available at www.coe.int/roma.

Protection against discrimination

12. The General Equal Treatment Act of 2004 covers discrimination on grounds of “race”, which according to the interpretation by Dutch equality bodies is understood as also covering language, including the Frisian language. However, for reasons of clarity and accessibility of the law for persons belonging to national minorities as well as its visibility and preventive function, the Advisory Committee considers that explicitly including the ground of language in the law would be important.

Promoting integration and intercultural dialogue

13. The Dutch authorities undertake a broad set of measures to promote tolerance and intercultural dialogue, combat discrimination, and address hate speech and hate crime. However, the trend questioning the image of the Netherlands as traditionally open and tolerant towards ethnic and religious diversity has continued during the monitoring period. Divisive and xenophobic discourse is widespread not only by far-right parties, but also by some mainstream politicians.

14. The Advisory Committee was informed by the representatives of minority groups that they would like to make a more active contribution to the integration of Dutch society from their respective minority perspective, but lack funding for their organisations and functioning channels for participation in the decision-making processes.

15. While the authorities recognise that Roma, Sinti and Travellers are subject to discrimination in a variety of areas and therefore support a number of programmes, neither a comprehensive policy nor a functioning consultative mechanism targeted at these communities exists. In particular, the housing situation of persons living in campsites (the so-called *woonwagenbewoners*) raises concerns. While the central government adopted a new policy framework in June 2018 aimed at approaching the issue from a human rights perspective, it appears that municipalities require support in actually implementing this policy at local level.

Frisian language media

16. The existence of the regional broadcaster *Omrop Fryslân*, the independence of which was in question in the context of a reform of the Dutch broadcasting system between 2013 and 2016, is of considerable importance for the promotion of the Frisian language. The fact that support to the broadcaster is secured through the 2019-2023 administrative agreement for another five years is to be welcomed, but its position remains vulnerable as the provision of public broadcasting in the Frisian language is not safeguarded in the Dutch Media Act or in the Use of Frisian Act.

Use of the Frisian language

17. The Use of Frisian Act, which entered into force in 2014, designated Dutch and Frisian as the official languages in the Province of Fryslân and codified relatively wide-ranging language rights for Frisian speakers in public administration and courts, albeit mostly applicable only on the territory of the Province of Fryslân. While the implementation of the Use of Frisian Act appears to be mostly satisfactory for dealings with the administration at provincial level,

interlocutors met by the Advisory Committee were less satisfied with the possibilities of speaking the Frisian language in court and the possibilities to use Frisian at municipal level, in particular in larger municipalities following recent mergers. More could also be done to increase the visibility of the Frisian language in the public space, be it in topographical indications or inscriptions on public buildings.

Frisian language education

18. The decentralisation of competencies in the education field to the Province of Fryslân in 2016 can be considered a success and an important stepping stone towards a comprehensive education strategy aimed at fulfilling the target set in the 2019-2023 administrative agreement, namely to significantly increase the percentage of the population who know how to speak, read and write in Frisian. The Frisian Language Plan (*Taalplan Frysk*), published in 2018, provides, for the first time, comprehensive baseline data on Frisian language teaching in all primary and secondary schools in the Province of Fryslân. Having last evaluated the status of Frisian teaching in 2009, the role of the School Inspectorate has been clarified in the new administrative agreement. It committed to making more regular assessments starting in 2019, which was not the case previously and raised serious concerns in the previous monitoring cycles.

19. While the number of trilingual (English, Dutch, Frisian) schools and the number of students taking high school exams in Frisian has increased, the persisting lack of qualified teachers continues to be of concern. Furthermore, Frisian is mainly taught in primary schools while there are very few secondary schools teaching the Frisian language. In order to ensure the quality of Frisian language teaching in the future, the role of the School Inspectorate as well as investment in teacher training will be important. A final issue of concern is the lack of bilingual or Frisian preschools, in particular in larger towns.

Participation

20. While non-governmental organisations working on Frisian issues are consulted on an ad-hoc and thematic basis by the Province of Fryslân and interlocutors reported that they usually have good access to decision-makers at provincial level, there is no institutionalised consultative body where such NGOs, including youth NGOs, could regularly meet, interact among each other, bring issues to the agenda and advise the Province on its policies.

II. ARTICLE-BY-ARTICLE FINDINGS

Article 3 of the Framework Convention

Scope of application

Recommendations from the two previous cycles of monitoring

21. In the previous monitoring cycles, the Advisory Committee found that the approach taken by the authorities with regard to the personal scope of application of the Framework Convention and notably the citizenship criterion and the territoriality principle could limit arbitrarily the possibility for other potential groups to benefit from the provisions of the Framework Convention. The Advisory Committee considered that those groups had not been adequately consulted on their possible inclusion and urged the authorities to adopt a more flexible approach towards the scope of application of the Framework Convention, including through consultation mechanisms.

Present situation

22. The position of the authorities regarding the limitation of the scope of application to the Frisians remains unchanged, which is regrettable. Most rights granted to the Frisian minority, in particular those related to the use of and learning of the language (see Articles 10 to 14), are limited in territorial scope, namely to the Province of Fryslân.

23. According to the authorities, no formal requests for recognition as a national minority or for protection under the Framework Convention were made to the government or the Parliament during the reporting period. The authorities confirmed during the visit of the Advisory Committee that if such a request was submitted, it would be evaluated according to the five criteria laid down in the Parliamentary debate upon the ratification of the Framework Convention.⁴

24. During and after its monitoring visit, the Advisory Committee established contact with some representatives of groups identifying as Roma, Sinti or Travellers.⁵ They showed an active interest in the Framework Convention and expressed regret that the authorities do not consider them as falling under its scope of application. One of the reasons that no formal request for recognition has been made, the Advisory Committee was informed, is because of the restrictiveness of the above-mentioned five requirements disqualifying such a claim.

25. Therefore, the Advisory Committee strongly reiterates its view expressed in its first Opinion on the Netherlands⁶ that the requirement for a national minority to live in

⁴ [Protocol of the Parliamentary debate of 30 November 2004 on the ratification of the FCNM, EK 2004/2004, nr. 7, 338-348](#). According to the [First State Report of the Netherlands](#) (para. 3.3), “national minorities are those groups of citizens who are traditionally resident within the territory of the State and who live in their traditional/ancestral settlement areas, but who differ from the majority population through their own language, culture and history – i.e. have an identity of their own – and who wish to preserve that identity”.

⁵ The overall number of persons belonging to these groups is estimated to lie between 32 000 and 48 000. See [Council of Europe \(July 2012\). Estimates and official updates of Roma in Europe](#).

⁶ See the Advisory Committee’s first Opinion on the Netherlands, adopted on 25 June 2009, for a detailed assessment of the territorial dimension of this definition (para. 22) and the citizenship criterion (para 23).

“traditional/ancestral settlement areas” leads to the exclusion of Roma and Sinti, who have been historically present in the Netherlands, but reside across the whole country.

26. The Advisory Committee acknowledges that the Contracting Parties have a margin of appreciation in determining the personal scope of application of the Framework Convention. It considers, however, that it is part of its duty to examine the personal scope of application given to the implementation of the Framework Convention in order to verify that no arbitrary or unjustified distinctions have been made.⁷ As regards the citizenship criterion, the Advisory Committee remains of the view that while citizenship may be a legitimate requirement in fields such as electoral rights at national level, general application of this criterion is problematic in relation to the guarantees associated with other important fields covered by the Framework Convention, such as non-discrimination and equality.⁸

27. Another group which might potentially qualify for protection under the Framework Convention is that of the Moluccans.⁹ The Advisory Committee has been approached by representatives of the Moluccans, who were well aware of the Framework Convention and the protection it offers and expressed the wish that more attention be given to them as a minority group.

28. During the preparation of this report, the Advisory Committee was approached by representatives of the inhabitants of the Caribbean Island of Bonaire who speak the Papiamentu language, and who have expressed interest in the protection offered by the Framework Convention. Upon ratification of the Framework Convention in 2005, the Netherlands declared that “The Kingdom of the Netherlands accepts the Framework Convention for the Kingdom in Europe”.¹⁰ With a constitutional reform in 2010, the islands of Bonaire, Sint Eustatius and Saba (BES islands) were integrated into the “country of the Netherlands” within the Kingdom of the Netherlands, having obtained the status of “special municipalities”.¹¹ The position of the Dutch government is that while only the Kingdom of the Netherlands is a subject of international law and as such can accede to international treaties, “the geographical applicability of these agreements may be confined to (...) the European part of the Netherlands”.¹²

29. The Advisory Committee takes note that representatives of Papiamentu speakers from the BES islands argue that it seems contrary to the aim of the Framework Convention that States exclude parts of their country where minorities live and which are under direct administration of that government from the application of the Framework Convention. The Advisory Committee notes, furthermore, that the National Ombudsman, the National Institute

⁷ ACFC [Thematic Commentary No. 4](#), The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para. 26.

⁸ Ibid., para. 29.

⁹ For information on the Moluccan minority in the Netherlands, see the World Directory of Minorities and Indigenous Peoples, available at <https://minorityrights.org/minorities/moluccans>.

¹⁰ Declaration contained in the instrument of acceptance deposited on 16 February 2005.

¹¹ Government website on the new constitutional order, available at www.government.nl/topics/caribbean-parts-of-the-kingdom/new-constitutional-order.

¹² Ministry of Foreign Affairs of the Netherlands (2015), [Kingdom of the Netherlands: One Kingdom – Four Countries: European and Caribbean](#).

for Human Rights as well as the UN Committee on Economic, Social and Cultural Rights¹³ have criticised the limited applicability of international human rights treaties to the Dutch overseas territories.

Recommendations

30. The Advisory Committee urges the authorities to adopt a more flexible approach towards the scope of application of the Framework Convention. It invites the authorities to extend its scope of application on an article-by-article basis to the groups who could benefit from its provisions. It further calls on the authorities to enter into a formal dialogue with representatives of groups interested in the protection provided by the Framework Convention.

31. The Advisory Committee calls on the authorities to clarify the legal situation regarding the territorial scope of application of the Framework Convention following the 2010 constitutional reform.

Article 4 of the Framework Convention

Protection against discrimination

Recommendations from the two previous cycles of monitoring

32. In previous monitoring cycles, the Advisory Committee noted the comprehensive approach to combatting discrimination in the Netherlands and welcomed the development of a system of Local Anti-Discrimination Bureaus. It noted, however, that only few cases of discrimination were brought to the Ombudsperson and the former Equal Treatment Commission by persons belonging to minority groups and called on the authorities to raise awareness of the remedies available among all ethnic groups.

*Present situation*¹⁴

33. The right to equality and non-discrimination is mainly guaranteed by the Dutch constitution (Article 1) and the General Equal Treatment Act of 2004 (*Algemene Wet Gelijke Behandeling*, AWGB).¹⁵ The latter prohibits direct and indirect discrimination and applies to the private sector, the provision of goods and services including education, to social protection and to health care. For all forms of discrimination, a reversed burden of proof is applied in procedures before the courts as well by the Equality body, the National Institute for Human Rights.

34. The constitution contains an open ended list of discrimination grounds. The AWGB, however, applies only to the grounds listed in its Article 1.1.b. These include nationality and race, but not language. The Advisory Committee takes note that “race” has been considered by

¹³ National Institute for Human Rights (2016), [Naar een mensenrechtelijk aanvaardbaar voorzieningenniveau voor Bonaire, Sint Eustatius en Saba \(Towards an acceptable level of human rights provision in Bonaire, Sint Eustatius and Saba\)](#); UN Committee on Economic, Social and Cultural Rights (6 July 2017), [Concluding observations on the sixth periodic report of the Netherlands](#), para. 14.

¹⁴ The Advisory Committee notes that the European Commission against Racism and Intolerance (ECRI) has in 2018 had occasion to examine this development in depth while drawing up its fifth report on the Netherlands. The Advisory Committee refers to ECRI’s detailed findings and recommendations in this regard.

¹⁵ European network of legal experts on gender equality and non-discrimination (2018), [Country report Non-Discrimination: The Netherlands](#).

the National Institute of Human Rights as covering cases of alleged discrimination on the grounds of using the Frisian language.¹⁶ Nevertheless, the Advisory Committee finds that it would be preferable to explicitly include the ground of “language” in the law, thus strengthening its clarity and accessibility, as well as its visibility and preventive function.

35. The National Institute for Human Rights (*College voor de Rechten van de Mens*, NIHR) is the main officially designated equality body, accredited with “A” status under the Paris Principles. It has a broad human rights mandate with strong investigative powers and gives legal opinions on individual discrimination complaints.¹⁷ These opinions are not binding and the NIHR cannot impose sanctions, but the opinions of the NIHR are perceived as very authoritative and usually sufficient to lead to a change of practice. The NIHR also gives advice on policy planning and legislation. The Advisory Committee welcomes the broad mandate of the NIHR. It also notes that the decisions and reports of the NIHR against the discrimination of Roma, Sinti and Travellers in the field of housing, together with a report of the Office of the Ombudsman, have eventually helped to bring about a change in policy (see Article 6). The Advisory Committee notes with concern, however, that some of its interlocutors were not sufficiently aware of the work of the NIHR and existing tools for reporting discrimination.

36. All municipalities are obliged to set up or subsidise a Local Anti-Discrimination Bureau (*Gemeentelijke Anti-Discriminatie Voorzieningen*, ADV). Today, 38 ADV register reports of discrimination and offer assistance to victims at local level. The Advisory Committee was pleased to observe that the NIHR and ADVs appear to be co-operating well. Some of its interlocutors, both Frisians and others (e.g. Roma, Sinti and Travellers), were however not aware of the existence of an ADV in their municipality. An evaluation in 2017 demonstrated that ADVs covering several municipalities tend to work more efficiently than small ADVs, some of which, according to the study, lack full independence as they operate within municipal administrations and lack the appropriate resources to be fully operational.¹⁸

37. The Local Anti-Discrimination Bureau in the Province of Fryslân, *Tûmba*, receives four complaints on average per year about alleged discrimination on the grounds of Frisian language use. Cases concern, for instance, the denial of the possibility to speak in Frisian to the police, on a medical hotline, in public transport, or in the work environment. None of these cases has been established as a case of discrimination in line with the AWGB. Such cases are usually settled through mediation, often with support of the language institute *Afûk*, which provides counselling or Frisian language courses. *Tûmba* often receives complaints in the Frisian language, has parts of its websites in Frisian and attempts to reach out to Frisian speakers in its awareness raising efforts.¹⁹

¹⁶ NIHR 2009-111.

¹⁷ Act of 24 November 2011 containing the establishment of the Netherlands Institute for Human Rights; *Staatsblad* 2011, 573.

¹⁸ [Regioplan \(2017\), *Onderzoek naar de werking van de ADV's in de praktijk* \(Research into the functioning of ADVs in practice\)](#).

¹⁹ A recent advertisement of *Tûmba* reads “Too black for the disco? Too Frisian for Ljouwert? Too pregnant for the employer? (...) Filing a complaint helps”. *Tûmba* also organised a public debate broadcast on Omrop Fryslân titled “Frysk Black” about “skin colour and regional identity”, which among others related to the events around the arrival of “*Zwarte Piet*” (“Black Pete”) in Dokkum in November 2017. See www.omropfryslan.nl/nieuws/788262-live-iepenup-over-frysk-black.

38. The office of the National Ombudsman of the Netherlands (in the following “the Ombudsperson”) investigates complaints regarding the public administration, can launch investigations on its own initiative, and provides advice to the public service on how to improve its conduct. The Ombudsperson’s decisions are not binding, but its decisions have much authority and are thus followed in about 95% of the cases. The Ombudsperson has 170 staff, which include Frisian speakers, and can receive complaints in the Frisian language. There have been no such requests during the reporting period.

39. The Advisory Committee notes that since 2016 single national reports are being produced compiling all incidents of discrimination registered by the Dutch police and Local Anti-Discrimination Bureaus. In 2017, the police registered 3 499 discrimination cases, the ADVs 4 691, and the NIHR received 416 requests for an opinion and 4 259 questions. Ethnic origin remained the most frequent grounds for discrimination; the police registered 41% of all cases on these grounds, of which 8% related to anti-Semitism and 5% to Islamophobia. In 2017, the Prosecution dealt with 144 specific discrimination offences; 71% of the indicted cases led to a criminal sentence. Under general criminal law, another 187 discriminatory offenses were registered.²⁰ Due to Dutch data protection regulations, no disaggregated data about the ethnic affiliation of the complainants is available. The Second European Union Minorities and Discrimination Survey (MIDIS II survey) of 2017 indicates a certain degree of underreporting of discrimination.²¹ This resonates with the impression gained by the Advisory Committee during its visit that those most at risk of discrimination are not necessarily aware of the possibilities to file complaints.

40. Personal data recorded in the population registers does not contain information about ethnic affiliation and there is no census carried out in the Netherlands. Information is merely recorded about the country of birth and hence only if a person is of Dutch or “migration background”.²² The Advisory Committee understands the authorities’ reluctance concerning the collection of personal data deemed to belong to the private sphere, such as on ethnic affiliation. However, it recalls that obtaining reliable information on the situation of persons belonging to national minorities is relevant to the implementation of the Framework Convention. This information can be obtained by collecting statistical data or by other means, such as ad hoc studies, surveys or opinion polls. The authorities could make more use of such data while at the same time complying with existing standards for the protection of personal data. Those data are relevant for the understanding of the cultural diversity of the population, the position of national minorities in society as well as the development and monitoring of evidence-based anti-discrimination policies.

Recommendations

41. The Advisory Committee calls on the authorities to explicitly incorporate the ground of “language” into the General Equal Treatment Act in order to increase clarity, accessibility and visibility of the provisions in place, including with respect to Frisian speakers.

²⁰ Public Prosecution (April 2018), *Strafbare Discriminatie in Beeld 2017*, p. 42.

²¹ EU Agency for Fundamental Rights (FRA) (2017), [Second European Union Minorities and Discrimination Survey](#), pages 31-51.

²² For population data see the website of [Statistics Netherlands](#).

42. The Advisory Committee considers it essential to ensure that the National Institute for Human Rights, the Ombudsperson and the Local Anti-Discrimination Bureaus have adequate resources and invites them to invest in raising awareness of the anti-discrimination legislation and remedies available in particular among persons belonging to national minorities.

Article 5 of the Framework Convention

Promotion of Frisian Culture

Recommendations from the two previous cycles of monitoring

43. The Advisory Committee called on the authorities to maintain the support for the preservation and promotion of Frisian culture, including in the context of the decentralisation of responsibilities from the national level to the Province of Fryslân.

Present situation

44. The Dutch policy to protect and promote Frisian culture has for decades been regulated through administrative agreements on the Frisian Language and Culture (*bestuursafspraken Friese taal en cultuur*), concluded periodically between the central government and the Province of Fryslân. The administrative agreement in force during the reporting period (2013-2018) covered the areas of education, judiciary, administration, media, culture, and cross-border activities. A new such administrative agreement for the period 2019-2023, following the same structure, was signed by the Minister of the Interior and Kingdom Affairs and the Province of Fryslân on 30 November 2018. The agreements clarify responsibilities, including of budgetary nature, set quantifiable targets, and are subject to a mid-term evaluation after two years. The Advisory Committee welcomes this approach, which results in a high degree of transparency, stability and reliability regarding the Frisian language and cultural policy.

45. Since 2017, the Province of Fryslân performs the function of a “Language Captain” (*Taalskipper*) and, as such, takes the lead in formulating a long-term vision for the Frisian language. In this role, the Province has, for example, set the target that by 2030, the percentage of native Frisian speakers with good reading and writing skills as well as the percentage of second and third language speakers will each increase by 10%.²³

46. A key role in the preparation and implementation of the administrative agreements is played by *DINGtiid*, the “Official Body for the Frisian Language” established through the Use of Frisian Act in 2014. *DINGtiid* is an independent public body mandated with promoting “equal status for the Frisian and Dutch languages in the Province of Fryslân”²⁴. *DINGtiid* regularly reports on the status and needs concerning the Frisian language and culture, advises on the implementation of the Administrative Agreement on the Frisian Language and Culture, and provides support in the drafting of policies and regulations in the field. The five members of *DINGtiid* are appointed by the Minister of the Interior and Kingdom Relations on nomination by the provincial executive for the Province of Fryslân.

²³ Administrative Agreement on the Frisian Language and Culture 2019-2023, Chapter 1.

²⁴ Art. 19, Act of 2 October 2013 laying down rules on use of the Frisian language in administrative and legal matters (Use of Frisian Act).

47. The main improvements in the new agreement as compared to the previous one are the secured co-financing of the Chair of the Frisian Language at the University of Groningen, financial support to the Province of Fryslân for its additional tasks in the education area, and a clear description of the role of the school inspectorate (see Article 14). The new agreement also contains explicit input, output and outcome indicators and clearly assigns roles and responsibilities.

48. The Advisory Committee is pleased to note that the new administrative agreement lists a number of projects following up to Leeuwarden/Ljouwert's programme as European Capital of Culture in 2018. For example, parties express their commitment to establish a "production house for language" to stimulate the production of poetry and prose in the Frisian language and the "Land of Languages" visitor centre will continue to exist as for the duration of the agreement. Overall, the programme of Leeuwarden/Ljouwert as a European Capital of Culture contained many activities in the Frisian language,²⁵ even though some interlocutors complained that this did not lead to sufficient visibility of the Frisian language in Leeuwarden/Ljouwert's public spaces.

49. The prominent Frisian cultural institutions are co-funded by the provincial authorities and the Ministry of Education, Culture and Science. These are the Frisian language theatre company *Tryater*, the research institute *Fryske Akademy*, and the Frisian Literature Museum and Documentation Centre *Tresoar*. The latter is the result of a merger of the provincial archives and library and is currently digitising the entire corpus of Frisian literature (approx. 20 000 titles). The Advisory Committee welcomes the fact that the administrative agreements prescribe mutual consultations between the province and the government in case one of the two sides wishes to lower the resources allocated to these institutions. Other cultural institutions, such as the Centre for Frisian Art and Culture *Keunstwurk* and the language promotion institution *Afûk* are supported by the province only.

50. The Province of Fryslân supports a variety of innovative projects promoting the Frisian culture and language such as the smartphone application and booklet *Taal fan it hert* ("Language of your Heart") featuring information about Frisian culture and language, the "Frisian Google Translate Week" mobilising hundreds of volunteers and resulting in the inclusion of Frisian in Google Translate, and the biennial Frisian-language song festival for young people *SjONG*, which includes a prize for the best YouTube video.

Recommendation

51. The Advisory Committee encourages the authorities to continue providing stable support to institutions and projects which protect and promote Frisian culture in consultation with the provincial authorities, municipalities, and civil society organisations.

²⁵ See for example the activities under the programme *Lân fan taal* (Country of language), available at <https://lanfantaal.frl/>.

Article 6 of the Framework Convention

Tolerance and intercultural dialogue

Recommendations from the two previous cycles of monitoring

52. The Advisory Committee recommended that more resolute measures be taken to encourage a spirit of tolerance and intercultural dialogue in society, in particular through human rights education, through measures in the police force, and by condemning manifestations of intolerance in political discourse and on the internet. Furthermore, the Advisory Committee recommended that the sustainability of the participatory structures for dialogue with ethnic minority groups be ensured.

*Present situation*²⁶

53. The Dutch authorities undertake a broad set of measures to promote tolerance and intercultural dialogue in society. Guided by the 2016 National Anti-Discrimination Action Programme²⁷, activities are directed at combating discrimination, promoting an inclusive society, and addressing hate speech and hate crime. The authorities further informed the Advisory Committee about activities promoting diversity and intercultural understanding such as the Knowledge Platform Integration of Society, activities within the framework of the Decade for people of African descent, projects about dialogue between Jewish and Islamic communities, and activities related to 50 years of presence of Moroccans in the Netherlands.²⁸ The Advisory Committee is also pleased to note the progress made regarding diversity within the Dutch police force.²⁹

54. Overall, however, the past five years saw a continuation of the trend questioning the image of the Netherlands as traditionally open and tolerant towards ethnic and religious diversity. The authorities recognise that there are serious issues with racism against persons of non-Dutch origin, Islamophobia, and anti-Semitism.³⁰ The Advisory Committee is deeply concerned that, according to its interlocutors, divisive and xenophobic discourse has become increasingly acceptable. Such rhetoric is used by the far-right parties, but also by some mainstream politicians and government officials.³¹

55. Representatives of the Muslim communities perceive several recent legislative initiatives as targeted at them, in particular the recently enacted law of 27 June 2018 on the prohibition of wearing face-veiling garments in some public places. The explanatory memorandum to the law makes explicit reference to the Burka and the Niqab.³² Research

²⁶ The Advisory Committee notes that the European Commission against Racism and Intolerance (ECRI) examined this development in depth while drawing up its fifth report on the Netherlands in 2018. The Advisory Committee refers to ECRI's detailed findings and recommendations in this regard.

²⁷ [Government of the Netherlands, Ministry of the Interior and Kingdom Relations \(22 January 2016\), National Anti-Discrimination Action Programme.](#)

²⁸ Written information submitted by the authorities.

²⁹ See State Report, Article 6.

³⁰ [Government of the Netherlands, Ministry of the Interior and Kingdom Relations \(22 January 2016\), National Anti-Discrimination Action Programme](#), pp. 27-28.

³¹ See for example [Euronews \(18 July 2018\), Dutch foreign minister criticised for saying multi-cultural societies are violent](#) and BBC (23 January 2017), Dutch PM Rutte: "If you don't like it here, then leave".

³² 52. Dutch Parliament (27 November 2015), *Instelling van een gedeeltelijk verbod op het dragen van gezichtsbedekkende kleding in het onderwijs, het openbaar vervoer, overheidsgebouwen en de zorg* (Law on the

among persons with Turkish and Moroccan backgrounds has shown that younger Muslims in particular feel that they are judged more negatively than others and that they are seen as members of an ethnic and religious group first and citizens of the Netherlands second.³³

56. In a recent Eurobarometer survey, 55% of respondents considered that anti-Semitism has increased over the past five years and 77% thought that conflicts in the Middle East have an influence on the way Dutch Jewish people are perceived in the Netherlands.³⁴ Annually between 2015 and 2017, between 330 and 430 incidents of hate speech and hate crime of an anti-Semitic nature were reported to the police.³⁵ Interlocutors of the Jewish community informed the Advisory Committee that the security of synagogues and other institutions and the related costs are a major concern for them.

57. The Advisory Committee observes that the current generic approach to integration policy places the responsibility for integration mainly on persons belonging to minority groups. In this context, it wishes to remind the authorities that in the spirit of Article 6 of the Framework Convention, genuine integration of society is a two-way process encompassing all segments of society, majorities and minorities alike.³⁶

58. The Advisory Committee is particularly worried that the National Consultation Platform for Minorities (*Landelijk Overleg Minderheden*, LOM), which discontinued its activity in 2013, has not yet been replaced by another consultation mechanism.³⁷ In the context of the new generic integration policy, the government decided in 2012 to dissolve this platform as its representation based on ethnic affiliation was considered to over-emphasise ethnic dividing lines in society and ignore other aspects of internal diversity of the migrant population such as educational background, generational differences or cultural orientations.³⁸

59. According to the authorities, LOM was replaced by a model of flexible dialogue that enables the government to involve various groups and individuals on the basis of current events and topical issues. The Advisory Committee was informed of a number of examples where the government held consultations with representatives of minority groups on specific topics, such as with Turkish youth on social inclusion, or with Roma, Sinti and Travellers on the housing policy.

partial ban on wearing face coverings in education buildings, public buildings, public transport and care), [Memorie van Toelichting \(Explanatory Memorandum\)](#).

³³ The Netherlands Institute of Social Research (2016), [Integration in sight? A review of eight domains of integration of migrants in the Netherlands](#), Summary, p. 20.

³⁴ [European Commission \(December 2018\), Special Eurobarometer 484, Perceptions of anti-Semitism](#).

³⁵ [ODIHR Hate Crime Report Netherlands](#). The police figures include hate speech incidents, data reported by local anti-discrimination services, and online hate speech incidents. Hate crimes recorded by the police can only be disaggregated by either bias motive or type of crime, but not simultaneously by both.

³⁶ ACFC Thematic Commentary No. 4, The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para. 54.

³⁷ The National Consultation Platform for Minorities, established in 1997, had brought together representatives of the larger minority communities such as people with Caribbean, Surinamese, Moluccan, Turkish, Moroccan and Tunisian backgrounds as well as associations representing refugee communities to advise and inform the government on integration policies.

³⁸ [Vandebunt Adviseurs \(2016\), Evaluatie Landelijk overleg minderhedenbeleid \(Evaluation of the National Consultation Platform for Minorities\)](#), p. 11.

60. Following the decision to discontinue LOM, the annual funding of the partner NGOs of approximately three million euros per year was phased out. Today, any funding for NGOs working in this area is strictly tied to precise activities and projects. During its visit, the Advisory Committee noted with concern that minority groups struggle to keep up a minimum of community and advocacy work with the help of volunteers and very few paid staff. Some expressed regret that they lack the means to make a more significant contribution to the integration of Dutch society from their respective minority perspective.

61. The Advisory Committee notes with concern that an external evaluation of LOM commissioned by the government and published in 2016 concluded that the new flexible approach deprives minority groups from the possibility of putting their own issues on the agenda. Furthermore, the study found that the “systematic early identification of worrying developments or dormant problems has largely disappeared (...). This is particularly worrying when it is recognised that integration problems can only be solved by paying early, consistent, patient and sustained attention to the causes of these problems.”³⁹ The Advisory Committee highlights, furthermore, that the evaluation report acknowledges deficits in the function of the LOM, but overall recommends “restoring the network of representative participation bodies for groups of minorities that require special attention.”⁴⁰

62. The Advisory Committee recalls that effective participation of persons belonging to minority groups is crucial for enhancing social cohesion, as keeping minorities on the periphery of society can lead to social exclusion and tensions among groups.⁴¹ It considers that the current system of ad hoc consultations is not sufficiently sustainable, transparent and representative to ensure effective participation. It also does not provide minorities with the possibility to put their own issues on the agenda and to interact with each other.

Recommendations

63. The Advisory Committee urges the authorities to promote intercultural respect and tolerance in society, including through the creation of a sustainable, transparent and representative structure for the consultation of minority groups and supporting civil society organisations of these groups.

Protection from hate speech and hate crime

64. The Dutch Criminal Code criminalises racist insults, incitement to hatred and racist offences under Article 137. The Advisory Committee is pleased to note that the government intends to increase the maximum penalty for incitement to hatred in order to counter the perception that freedom of expression - especially online – is unlimited.⁴² In Dutch law, racist motivation does not constitute an aggravating circumstance for ordinary offences. In 2018, the Minister of Justice and Security announced that research would be commissioned on this topic.

³⁹ Vandebunt Adviseurs (2016), [Evaluatie Landelijk overleg minderhedenbeleid \(Evaluation of the National Consultation Platform for Minorities\)](#), p. 43.

⁴⁰ Ibid., p. 49 (translation by the Advisory Committee).

⁴¹ ACFC Thematic Commentary No. 2, The effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, adopted on 27 February 2008, para. 9.

⁴² House of Representatives of the Netherlands (2018-2019), Amendment of, among others, the Penal Code in connection with the revaluation of the criminalisation of some current forms of crime, [Memorie van Toelichting \(Explanatory Memorandum\)](#), para. 2.1.

65. As far as prosecution is concerned, there is a specialised unit for the prosecution of punishable hate speech and hate crime and there have been several landmark cases, including against prominent politicians.⁴³ Hate speech is particularly widespread on social media and websites. Since the establishment of the Hotline for Discrimination on the Internet (MiND) in 2013, the number of complaints it received increased steadily. In 2017, it received 1 367 complaints, which is a 49% increase compared to the year before. As regards hate-motivated violence, 603 cases were reported to the police in 2017, about half of them on grounds of ethnic origin.⁴⁴ NGO reports and qualitative studies show, however, that most incidents never get reported as persons belonging to minority groups in particular are either not aware of bodies they could report to, or do not believe that reporting would make a difference.⁴⁵

Recommendation

66. The Advisory Committee encourages the authorities to continue effectively preventing, investigating, prosecuting and sanctioning hate speech and hate crime through adequate legislation and sufficiently resourced institutions and to raise the awareness of persons belonging to minority groups of the possibilities of reporting.

Roma, Sinti and Travellers

Recommendations from the two previous cycles of monitoring

67. The Advisory Committee recommended that the authorities improve their dialogue with Roma, Sinti and Traveller communities, including through the use of mediators, to address the issue of statelessness and to ensure access to education with specific attention to education for girls.

Present situation

68. Estimates of Roma, Sinti and Traveller populations in the Netherlands vary a lot. Dutch Travellers (*woonwagenbewoners*) are considered to be the largest subgroup.⁴⁶ Limited data is available on the situation of these groups as well as on instances of discrimination and anti-Gypsyist attitudes in society.

69. The Netherlands does not have a national Roma integration strategy, or another specific policy towards this minority group. The above-mentioned 2016 National Anti-Discrimination Action Programme does not refer specifically to discrimination against Roma, Sinti and Travellers.⁴⁷ In its response to the 2011 European Commission Communication on an EU Framework for National Roma Integration Strategies up to 2020, the government mentions its 2011 generic policy on integration, social cohesion and citizenship, which applies to all groups of a particular ethnic and/or cultural origin, including Roma, and stresses that “integration is not the responsibility of the government, but rather of those who settle in the

⁴³ See for example the prosecution of the leader of the Party for Freedom (PVV) for islamophobic comments. Prosecution (2018), [Strafbare Discriminatie in Beeld 2017](#).

⁴⁴ MIKR, Police and Art.1 (2018), [Discriminatiecijfers in 2017 \(Discrimination figures 2017\)](#).

⁴⁵ See for example Ineke van der Valk (2018), [Islamophobia in the Netherlands, National Report 2017](#), in: Enes Bayraklı, Farid Hafez, European Islamophobia Report 2018, Istanbul, SETA.

⁴⁶ ETHOS (2018), Country report on the current and historical minoritisation of Roma minorities in the Netherlands, by Jing Hiah and Trudie Knijn.

⁴⁷ Government of the Netherlands, Ministry of the Interior and Kingdom Relations (22 January 2016), [National Anti-Discrimination Action Programme](#).

Netherlands”.⁴⁸ It further lists a number of policy measures in the fields of education, health and housing, but also the need for “combatting socially unacceptable and criminal behaviour”. The Netherlands take part in the European Union’s periodical monitoring process, however, and report in this context on numerous problematic issues concerning education, housing, employment, health, and discrimination.⁴⁹ The Advisory Committee is of the firm opinion that these problems, many of which are evidently interrelated and specific to the groups concerned, merit a policy that addresses issues in a comprehensive, contextual and strategic manner.

70. The Netherlands has neither a consultative body where Roma, Sinti and Travellers are represented, nor sufficiently resourced NGOs which would be in a position to channel the interests of the members of this heterogeneous group through advocacy work. There are a number of NGOs representing different groups of Roma, Sinti and Travellers from various regions of the Netherlands, but they rely almost exclusively on volunteer work and smaller project funds. Representatives of these NGOs are consulted by the authorities on an *ad hoc* or thematic basis, but not in any structural manner. A successful consultation process was conducted, the Advisory Committee was told, for the preparation of the new housing policy. The Advisory Committee regrets that Roma, Sinti and Travellers lack the possibility to participate in decision-making on issues affecting them in a more structured manner, which would allow them to not only respond to requests initiated by the authorities, but also to put their own ideas and issues on the agenda.

71. Since 2015, a policy framework is in place, under which 500 000 euros are allocated each year for projects and activities “for the participation and emancipation of Sinti and Roma in the Netherlands”.⁵⁰ The money stems from the Sinti and Roma Restoration of Rights Foundation (SRSR) established in 2000 initially to pay compensation to Roma and Sinti victims of the Second World War and later administered by the Netherlands Institute of Sinti and Roma (NISR). The NISR was dissolved in 2012 and, following a longer consultation process with Roma and Sinti representatives, a broader scope of allocation of funding was agreed which has been in place since April 2015. Since then, the funding streams include remembrance of the Second World War; combating discrimination and prejudice; strengthening the representation of interest and representation; stimulating education; creation of employment; respect for culture and identity; and advice and guidance for mediators. Decisions on allocation are made by an advisory commission composed of five persons belonging to the Roma and Sinti communities. The fund is administered by the Ministry of Health, Welfare and Sports. In 2018, 18 projects were funded.

72. The Advisory Committee welcomes the fact that the policy framework was adopted after consultation with Roma and Sinti representatives, that the funding guidelines have a

⁴⁸ Ministry of the Interior and Kingdom Relations (16 December 2011), [Policy measures in the Netherlands for the social inclusion of Roma](#).

⁴⁹ Erasmus Universiteit Rotterdam, Risbo (2015), Monitor Sociale Inclusie: vervolgmetering 1 - Eerste vervolgmetering naar de woon- en leefomstandigheden Roma en Sinti in Nederland; Erasmus Universiteit Rotterdam, [Risbo \(2017\), Monitor Sociale Inclusie: metering 3 - Tweede vervolgmetering naar de woon- en leefomstandigheden van Roma en Sinti in Nederland, English summary](#).

⁵⁰ [Decree of 8 April 2015 on the subsidy ceiling and policy rules on the granting of subsidies to projects and activities for the participation and emancipation of Sinti and Roma in the Netherlands](#) (*Vaststelling subsidieplafond en vaststelling beleidsregels inzake subsidieverlening projecten en activiteiten ten behoeve van de participatie en emancipatie van de Sinti en Roma in Nederland*).

broad scope and that Roma and Sinti representatives are involved in the decisions about the allocation of funding. Bearing in mind the discussions in the community about whether the target group of the funding should be extended beyond “pre-war” Roma and Sinti, the Advisory Committee considers it important that the authorities maintain a constant dialogue with the community to ensure the legitimacy of the fund’s work.

73. Another measure that deserves positive mention is the travelling exhibition “*O Lungo Drom*” (the long road), which is a project carried out by a Sinti organisation and features information on the history and presence of Roma and Sinti in the Netherlands. It is shown at about five different places in the Netherlands each year. In 2018, the exhibition was shown in Arnhem, Middelburg, Heerlen, Eindhoven, and Weert. In 2019, the exhibition will be linked to the national commemoration of the deportation of Roma to the Auschwitz Concentration Camp on 19 May 1944 and complemented with an English version so it can be shown abroad.⁵¹

74. The educational position of Roma, Sinti and Travellers in the Netherlands can be described as below average.⁵² While participation in primary education is assessed as relatively good and there is little evidence of early school leaving, the situation is more problematic from secondary education onwards. Children belonging to the Roma, Sinti and Traveller communities indicate that they often experience discrimination in the field of education. This would result in referrals from primary education to too low levels in secondary education and the inability to find traineeships.⁵³

75. The housing situation is, as also acknowledged by the authorities during the visit, extremely complex. Whereas many Sinti and – by definition – the Travellers – have the desire to live in a caravan on (permanent) campsites, most Roma, and in particular those who arrived more recently, live in social housing or in privately rented apartments at the bottom of the housing market.⁵⁴ A survey conducted by the government in 2018 found that there are 260 campsites with a total of 7 723 pitches spread across more than 80% of the Dutch municipalities.⁵⁵ Given that the average size of a Roma, Sinti or Traveller household is estimated to be three persons,⁵⁶ it can be assumed that over 23 000 persons live on such sites. The above-mentioned survey also found that 38% of the sites are owned by municipalities and 47% by housing corporations.

76. In 2018, a new housing policy framework⁵⁷ was developed by the government in consultation with Roma, Sinti and Traveller representatives as well as the Association of Dutch Municipalities (VNG). This new framework replaces the one in operation since 2006, which had provided municipalities with five options relating to the maintenance of mobile home pitches. Two of these, the zero-option (also called “extinction policy”) and the reduction-option (“roll-

⁵¹ [European Heritage Stories Grant](#), Directorate Democratisation, Council of Europe Strasbourg, 17 October 2018.

⁵² Unless otherwise noted, the information in this paragraph is based on [Risbo \(2017\)](#), *Monitor Sociale Inclusie: meting 3 (Social Inclusion Monitor 3)*, English summary, p. 53.

⁵³ Risbo (2017), *Monitor Sociale Inclusie: meting 3 (Social Inclusion Monitor 3)*, p. 53.

⁵⁴ Dutch Knowledge Centre on Discrimination Art.1 (2012), [Social Thematic Study: The situation of Roma](#), pp. 8-9.

⁵⁵ ⁵⁵ The Netherlands, Minister of Interior and Kingdom Relations (2018), Letter to House of Representatives, [Aanbieding Monitor Woonwagenstandplaatsen in Nederland \(Monitor caravan pitches in the Netherlands\)](#), 12 October 2018.

⁵⁶ FRANET Information Request on Roma and Travellers for EU MIDIS II (2017), p. 13-14.

⁵⁷ Ministry of Interior and Kingdom Relations (12 July 2018), [Beleidskader gemeentelijk woonwagen - en standplaatsenbeleid \(Policy framework for a municipal policy on mobile homes and pitches\)](#).

back”) turned out to be often used by municipalities, regardless of the actual demand for such sites. Sinti and Travellers met by the Advisory Committee perceived this policy as a lack of respect for their culture, of which living together as extended families in caravans is an essential part. Interlocutors told the Advisory Committee that there were long waiting lists for pitches and some people waited their entire lives. Young families had to share a caravan with their parents because they had no possibility of being allocated a pitch in the same campsite as the rest of their family. Starting in 2014, the NIHR decided in 20 cases that municipalities and housing companies had violated the right to equality by implementing this policy.

77. The Advisory Committee welcomes that the new policy framework is clearly based on a human rights perspective, that it is largely in line with the advice given by the NIHR⁵⁸ and is based on a dialogue with all stakeholders involved. The Advisory Committee also notes, however, that municipalities claim that they are not sufficiently prepared and supported in implementing this policy.⁵⁹

78. Furthermore, the Advisory Committee learned about a number of complaints to the Local Anti-Discrimination Bureau “Radar” in Eindhoven. These concern, for example, the refusal by an insurance company to provide house insurance for a caravan installed on a permanent campsite; the non-delivery of a magazine because the address is on a campsite; and the fact that in a research study about housing needs the question ‘what type of property do you look for’ does not have an option ‘trailer park/site’.

79. The labour market position of Roma and Sinti in the Netherlands is characterised by a high level of unemployment and dependency on benefits. Due to lower levels of education, Roma, Sinti and Travellers do often work in occupations at the lower end of the labour market. In interviews with researchers, Roma and Sinti indicated that a large proportion of persons want to work, but that this is often not possible because there are no jobs to be found or because of discrimination.⁶⁰ To address this situation, the authorities plan to set up a pilot programme with mediators to support Roma and Sinti adolescents in secondary education and vocational training.⁶¹

Recommendations

80. The Advisory Committee urges the authorities to take resolute measures and provide all necessary support to municipalities in implementing a non-discriminatory and effective housing policy for Travellers in line with the recommendations given by the Office of the National Ombudsman and the National Institute for Human Rights.

81. The Advisory Committee calls on the authorities to ensure effective participation of Roma, Sinti and Travellers in policy making through strengthening grassroots organisations and investing in partnerships based on a relationship of trust.

⁵⁸ National Institute for Human Rights (2017), [Advies inzake woonwag en standplaatsenbeleid \(Advice on caravan and sites policy\)](#).

⁵⁹ For an exchange in 2018 between mayors and the government on the implementation of the housing policy, also in the context of prevention of crime, see: [Brief aan gemeenten over het beleidskader gemeentelijk standplaatsenbeleid \(Letter to municipalities on the housing policy framework\)](#).

⁶⁰ Risbo (2017), Monitor Sociale Inclusie: meting 3 (Social Inclusion Monitor 3), p. 66-67.

⁶¹ Information submitted by the authorities.

82. The Advisory Committee calls on the authorities to consider adopting a more evidence-based, comprehensive and strategic approach towards the persistent discrimination and inequality experienced by persons belonging to the Roma, Sinti and Traveller communities especially in the areas of education, housing and employment.

Article 9 of the Framework Convention

Media in the Frisian language

Recommendations from the two previous cycles of monitoring

83. The Advisory Committee stressed the importance of *Omrop Fryslân* as the only Frisian-language TV and radio broadcaster and called on the authorities to maintain its independence and financial security as well as to base any legislative changes concerning regional broadcasting on the recommendations of the Hoekstra Committee and consultations with representatives of the Frisian minority.

Present situation

84. In the context of a reform of the Dutch regional broadcasting system and considerable cuts in central government funding, a draft law to amend the 2008 Media Act was discussed in the period between 2013 and 2016. The draft law foresaw the merger of regional broadcasters and their integration into the national broadcasting station, thus curtailing the independence of the Frisian language broadcaster *Omrop Fryslân*. Following a political debate about the specific responsibility of *Omrop Fryslân* in preserving and promoting the Frisian language, the draft law was ultimately not adopted. Instead, the independence of *Omrop Fryslân* was secured through a separate Administrative Agreement on the Frisian Media between the central government and the Province of Fryslân concluded in 2016, which guaranteed the independence of *Omrop Fryslân* and joint financing by the government and the province until 2018. From 2019, the provisions on *Omrop Fryslân* are incorporated into the Administrative Agreement on the Frisian Language and Culture 2019-2023. Through the new agreement, the existence of *Omrop Fryslân* as an independent regional broadcaster is guaranteed for another 5-year period.

85. The Advisory Committee considers the existence of a well-equipped public broadcaster in the Frisian language to be one of the cornerstones guaranteeing Frisian language rights.⁶² It therefore welcomes that the Dutch authorities have secured the existence of *Omrop Fryslân* as an independent entity until 2023. This notwithstanding, the Advisory Committee considers the position of *Omrop Fryslân* is vulnerable. The provision of radio and television in the Frisian language is safeguarded neither in the Media Act nor in the Use of Frisian Act.

86. In the context of the reform of regional public broadcasting, all regional broadcasters, including *Omrop Fryslân* experienced considerable cuts of their budgetary provisions from the central government. The Advisory Committee is aware that the cuts turned out less severe than initially foreseen, but still regrets that *Omrop Fryslân* had to make considerable savings.

⁶² See ACFC Thematic Commentary No. 3, Language rights of persons belonging to national minorities under the Framework Convention, adopted on 24 May 2012, para. 41. See also Committee of Ministers Resolution CM/Rec(2012)1 on public service media governance.

The Advisory Committee considers that the adaptation to the new media environment and necessary extension of *Omrop Fryslân*'s offer to the internet and social media requires stable and sufficient human and financial resources.

87. The Advisory Committee welcomes that, according to the previous as well as the new administrative agreement, at least one member of *Omrop Fryslân*'s supervisory body on media policy (*Orgaan dat het beleid voor het media-aanbod bepaalt*) must have a background in the field of Frisian language and culture. Besides this, the new agreement states that "expertise in the field of Frisian language and culture is desirable" in the supervisory board (*raad van toezicht*) of the RPO. The Advisory Committee is of the opinion that given the national importance of Frisian as the second official language, expertise on the Frisian language and culture is necessary not only in the supervisory body for *Omrop Fryslân*, but indeed also in the national supervisory board of the RPO.

88. The Advisory Committee was surprised to learn that in 2017 the retransmission of *Omrop Fryslân* beyond the province in order for its programmes to be received in other parts of the Netherlands was brought into question. In 2017, one of the two suppliers, KPN, stopped the retransmission of *Omrop Fryslân* throughout the Netherlands. The Advisory Committee welcomes that this problem was solved thanks to interventions by, *inter alia*, NGOs, the Province of Fryslân and the Ministry of Education, Culture and Science. The province now pays 20 000 euros per year for the retransmission, which is a part of the overall cost. The Advisory Committee is of the view that public Frisian language television and radio should indeed be available for persons belonging to the Frisian minority living on the entire territory of the Netherlands.

89. *Omrop Fryslân* produces programmes for five different age groups of children from 0 to 15 years old, which are on television on Wednesdays and Fridays and are available online so that schools can use them during Frisian lessons.⁶³ Under the new administrative agreement for 2019-2020, it is foreseen to also explore the development of digital teaching methods and materials for teaching Frisian in preschools and schools.

90. No specific requirements exist that would oblige national or other regional public broadcasters to include information about the Frisian minority in their programming. However, a documentary about Frisian issues, *Fryslân DOK* runs on National Television once per week. The documentary is produced by *Omrop Fryslân* and in the Frisian language with Dutch subtitles. The Advisory Committee welcomes this and considers it important to maintain regular information about Frisian issues in mainstream public broadcasting.⁶⁴

91. Two regional newspapers, *Friesch Dagblad* and *Leeuwarder Courant*, are issued in Leeuwarden/Ljouwert, and both publish a small number of their articles in the Frisian language. Representatives of both newspapers told the Advisory Committee that they had difficulties recruiting journalists with Frisian minority background and writing skills. The *Friesch Dagblad* sometimes sends journalists to Frisian language courses provided by *Afûk*. The

⁶³ See www.skoal.tv.

⁶⁴ See ACFC Thematic Commentary No. 3, Language rights of persons belonging to national minorities under the Framework Convention, adopted on 24 May 2012, para. 41.

newspapers do not receive public funding that might provide incentives to use the Frisian language more, nor for the language courses.

92. During the visit, the Advisory Committee's attention was drawn to the fact that after the merger of municipalities, several small local newspapers, some of which write in minority languages,⁶⁵ now compete for the same funding stream available for such newspapers. The Advisory Committee finds it important that solutions will be found for these newspapers, which, despite the widespread digitalisation, still constitute an important source of information and identification for people in particular in rural areas.

93. Frisian is a popular language on social media. Experts even argue that the use of written Frisian has become more widespread through social media because Frisian speakers may use it to communicate in an informal way with their friends and family.⁶⁶ Even though on social media Frisian is reportedly not always used in the orthographically correct way, the Advisory Committee considers that the increasing use of Frisian is a sign of the vitality of that language.

94. Frisian is the language of the home page of the website of *Omrop Fryslân* and the entire *Omrop Fryslân* App is in Frisian. Only the news section of the website and the App are also available in Dutch. 75% of news articles are read in Frisian, and 25% in Dutch. The Advisory Committee is pleased to note that *Omrop Fryslân* managed to double the number of visitors on its websites between 2014 and 2018 and has a Frisian-only Facebook page reaching between 80 000 and 120 000 unique visitors per day. Furthermore, data from *Omrop Fryslân* show that this is not limited to the younger generation; 27% of users of www.omropfryslan.nl are between 60 and 75 years old.⁶⁷ The Advisory Committee welcomes these developments and considers that social media could be a valuable opportunity to promote the use of the written Frisian language.

Recommendations

95. The Advisory Committee strongly encourages the authorities to continue their support for sustainable functioning of the only Frisian language broadcaster in the country and to ensure its availability throughout the entire country.

96. The Advisory Committee calls on the authorities to develop a coherent strategy for Frisian language media, making use of new technological developments and the possibilities opened up by social media; to consider investing in the creation of high-quality and relevant content in the Frisian language targeted at a broad range of Frisian speakers of all ages, which can be used by different types of online and print media.

⁶⁵ Frisian, but also in Bildt such as the 'Bildtse Post', which is the example in question.

⁶⁶ Province of Fryslân (2018), *Taal fan it hert* (Language of the heart).

⁶⁷ 18-30 years: 21%, 31-44 years: 22%, 45-59 years: 30%. Information provided by Omrop Fryslân.

Article 10 of the Framework Convention

Use of Frisian in relationship with administrative authorities

Recommendations from the two previous cycles of monitoring

97. In the previous monitoring cycles, the Advisory Committee noted the legal protection for the use of Frisian with provincial and municipal administrative authorities and expected that the passing of the Use of Frisian Act in 2013 would give a further boost to the practical application of this right. While welcoming the supportive attitude of the Provincial authorities in this respect, it recommended that the use of Frisian should also be allowed in contact with representations of national administrative authorities in the Province of Fryslân. Furthermore, the Advisory Committee expressed concerns about the potential negative effects of municipal mergers on Frisian language rights.

Present situation

98. The Use of Frisian Act (in the following also “the Act”), which entered into force on 1 January 2014, brings together existing provisions from sectorial laws and procedural codes into one single piece of legislation. The Act designates Dutch and Frisian as “the official languages in the Province of Fryslân” (Article 2). Even though many of the provisions of the Act were actually already in place, the fact that they are codified in one single document together with the confirmation of Frisian as one of the two official languages of the province is important.⁶⁸

99. The Act provides that “anyone may use the Frisian language in his or her dealings with administrative bodies, provided that these are established in the Province of Fryslân” (Article 3.1). However, this provision shall not apply if the use of Frisian “would result in a disproportionate burden in administrative terms” (Article 3.2), which theoretically gives the authorities a considerable margin of appreciation. Provincial and local administrative bodies in the Province of Fryslân “shall” lay down rules on the use of the Frisian language with a view to enhancing the status of the language within the respective body. As far as subdivisions of central government authorities are concerned, they “may” lay down such rules.

100. Subdivisions of central government authorities have, according to information provided by the authorities, only in one case so far developed rules on the use of the Frisian language. A registered non-profit organisation had filed its financial report to the tax authorities in Frisian, which was not allowed at the time. Following this incident, the rules were amended in 2017, and organisations can now therefore file their financial reports in the Frisian language.

101. As regards the use of Frisian in contacts with the police, the Advisory Committee was informed that oral interviews can by law and do in practice take place in Frisian, but that reports are drawn up in Dutch. Moreover, the original language of the interview is usually not indicated in the written protocol. The Advisory Committee considers that the sole validity of the Dutch written translation and the fact that not even the language of the interview is noted

⁶⁸ The 2019-2023 Administrative Agreement on the Frisian Language and Culture states that, following a recommendation by the Committee of Experts on the European Charter for Regional or Minority Languages, the Province of Fryslân will commission a study on the feasibility of converting the Use of Frisian Act into a framework law, which would not be limited to administrative and legal proceedings, but could be extended to all domains covered by the Charter.

may result in disadvantages for the Frisian-speaking persons concerned as the translation may affect the authenticity of the declarations.

102. The Advisory Committee welcomes the resolution entailed in paragraph Chapter 1 of the 2019-2023 Administrative Agreement on the Frisian Language and Culture that the Ministry of the Interior and Kingdom Relations “will focus on increasing the minimum knowledge of the Frisian language and culture of the civil servants directly involved in the Frisian language and culture dossier”.⁶⁹

103. At provincial level, interlocutors reported good possibilities of using Frisian orally and in writing. The Advisory Committee noted a positive attitude towards the promotion of the Frisian language at political level as well as among the staff responsible for the file. The website of the Province is available in both languages, most staff speak the language, and documents concerning Frisian issues in the wider sense exist in the two languages, sometimes only in Frisian.

104. The province also supports numerous projects to facilitate the use of the Frisian language in all spheres of life, including for official purposes. One such tool is the *Taalweb Frysk* (Frisian Language Web), a digital platform developed by the Fryske Akademy containing a glossary, spellchecking, and plug-ins for the Frisian language for common computer software applications such as Word and Outlook.⁷⁰

105. The Advisory Committee was informed that at municipal level 96% of civil servants understand Frisian, 75% speak it, and 24% have a written command of the Frisian language.⁷¹

Recommendation

106. The Advisory Committee calls on the authorities to ensure that the right to use the Frisian language in contacts with the administration, as guaranteed by the Use of Frisian Act, is fully implemented in practice in all public services, including in law enforcement.

Use of Frisian in courts

Recommendations from the two previous cycles of monitoring

107. The Advisory Committee noted that the right to speak Frisian in courts is guaranteed by law, but regretted the lack of Frisian-speaking interpreters and recommended the authorities to be more proactive in this respect.

Present situation

108. Accused parties and witnesses have long had the right to speak Frisian at court hearings and trials in the Province of Fryslân, and this right was confirmed by the 2014 Use of Frisian Act. Frisian may also be spoken at hearings and trials outside the Province of Fryslân

⁶⁹ Administrative Agreement on the Frisian Language and Culture, Chapter 1, para. 1.7.

⁷⁰ See <https://taalweb.frl>.

⁷¹ Written information submitted by the authorities.

when the person can establish a *prima facie* case that he or she would otherwise be unable to express themselves adequately in Dutch.

109. In practice, the situation is more nuanced. With effect of 1 January 2013, the Judicial Map (Revision) Act led to a reduction in the number of courts in the Netherlands and to a merger of the Leeuwarden/Ljouwert District Court with the District Court of North Netherlands to the North Netherlands Court. The latter has locations in Leeuwarden/Ljouwert, but also in Groningen and Assen, which are located in other provinces. While the authorities state that cases from the Province of Fryslân are preferably tried in Leeuwarden/Ljouwert, interlocutors of the Advisory Committee reported that this is not always the case. Reportedly, the reason given when a case cannot be tried in the Frisian language is usually the non-availability of Frisian-speaking court staff and/or interpreters.⁷²

110. The authorities could not provide the Advisory Committee with more precise data about numbers of Frisian-speaking court staff and interpreters in the court system. Given the long-standing right to speak Frisian in courts and the fact that the above-mentioned problems have been known for a many years,⁷³ the Advisory Committee finds problematic that this kind of data does not appear to be available. In order to assess the situation comprehensively, it would also be necessary to look into the frequency of Frisian language use in court proceedings and documents, how often requests to use Frisian are denied, and on which grounds. The Advisory Committee understands that applications to justice authorities can be made in Frisian, but are automatically translated into Dutch and there is no record made that this is a translation from Frisian.

111. The Advisory Committee regrets that no specific provisions on the use of Frisian in courts were included in the 2019-2023 Administrative Agreement on the Frisian Language and Culture. The chapter on judicial authorities merely notes the intention of the Province of Fryslân to enter into consultations with the North Netherlands Court and the Arnhem-Leeuwarden/Ljouwert Court of Appeal and that agreements will be laid down separately.

112. Some interlocutors also told the Advisory Committee that Frisians, even though more at ease in their native Frisian language than in Dutch, would instinctively turn to Dutch in contexts such as law enforcement and justice as this is perceived as the standard societal norm and they feel it might be to their disadvantage if they used Frisian. The Advisory Committee finds this worrying as it puts Frisian speakers in a disadvantaged position in such instances.

Recommendation

113. The Advisory Committee calls on the authorities to fully implement the right to use the Frisian language in courts as guaranteed by the Use of Frisian Act. To this end, they should monitor and evaluate the situation, raise awareness and provide the necessary resources so that the availability of Frisian-speaking staff can be secured.

⁷² Interlocutors described, for example, the case of a lawyer whose client wanted to speak Frisian and the judge as well as the prosecutor agreed, but the secretary of the court did not speak Frisian and thus the trial had to be held in Dutch.

⁷³ See also Advisory Committee's second Opinion, adopted on 20 June 2013, para. 10, and the 5th cycle report of the Committee of Experts on the application of the European Charter for Regional or Minority Languages in the Netherlands, adopted on 16 June 2016, paras. 153-154.

Article 11 of the Framework Convention

Minority language signs and topographical indications

Recommendations from the two previous cycles of monitoring

114. In the previous monitoring cycles, the Advisory Committee observed that the display of signs in the Frisian language is within the remit of municipalities and that the situation varies from one municipality to another. It recommended the authorities to step up their efforts promoting the possibility to display bilingual topographical indications throughout the Province of Fryslân.

Present situation

115. Municipalities in the Province of Fryslân determine themselves whether names of the municipality, streets, and other topographical areas are indicated in Dutch, Frisian or bilingually, and these records are automatically aligned with the land registry and cadastral system at national level.⁷⁴

116. The Province of Fryslân recently posted an alphabetical list of all place names in the Frisian language on its website, a move which is to be welcomed.⁷⁵ In the capital of the province, Leeuwarden/Ljouwert, as well as in Sneek/Snits, the administrative centre of the newly merged municipality Súdwest-Fryslân, the Frisian language was however not very visible in public spaces during the visit of the Advisory Committee. Some interlocutors shared their view that putting up place names in the Frisian language would sometimes trigger opposition by parts of the population. The Advisory Committee hopes that more merged municipalities will follow the example of the municipality of Súdwest-Fryslân, where bilingual signposting is planned to be used throughout the new administrative centre. The Advisory Committee recalls the important symbolic value of bilingual topographical indications as affirmation that the presence of linguistic diversity is appreciated and that a given territory is shared in harmony by various linguistic groups.⁷⁶

117. Finally, the Advisory Committee takes note that the interlocutors from Frisian NGOs said that Frisian language inscriptions on courts or police buildings in the Province of Fryslân would send a strong signal that the Frisian language has an official status in the Province.

Recommendation

118. The Advisory Committee encourages the authorities to increase their efforts in promoting the display of signs and topographical indications in the Frisian language.

⁷⁴ Administrative Agreement on the Frisian Language and Culture, Chapter 3.2.

⁷⁵ Alphabetical list of place names in Dutch and Frisian, available on the [website of the Province of Fryslân](#).

⁷⁶ ACFC Thematic Commentary No. 3, The Language Rights of Persons belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, para. 67.

Article 12 of the Framework Convention

Knowledge about national minorities, intercultural education and multilingualism

Recommendations from the two previous cycles of monitoring

119. In the previous monitoring cycles, the Advisory Committee noted that Frisian history and culture is, to a large extent, incorporated into the general education programmes in the Netherlands, but that there is no specific provision devoted to the teaching of Frisian history and culture in Dutch law. However, the fact that Frisian history and culture is covered in the history curriculum (*canon van Nederland*) and that regional curricula were being developed was considered to be a positive development as it allows for more autonomy and better reflection of local needs.

Present situation

120. The Advisory Committee notes that for schools in the Province, a regional curriculum (*kanon fan de Fryske skiednis*) was launched in 2013. It is available in Frisian and Dutch on a digital education platform and contains multimedia materials on Frisian history and culture as well as the Frisian language.⁷⁷ Nevertheless, it is difficult to determine to what extent Dutch students living outside the Province of Fryslân actually learn about Frisian history and culture.

121. The Advisory Committee welcomes the progress achieved within the Province of Fryslân and, in this context, takes positive note in particular of the work of *Afûk*, which has continued to support the promotion of the Frisian language and culture through schools as well as adult education and contributed to the development of the Frisian curriculum.⁷⁸ However, as the situation outside the Province of Fryslân is concerned, the Advisory Committee recalls that the obligations entailed in Article 12(1) of the Framework Convention “concern not only education available for minorities but also that of majorities”.⁷⁹ An assessment of the actual practice in schools, the content of teaching and learning materials, and the knowledge and attitudes of students would be necessary in order to properly evaluate the situation of Frisian history and culture in mainstream education.

122. Under the heading “Multicoloured Netherlands” (*veelkleurig Nederland*), the above-mentioned history curriculum contains a number of elements reflecting the diversity of the country.⁸⁰ Tolerance and intercultural understanding, human rights and respect for diversity are taught in the mandatory subject “civic education” (*burgerschapsonderwijs*). Both curricula are currently being reviewed by the Dutch Parliament, which has triggered public debates.⁸¹ The Advisory Committee reiterates that the curricula for history and civic education has to reflect the diversity of the society and is of the view that their regular revision should not be subject to politicisation.⁸²

⁷⁷ Regional canon of the Province of Fryslân, available at www.entoen.nu/nl/fryslan/fryslan.

⁷⁸ Website of *Afûk*, available at <https://afuk.frl>.

⁷⁹ ACFC Thematic Commentary No. 1, Education under the Framework Convention for the Protection of National Minorities, adopted on 2 March 2006, para. 40.

⁸⁰ “Multicoloured Netherlands”, available at www.entoen.nu/nl/veelkleurignederland.

⁸¹ Het Parool (19 June 2018), *Kamer: houd canon weer eens tegen het licht (Chamber: hold the canon against the light again)*.

⁸² ACFC Thematic Commentary No. 1 “Education under the Framework Convention for the Protection of National Minorities” (March 2006), p. 11.

123. The Advisory Committee follows with interest a certain paradigm change from protecting and promoting the Frisian language as such to a multilingual approach placing the Frisian language alongside Dutch and other languages. The trilingual schools in the Province of Fryslân are one example of this trend and another is the conversion of the study courses on Frisian language and culture at the University of Groningen into courses on multilingualism and minority languages.⁸³ During its visit, the Advisory Committee learned with interest that placing the Frisian language in a multilingual framework is considered to generally have positive effects. For example, some of the experts that the Advisory Committee met during the visit highlighted that trilingual schools would also attract children from Dutch-only families. There is also research about positive effects of trilingual schooling on language acquisition of children with a migrant background, who feel more at ease in an environment where multilingualism is appreciated. The Advisory Committee observes the multilingual approach taken in the Province of Fryslân, which in its view, apart from having significant cognitive benefits for the individuals, can contribute to intercultural comprehension and co-operation. However, the Advisory Committee understands the concerns that an overemphasis on multilingualism may overlook the value of protecting and promoting the Frisian language in its own right.

Recommendation

124. The Advisory Committee invites the authorities to continue to comprehensively assess the effects on Frisian language learning in the framework of the multilingual approach.

125. The Advisory Committee encourages the authorities to support the mainstreaming of Frisian history and culture in the general curricula, including outside of the province.

Article 14 of the Framework Convention

Teaching in and of the Frisian language

Recommendations from the two previous cycles of monitoring

126. In the past monitoring cycles, the Advisory Committee recommended that the authorities continue their efforts to provide high quality education in Frisian at all levels, including by developing evaluation tools, and to safeguard the existence of small trilingual schools in rural areas. The Advisory Committee further invited the authorities to ensure that the interests of minority representatives, including parents, are taken into account with regard to the adequate amount of teaching of the Frisian language.

Present situation

127. According to the Dutch Primary Education Act and the Secondary Education Act, teaching of the Frisian language is compulsory in the Province of Fryslân, unless schools have been granted exemption by the Provincial Executive. Until 2014, the core objectives (i.e. attainment targets) for the Frisian language, as for all subjects, were established by the Ministry of Education, Culture and Science. With effect as of August 2014, this responsibility has been decentralised to the Province of Fryslân through amendments to the Dutch Primary Education Act, the Secondary Education Act and the Centres of Expertise Act. By granting more

⁸³ See website of the bachelor degree [Minorities and Multilingualism](#) at the University of Groningen.

autonomy to the Province of Fryslân on educational issues, the authorities implemented the recommendations given by the Hoekstra Steering Group in 2010.⁸⁴

128. On this basis, the Province of Fryslân adopted “Policy Rules on exemptions for the teaching of Frisian in primary and secondary schools” (*Beleidsregel voor het verkrijgen van ontheffing voor het vak Fries in het primair en voortgezet onderwijs*) in 2016. These rules establish different language profiles according to the level of teaching Frisian, depending on the specific situation of each school. The highest profile “A” includes Frisian listening, speaking, reading, writing, language awareness, and a positive attitude to the Frisian language. Profile “B” grants an exemption for writing, profile “C” an exemption for reading and writing, and so forth. The lowest profile “G” represents a full exemption from teaching Frisian, which can only be granted to schools falling outside the Frisian language region such as the Wadden Islands.

129. The next step was a detailed mapping and baseline assessment of the amount and quality of Frisian language teaching in all primary and secondary schools of the Province of Fryslân resulting in a Frisian Language Plan (*Taalplan Frysk*),⁸⁵ which was published on 30 September 2018. For this project, a team of education specialists visited all 423 primary and 71 secondary schools in the Province of Fryslân, assessed the needs and drew up an individual language plan for each school. On this basis, language profiles were assigned according to the system mentioned above, which will be revisited every four years.

130. In primary education, 32% of the schools in the Frisian-speaking area meet the attainment targets in full, i.e. have fully-fledged Frisian language education including writing skills and hence were assigned language profile “A”. The remaining schools were granted various degrees of exemptions. 21% of the schools are in the lowest profiles “E” and “F”, which mainly represents “developing a positive attitude towards the use of Frisian by themselves and others.”⁸⁶ Interestingly, while most schools outside of the Frisian-speaking area have a full or almost full exemption, there are seven primary schools that nonetheless achieved profile “B”.

131. In secondary education, 44% of schools in the Frisian area meet the attainment targets in full and 16% have been assigned the lowest language profiles. Two secondary school in the Non-Frisian area are in profiles “A” and “B”.

132. The variations in language profiles are explained by the language background of the students, which in turn correlates with urban vs. rural areas, but also by the language backgrounds of teachers and the policy of the school on Frisian as a subject and/or on multilingual education.⁸⁷ In the future, those language profiles are meant to gradually evolve to higher degrees so that by 2030, as stated in the Administrative Agreement on the Frisian Language and Culture, all schools within the Frisian language region are expected to achieve the full core objectives and no longer need any partial exemptions.⁸⁸

⁸⁴ Opinion of the Steering Group on devolution of the Frisian language from the Dutch state to the Province of Fryslân (Hoekstra Steering Group), *Frisian in education: more freedom, control and accountability for the Province of Friesland*, 2 July 2010. On the regional curriculum, see also the 2nd Opinion of the Advisory Committee on the Netherlands, paragraph 71.

⁸⁵ N.A. Varkevisser/A.P. Walsweer (2018), [Taalplan Frysk \(Frisian Language Plan\)](#).

⁸⁶ Policy Rules governing exemption from Frisian teaching in primary and secondary education, para. 3.1.

⁸⁷ N.A. Varkevisser/A.P. Walsweer (2018), [Taalplan Frysk \(Frisian Language Plan\)](#).

⁸⁸ Administrative Agreement on the Frisian Language and Culture, Chapter 2.3, para. 1.

133. The Advisory Committee was informed that both policy makers and practitioners in the Province of Fryslân were very satisfied with the decentralisation of competencies. The Advisory Committee got the impression that this decision served to energise stakeholders at provincial level and motivates a multitude of stakeholders to work together in achieving the common goal of promoting the Frisian language.

134. As far as the effect on the amount and quality of Frisian language teaching and learning is concerned, it is too early to draw conclusions. As the Frisian Language Plan is the first assessment of this scale and level of detail, it is difficult to trace developments over the past five years. Also, the absolute number of schools has decreased during the reporting period, which makes it difficult to draw comparisons over time. Given the thorough methodology of the study, however, it will certainly provide a useful baseline for tracing progress in the future.

135. It is evident, though, that the number of trilingual (Dutch/English/Frisian) schools has increased. While 53 trilingual schools are reported for 2012,⁸⁹ the Network of Trilingual Schools counted 85 members in January 2019.⁹⁰ In the Administrative Agreement on the Frisian Language and Culture, the Province of Fryslân sets the target of increasing the percentage of students in trilingual education from 15% in 2018 to 30% by 2023.⁹¹ The Advisory Committee welcomes this increase. It was informed by interlocutors from CEDIN, the Centre for Educational Services, that their research shows that the trilingual approach has positive effects not only on children's knowledge of the Frisian language, but also of the Dutch language.

136. The Advisory Committee is pleased to note that, according to information received by the Province of Fryslân, the number of final high school exams in the Frisian language increased from 66 in 2013 to 138 in 2018. However, the Advisory Committee was also told about sporadic cases where students were informally "recommended" not to choose Frisian as a course in their last years in secondary school and thus discouraged from taking final high school exams in the Frisian language. As the development of writing skills is one of the big challenges identified by research⁹² and addressed in the administrative agreement for the Frisian language and culture (see Article 5), the Advisory Committee considers attention to secondary education in Frisian as crucial.

137. The Advisory Committee notes with concern that several interlocutors in the Province of Fryslân were not entirely satisfied with the role of the National Education Inspectorate over the past years. The authority usually inspects schools once every four years, but in the case of the Frisian language the last time this happened was in 2009. At this last visit the Education Inspectorate had found that the knowledge of Frisian was very uneven among students and that the qualification of teachers and the methodologies available were not sufficient to cope with this situation.⁹³ The perception by many stakeholders in the Province of Fryslân, however,

⁸⁹ See Advisory Committee's second Opinion on the Netherlands, adopted on 20 June 2013, para. 102.

⁹⁰ [Network Trilingual Schools, www.sintrummeartaligens.nl/70/drietalige-school.html#25](http://www.sintrummeartaligens.nl/70/drietalige-school.html#25).

⁹¹ Administrative Agreement on the Frisian Language and Culture, Chapter 2.6, para. 6.

⁹² E. Klinkenberg/R. Jonkman/N. Stefan (2018) [Taal yn Fryslân - de folgjende generaasje \(Language in Fryslân - the next generation\)](#).

⁹³ See Ministry of Education, Culture and Science (30 June 2011), [Letter to the House of Representatives on Frisian in education](#), reproduced in Appendix 1 to the Fourth periodical report of the Netherlands on the implementation of the ECRML.

was rather that the Education Inspectorate had not given enough priority to Frisian as a minority language over the last 10 years. Given the decentralisation described above, the development of the Frisian Language Plan, an evaluation system (GRIP), and digital learning methods (*Spoar 8 and Searje 36*), the Education Inspectorate has now decided to restart its assessment of the quality of Frisian education, in close co-operation with the Province of Fryslân, as of 2019. In the new administrative arrangement on the Frisian language and culture, the role of the Education Inspectorate is described, even if in rather broad terms.

138. From the approximately 400 preschools in the Province of Fryslân, 220 are either bilingual (i.e. at least 50% Frisian language spoken) or Frisian only. There is, however, a lack of Frisian language or bilingual preschools in larger towns such as Leeuwarden/Ljouwert and Sneek/Snits. The Advisory Committee was informed that there are many parents who would like to raise their children in a bilingual preschool, but cannot find one. Preschools in the Netherlands are provided by private professional entities, which are allowed, but not obliged, to provide bilingual options. The Advisory Committee regrets this and considers it important to find a solution to ensure availability of Frisian preschool that also meets the demands in more urban areas.

139. A wealth of learning tools for children and awareness raising material for parents and educators have been developed to support the use of Frisian in children's early language development.⁹⁴ When registering new-born children at the municipality, parents receive a gift that includes a multilingual children's book and information about the benefits of bringing up children in a multilingual environment. The Advisory Committee welcomes these initiatives, which encourage parents to pass on the Frisian language to their children.

140. Finally, the Advisory Committee wishes to note that education in the Frisian language exists exclusively in the Province of Fryslân. Given the increasing mobility of the population, the authorities might wish to investigate whether there is a need also in neighbouring provinces or bigger cities to provide for the possibility of Frisian language classes in particular in preschools and primary schools if a sufficient number of families express such a demand.

Recommendations

141. The Advisory Committee calls on the authorities to provide all necessary support to the implementation of the Frisian Language Plan in close co-operation with teachers, parents, students and minority organisations with a view to reaching the 2030 target of a significant increase in the knowledge of the Frisian language, both orally and in writing. A sufficiently high quality level of teaching has to be ensured and monitored systemically by the Education Inspectorate.

142. The Advisory Committee strongly encourages the authorities to undertake measures to make Frisian language teaching and learning more attractive in secondary schools, e.g. through setting low thresholds for opening Frisian language courses and removing any obstacles to choosing Frisian as a subject in final exams.

⁹⁴ See for example the website <https://heitenmem.nl/> (Dad and Mom) initiated by *Afûk*.

143. The Advisory Committee calls on the authorities to ensure that the supply of Frisian and bilingual preschools also meets the needs in larger towns in the Province of Fryslân.

144. The Advisory Committee encourages the authorities to assess the need for providing for the possibility of Frisian language teaching in schools and preschools outside the Province of Fryslân.

Frisian language teachers

Recommendations from the two previous cycles of monitoring

145. In the previous monitoring cycles, the Advisory Committee noted the increase of Frisian teacher training for primary and secondary schools, which, however, was still considered insufficient to meet the demands. It recommended the authorities to address the lack of qualified Frisian language teachers, including in preschools.

*Present situation*⁹⁵

146. Teacher training for primary and secondary school teachers is provided at the University of Applied Sciences NHL Stenden. There is a compulsory course for all future primary school teachers (about half of them are Frisian native speakers) to obtain basic Frisian reading and writing skills, which is to be welcomed. The formal qualification to teach Frisian in primary education (*foech Frysk*) is optional. From the 70 students taking up their studies every year, about 20 choose this programme.⁹⁶ There are also a number of teachers who follow the six-month course to obtain the *foech Frysk* qualification. The Advisory Committee takes positive note that every couple of years, courses are also offered at the academic teacher training for primary education at the University of Groningen.

147. NHL Stenden also offers a bachelor programme to teach in Frisian in the lower grades of secondary education and a master programme to teach in all grades of secondary education. Currently, 16 students are studying in the bachelor programme and four students are in the master programme. In both primary and secondary teacher training, the number of students studying the Frisian language has been relatively stable, but low, over the past five years.

148. All interlocutors of the Advisory Committee agreed that there is a lack of qualified Frisian language teachers, both at primary and secondary levels.⁹⁷ The Advisory Committee has been informed that some schools get into difficulties once the only Frisian teacher falls sick because the replacement does often not have the necessary qualifications. According to the State Report,⁹⁸ the chairs of associations representing school boards have indicated to the authorities “that increasing the number of teachers qualified to teach Frisian is not their highest priority at present” and that “it is up to the profession itself to implement this”. The Advisory Committee considers that a supply of well qualified teachers able to teach Frisian as a subject as well as a language, be it in bi- or multilingual environments, is of high importance

⁹⁵ The Advisory Committee also refers in this regard to the findings and recommendations of the Committee of Experts on the European Charter for Regional or Minority Languages in its 5th cycle report on the application of the Charter in the Netherlands, adopted on 16 June 2016, paras. 142-147.

⁹⁶ Written information provided by the authorities.

⁹⁷ It has to be noted, however, that there is a general teacher shortage in the Netherlands. See also the information provided on the government website, [Lerarentekort in het primair onderwijs \(Teacher shortage in primary education\)](#).

⁹⁸ State Report, Article 12.

and should be a priority not only for the provincial authorities, but also for the Ministry of Education, Culture and Science.

Recommendation

149. The Advisory Committee calls on the authorities to make the obtaining of qualifications concerning the Frisian language teaching better advertised, more accessible and more attractive for potential candidates, including through financial and professional incentives for Frisian and non-Frisian students as well as teachers of other subjects.

Article 15 of the Framework Convention

Participation

Recommendations from the two previous cycles of monitoring

150. The Advisory Committee recommended the authorities to consult representatives of the Frisian minority in the preparation of the third State Report, to ensure that existing consultative mechanisms as well as the Body for the Frisian Language, once established, will be able to effectively fulfil its mission.

Present situation

151. While the Province of Fryslân consults frequently with non-governmental organisations (NGOs) on an *ad hoc* basis and is reportedly very open when NGOs approach it, there is hardly any access for these NGOs to the ministry in charge of Frisian national minority issues at national level. Some interlocutors mentioned the need for a “commissioner” or another kind of “stronghold in the The Hague” through which Frisian minority interests could make themselves heard.

152. Non-governmental organisations were consulted on their wishes for the 2019-2023 administrative agreement at the beginning of the negotiation process between the national and the provincial governments. However, some non-governmental organisations representing the Frisian minority told the Advisory Committee they felt insufficiently involved in the further stages of its preparation.

153. The Province of Fryslân has no institutionalised consultative mechanisms for Frisian minority NGOs. Given the importance of the right to participation for those belonging to national minorities, the Advisory Committee considers that a regular meeting, network or platform where all NGOs working on Frisian issues, including youth NGOs, could interact among each other and advise the Province on its policies, should be considered.

154. An administrative reform entered into force as of 1 January 2014, which resulted in the successive reduction of municipalities in the Province of Fryslân from 37 to 12. A number of rural municipalities with high percentages of Frisian speakers were merged with more urban municipalities, where Frisian is less widely spoken. For example, with effect of 1 January 2018 the municipality of Littenseradiel with over 80% Frisian speakers was split between Leeuwarden/Ljouwert, Súdwest-Fryslân and the new municipality Waadhoeke. As of 1 January 2019, the former municipalities of Dongeradiel, Ferwerderadiel and Kollumerlân en Nijkrúslân merged into the new municipality Noardeast-Fryslân.

155. In the context of the administrative reform, an agreement on Frisian language policy was concluded on 4 November 2013 between the government, the Province of Fryslân, and the relevant municipalities. In line with Article 5 of the Use of Frisian Act, each municipality was requested to develop by 2019 a language plan on the promotion of the Frisian language. The Advisory Committee was informed that 13 out of the 15 municipalities in the Frisian area had drawn up such policies by end of 2018. In the case of a merger, new Frisian language policies are negotiated and adopted. During its visit to the municipality of Súdwest-Fryslân, the Advisory Committee learned that the adoption of the new language policy was preceded by a consultation of the population.

156. Officials at provincial and municipal level who met with the Advisory Committee explained that in the case of mergers those agreements would usually apply the higher standards of the municipalities with high proportions of Frisian speakers to the entire new municipalities. Representatives of the minority as well as a research report of the Mercator Institute⁹⁹ assess the situation as more negative. They see a need to monitor the situation very closely and to support municipalities both in terms of resources and practical advice so that persons in particular in the rural Frisian areas are not left behind as a consequence of the mergers.

Recommendation

157. The Advisory Committee calls on the authorities to ensure persons belonging to national minorities are duly consulted in the development and implementation of language policies in the context of municipal mergers.

158. The Advisory Committee encourages the authorities to set up a permanent and structured consultation scheme with Frisian minority NGOs, including youth NGOs and take active measures in involving them in the decision-making processes at all levels.

Articles 17 and 18 of the Framework Convention

Cross-border co-operation

Recommendations from the two previous cycles of monitoring

159. The Advisory Committee encouraged the authorities to further pursue and support co-operation with the organisations representing Frisians living in other countries.

Present situation

160. A wide number of cross-border activities and relations are entertained by the Province of Fryslân und other institutions, in particular the Frisian Council (*Fryske Rie*), which facilitates exchanges with the Frisian areas in Lower Saxony and Schleswig-Holstein in Germany. This partnership, which also includes the Wadden region, is due to be intensified in the years to come, as stated in the new Administrative Agreement on the Frisian Language and Culture.¹⁰⁰ The *Fryske Rie* shared with the Advisory Committee its proposals for closer co-operation

⁹⁹ A.F. Schukking/E.L. Klinkenberg (2018), [*De rol fan it Frysk by gemeentlike weryndielingen yn Fryslân \(The role of Frisian in municipal mergers in Fryslân\)*](#).

¹⁰⁰ Administrative Agreement on the Frisian Language and Culture 2019-2023, Chapter 7.1, para. 5.

between the Frisians in both countries, which range from the development of a joint Frisian history curriculum and integrated Frisian-Dutch-German-English learning tools to the establishment of an “Inter-Frisian Culture Parliament”.

161. The province is also very active in the Network to Promote Linguistic Diversity (NPLD) and through this platform shares knowledge with regions all across Europe. The Advisory Committee takes positive note that the new Administrative Agreement on the Frisian Language and Culture demonstrates a commitment of the province to take a leadership role in various European and inter-regional as it considers that the region has indeed many good practices to share.

Recommendation

162. The Advisory Committee encourages the authorities to continue their active involvement and support to cross-border, international and inter-regional activities, including via the effective sharing of good practices.

III. CONCLUSIONS

164. The Advisory Committee considers that the present concluding remarks could serve as the basis for the conclusions and recommendations to be adopted by the Committee of Ministers with respect to the Netherlands.

Positive developments following three cycles of monitoring

165. The Netherlands has comprehensive legislation against discrimination and a well-developed and sufficiently resourced system of equality bodies, which has been further strengthened over the last monitoring cycles. The National Institute for Human Rights has a broader mandate than its predecessor, the Equal Treatment Commission. It is complemented by the Office of the Ombudsman and 38 Local Anti-Discrimination Bureaus. However, only a few cases of alleged discrimination on the grounds of language have been brought to the attention of the Local Anti-Discrimination Bureau in the Province of Fryslân and the National Institute for Human Rights, even though discrimination on grounds of language is not explicitly mentioned in legislation.

166. The legal protection of the Frisian language rights has made substantial progress over the three cycles of monitoring. The administrative agreements concluded every five years between the government and the Province of Fryslân have over time become increasingly detailed. The Use of Frisian Act, in force since 2014, was a milestone in enshrining Frisian as one of the two official languages of the Province of Fryslân and the use of Frisian in administration and courts in one single law. Another important step was the decentralisation of responsibilities for Frisian language education to the Province through amendments to the Dutch Primary Education Act, the Secondary Education Act and the Centres of Expertise Act.

167. Trilingual schooling is another area where clear progress has been made since the first monitoring cycle. While the first Opinion of the Advisory Committee in 2009 praised the introduction of the model and the existence of 23 trilingual schools, the number had reached 53 during the second examination in 2013. Today, the Network of Trilingual Schools counts already 85 members. In the meantime, a broad variety of methods has been developed which can be used for multilingual teaching. Accompanying research demonstrates that the approach, apart from having significant cognitive benefits for the individuals, can contribute to intercultural comprehension and co-operation.

Issues of concern following three cycles of monitoring

168. The situation of Roma, Sinti and Travellers in the Netherlands has remained an on-going concern. Discrimination and inequality remain at high levels, as do stereotypes in the majority population. With the exception of thematic and ad hoc consultations such as in the case of the new housing policy, no regular and structural consultation mechanism exists. The Advisory Committee was concerned by the lack of trust between Roma, Sinti and Traveller communities on the one hand and representatives of the authorities on the other hand. (Re-)building mutual trust and establishing efficient partnerships at both central and local levels will be key for implementing any policy aimed at improving the situation of persons belonging to these communities.

169. Promoting intercultural respect and tolerance and combating racism, Islamophobia and anti-Semitism remain a crucial challenge. The Advisory Committee considers that a key element to build an integrated, cohesive society is to ensure that all its components are listened to and can contribute to the society they live in. It therefore deeply regrets that the National Consultation Platform for Minorities (LOM) which discontinued its activity in 2013, has not yet been replaced by another consultation structure. While acknowledging that the LOM had deficiencies, it considers that the present system of thematic consultations with single minority groups initiated on an *ad hoc* basis by the authorities does not ensure sufficient accountability, transparency, and representativity.

170. Participation of minority representatives could also be improved in the Province of Fryslân. While non-governmental organisations working on Frisian issues are consulted on an *ad hoc* and thematic basis by the Province of Fryslân and interlocutors reported that they usually have good access to decision-makers at provincial level, there is no institutionalised consultative body where such NGOs, including youth NGOs, could regularly meet, interact amongst each other, bring issues to the agenda and advise the Province on its policies.

Recommendations

171. In addition to the measures to be taken to implement the detailed recommendations contained in Sections I and II of the Advisory Committee's Opinion, the authorities are invited to take the following measures to further improve the implementation of the Framework Convention:

Issues for immediate action¹⁰¹

- **Ensure that the implementation of the 2019-2023 Administrative Agreement on the Frisian Language and Culture results in substantial and lasting improvements for the rights of persons belonging to the Frisian national minority; ensure the province of Fryslân is equipped with all necessary resources to fulfill its newly assigned role as “language captain” for Frisian, and take a strategic and participatory approach in all areas of language use with a specific focus on education and teacher training, on the right to use the Frisian language in courts, and on the use of the Frisian language on TV, in print and in digital media.**
- **Ensure the effective participation of Roma, Sinti and Travellers in policy making and, together with the stakeholders concerned, develop a comprehensive policy addressing discrimination against Roma, Sinti and Travellers in education, the labour market and housing. In particular, support municipalities in implementing the new housing policy adopted in June 2018.**
- **Promote intercultural understanding and integration of society, *inter alia* through the creation of a sustainable, transparent and representative structure for consultation of minority groups and supporting civil society organisations of these groups.**

¹⁰¹ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

Further recommendations¹⁰²

- Adopt a more flexible approach towards the scope of application of the Framework Convention and enter into a formal dialogue with representatives of groups interested in the protection provided by the Framework Convention.
- Incorporate the ground of “language” into the General Equal Treatment Act and invest in raising awareness of the anti-discrimination legislation and its applicability and remedies available among persons belonging to national minorities.
- Increase efforts to prevent, investigate, prosecute and sanction effectively hate speech and hate crime through adequate legislation and sufficiently resourced institutions and raise the awareness of persons belonging to minority groups of the possibilities of reporting.
- Ensure that the right to use the Frisian language in contacts with the administration as guaranteed by the Use of Frisian Act is fully implemented in practice in all public services and in particular in law enforcement, in courts, and at municipal level; dedicate particular attention to Frisian language policies in newly merged municipalities and the visibility of the Frisian language in public spaces.
- Take all necessary measures to ensure the implementation of the Frisian Language Plan in close co-operation with all stakeholders; ensure systemic monitoring by the Education Inspectorate; undertake measures to make Frisian language teaching more available at preschool level and more attractive at secondary school level and as a profession for teachers; assess the need for providing Frisian language teaching outside the Province of Fryslân.
- Ensure Frisian minority representatives are duly consulted in the development and implementation of policies, including through setting up a consultation scheme with Frisian minority NGOs, including youth NGOs, at provincial level, and through involving minority representatives in the context of language policies in the context of municipal mergers.

¹⁰² The recommendations below are listed in the order of the corresponding articles of the Framework Convention