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

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### **Second Opinion on the Netherlands, adopted on 20 June 2013**

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#### **EXECUTIVE SUMMARY**

The Netherlands continues to pay great attention to the protection of the rights of the Frisian minority and provides considerable support to the activities of this community. Frisian language education has significantly improved in recent years although the lack of qualified Frisian language teachers remains a concern among the Frisian minority.

The new law on the use of the Frisian language, which declares Frisian to be the second national language of the Netherlands, will give an important stimulus to the use of Frisian in legal and administrative matters. However, there are reservations among the representatives of the Frisian minority as regards the future administrative reform which might weaken the position of the Frisian language, culture and identity if mergers of the Northern municipalities and provinces are implemented.

The creation of the Netherlands Institute for Human Rights and the development of a local system of monitoring and reporting of discrimination in each municipality as well as new measures adopted to tackle the problem of intolerance on the Internet, reflect the will of the Dutch authorities to fight firmly against all forms of discrimination.

Although the Netherlands has a long tradition of tolerance and openness to other cultures, expressions of racism and intolerance continue to be reported, including in political discourse. The different groups in society seem often to live a parallel existence alongside one another, but without significant interaction with each other. Efforts have to be made to encourage a spirit of tolerance and intercultural dialogue in society and to prevent discrimination and stigmatisation towards all groups, including through the promotion of human rights education.

While the formal approach to the scope of application of the Framework Convention is maintained, concrete measures have been taken to support a wide range of groups. Sustainable and institutionalised dialogue through participatory structures is needed with representatives of ethnic minority groups with a view to achieving broader societal integration.

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

## **SECOND OPINION ON THE NETHERLANDS**

1. The Advisory Committee adopted the present Opinion on 20<sup>th</sup> June 2013 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 received on 19 September 2012 and the additional information sent by the Dutch authorities on 24<sup>th</sup> April 2013 as well as other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to the Netherlands from 19 to 21 March 2013.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in 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 first cycle of monitoring of the Framework Convention, contained in the Advisory Committee's first Opinion on Netherlands adopted on 26 June 2009 and in the Committee of Ministers' corresponding Resolution, adopted on 12 January 2011.
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 authorities of the Netherlands 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.
6. The Advisory Committee would also like to bring to the attention of State parties that on 16 April 2009, the Committee of Ministers adopted new 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 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the protection of National Minorities).

## I. MAIN FINDINGS

### Monitoring process

7. The authorities have maintained an overall constructive approach to the Framework Convention monitoring process. The first Opinion of the Advisory Committee, adopted in June 2009, was published jointly with the government's comments and the Committee of Minister's Resolution in February 2010. However, the Advisory Committee regrets that its first Opinion and the corresponding Resolution of the Committee of Ministers have not been translated into either Dutch or Frisian. It is also regrettable that in the preparation of the second state report, the Dutch Government did not directly involve the representatives of the Frisian minority, civil society or other groups concerned by the application of the Framework Convention in the Netherlands. The Advisory Committee also notes that the second state report was submitted with a delay of more than one year.

8. However, the Advisory Committee notes with satisfaction the willingness expressed by the Government in the additional information to the state report provided in April 2013 to consult widely all actors including the minority associations in the forthcoming preparation of the third state report and to translate the second Opinion upon receipt. The Advisory Committee trusts that the authorities will disseminate this Opinion in Dutch and in Frisian languages, to ensure greater transparency in the monitoring procedure.

9. The Advisory Committee visited the Netherlands from 19 to 21 March 2013. The visit, organised at the invitation of the Dutch Government, provided a good opportunity to have a direct dialogue with the parties concerned. The additional information provided by the government and by other sources, including representatives of national minorities, proved to be most valuable. The meetings organised by the authorities demonstrated that the Government has adopted a proactive and positive attitude towards the Framework Convention. The meetings took place in The Hague, Leeuwarden/ Ljouwert and Utrecht.

### General and institutional legislative framework

10. Since the first monitoring cycle, the Netherlands has maintained a consistent policy of providing support to persons belonging to the Frisian minority and important progress has been made in various fields, in particular with regard to education in minority languages.

11. A new law on the use of Frisian (Language Act) was approved by the Dutch Parliament (Second Chamber) on 4 June 2013. The Act is expected to strengthen the use of Frisian in legal and administrative matters. A new Administrative Agreement on Frisian Language and Culture was signed in April 2013 between the State and the province of Fryslân.

12. In addition, consultation of the Frisian minority has continued via the Advisory Body for Frisian Issues (*Consultatief Organ Fries, COF*), and there are regular contacts between the representatives of the Frisian minority and the authorities of the province of Fryslân to devise a coherent policy on issues of concern to the Frisian minority and to increase the visibility of the Frisian culture and language in Dutch society.

13. The Dutch authorities maintain their approach towards the personal scope of application of the Framework Convention, which only applies to the Frisian minority in the province of Fryslân.

### **Combating discrimination**

14. The legal and institutional framework to combat discrimination in the Netherlands continues to be improved. The creation of the Netherlands Institute for Human Rights, the active role of the Ombudsman, the development of a local system of monitoring and reporting of discrimination in each municipality as well as the new measures adopted to tackle the problem of intolerance on the Internet, reflect the will of the Dutch authorities to firmly fight against all forms of discrimination.

15. However, only few cases of discrimination are brought to the attention of the anti-discrimination bodies by persons belonging to ethnic minority groups<sup>1</sup>, which might indicate that persons most exposed to discrimination do not have the necessary information about or trust in the remedies available to assert their rights.

### **Combating intolerance**

16. The Netherlands has a long tradition of tolerance and openness to other cultures. Various initiatives aimed at better understanding the negative effects of intolerance and discrimination among persons belonging to ethnic minority groups as well as campaigns valuing diversity and encouraging citizens to report any form of discrimination have been carried out. However, more efforts are needed to raise the overall understanding of human rights, in particular through human rights education.

17. However, the lack of adequate dialogue between the authorities and the persons belonging to ethnic minority groups is regrettable and prevents the exchange of opinions on issues affecting the groups concerned. There is also a critical assessment of the Dutch integration policy by ethnic minority groups which stresses that integration into society is perceived as the responsibility of the persons concerned without providing, in particular to the most vulnerable groups, the necessary support to achieve such integration, which is a two-way process involving the entire society.

18. Incidents of anti-Semitism as well as expressions of racism and intolerance continue to be reported. It is regrettable that anti-Muslim and anti-immigration discourse has been incited by some politicians. The majority population and minority groups seem to often live a parallel existence alongside one another, but without significant interaction.

19. Despite efforts made on local level to improve the integration of Roma and Sinti communities, persons belonging to these communities continue to face discrimination in various fields. The lack of a specific national Roma policy, as well as the absence of an adequate consultative mechanism to promote their effective participation in decision making on issues of concern to them, reinforce their difficulties.

### **Support to Frisian culture and language**

20. New measures have been taken to safeguard the use of Frisian in relations with the administration and the judiciary. The adoption of the law on the use of Frisian Language by the Dutch Parliament in 2013 has great symbolic value as it now officially recognises Frisian as the second national language of the Netherlands. It also gives a legal basis for administrative agreement between central and provincial authorities. This new Language Act is expected to give an important stimulus towards the use of Frisian with central government bodies by reinforcing the opportunities to use Frisian in legal and administrative matters

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<sup>1</sup> The term “ethnic minority groups” is here used in the same way as in the additional information to the state report provided by the Dutch authorities in April 2013.

throughout Fryslân and guaranteeing the right of everyone to use their own language (Dutch or Frisian) in communications with administrative bodies

21. The position of the Frisian language in tribunals and courts is still problematic due to the lack of Frisian-speaking interpreters and the merger of some legal administrative bodies which resulted in the suppression of some courts in Fryslân. The merger of some Frisian municipalities also had a negative impact on the use of Frisian as the number of native speakers of the Frisian language per municipality has decreased. The same problem may occur as a result of the future restructuring of the police administration.

### **Media in Frisian**

22. The regional public broadcasting company, *Omrop Fryslân*, continues to promote the minority language in the region by using Frisian as the only language in all its television and radio programmes as well as in the news related products on the Internet. A new Media Act is expected to be enacted in 2014 following the decision taken by the government to proceed with the recentralisation of the competencies for regional television from the provinces to the national authorities. It is important to ensure that this transfer of competencies does not result in a reduction of the broadcasting time in Frisian and in a decrease of the funds available for *Omrop Fryslân*.

### **Education in Frisian**

23. Substantial efforts have been made to provide persons belonging to the Frisian minority with increased opportunities to learn the Frisian language at preschool, primary and secondary levels of education. Models of trilingual education in Dutch, Frisian and English have been developed and are successful. Intercultural elements of education, including Frisian language and culture, have been included in the general curricula of education for all students.

24. The amount of Frisian teaching as an obligatory subject is still very low and the lack of suitably trained teachers for Frisian language remain a concern among the Frisian minority.

### **Participation of the Frisian minority in public affairs**

25. According to the new Language Act, a new Body for Frisian Language with wider responsibilities will be established. Although the possible merger of the Northern provinces as well as the reorganisation of Northern municipalities have not yet been elaborated, this possible administrative reform prompts serious reservations among the representatives of the Frisian minority, who fear that it would weaken the position of the Frisian language, culture and identity if the province of Fryslân were to disappear as an administrative unit.

## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

#### Scope of application

##### *Findings of the first cycle*

26. In its first Opinion, the Advisory Committee found that the position taken by the authorities with regard to the personal scope of application of the Framework Convention led in practice to the exclusion of certain groups, notably Roma and Sinti, and it invited the authorities to establish an institutionalised dialogue with the groups concerned. The Advisory Committee was concerned by the approach adopted by the Dutch authorities, which refers to the citizenship criterion and territoriality principle, limiting arbitrarily the possibility for other potential groups to benefit from the provisions of the Framework Convention.

##### *Present situation*

#### a) Positive developments

27. The Advisory Committee notes that the authorities have established ad hoc consultations with Roma and Sinti communities on the local level in the framework of the activities developed by the Platform for Roma-municipalities (see Article 6 below).

#### b) Outstanding issues

28. The Advisory Committee notes that according to the Declaration submitted by the Netherlands when ratifying the Framework Convention, only persons belonging to the Frisian minority are recognised as a national minority.<sup>2</sup>

29. The Advisory Committee has been informed by the authorities that during their consultations with the representatives of the Roma and the Sinti, these groups did not raise the issue of being recognised as a national minority. The authorities maintain that there is a great diversity of opinion within Roma and Sinti communities on this specific issue and that the majority of persons belonging to these groups who chose to settle in the Netherlands in the 1960s, and were integrated into Dutch society, do not wish to be identified as a minority. Moreover, the authorities explained that they face difficulties in engaging in effective dialogue with Roma and Sinti communities due to the lack of organised structures for consultation. They underline that the majority of the existing organisations of Roma and Sinti consist of specific family groups which are not accepted by the community as a whole as representative interlocutors.

30. During its visit, the Advisory Committee met with some representatives of Roma and Sinti communities. The Advisory Committee observed that, although these communities did not consistently express the wish to be protected by the Framework Convention itself, they raise serious concerns about the unsatisfactory and insufficient dialogue between their communities and the authorities. The Advisory Committee takes note of their strong interest in the establishment of an institutionalised dialogue with the authorities in order to discuss important issues for their communities.

31. In light of the above, the Advisory Committee finds it regrettable that the groups who might be interested by the protection of the Framework Convention have not been adequately

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<sup>2</sup> Declaration of the Netherlands contained in a “Note Verbale” from the Permanent Representation of the Netherlands deposited with the instrument of acceptance, on 16 February 2005: “The Kingdom of the Netherlands will apply the Framework Convention to the Frisians”.



consulted on their possible inclusion. The Advisory Committee expects that due steps will be taken by the authorities to seek means of providing these groups with the opportunity to express their views if they were to request this protection in the future. These steps could include a possible article by article application of the Framework Convention to non-citizens or persons living outside their traditional settlement areas.

#### *Recommendation*

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

### **Data collection**

#### *Findings of the first cycle*

33. In its first Opinion, the Advisory Committee observed that interest was expressed by Frisian representatives in collecting data on persons identifying themselves as Frisians and it invited the authorities to further discuss with those who are supportive of collecting such data.

#### *Present situation*

##### a) Positive developments

34. The Advisory Committee notes with interest that the Department of Frisian Language and Culture of the University of Groningen is currently collecting data on Frisian speakers as part of a research project on “Landscape of Languages”. The research aims to gather better knowledge about use of the Frisian language in the province in order to develop more awareness among the population about the importance of keeping this language alive.

##### b) Outstanding issues

35. The Advisory Committee notes that no census is carried out in the Netherlands and that the legislation does not permit data to be collected on ethnic origin, religious affiliation or sexual orientation. The only personal data available is recorded in the administrative population registers. However, the Advisory Committee observes that exceptions to this prohibition are possible if the person concerned has expressly granted consent and has disclosed the data personally. It notes that this is often the case for Frisian speakers within the context of policies specifically intended to reduce existing linguistic underachievement. Although some surveys on the use of the Frisian language are being organised by cultural associations at local level, these projects are insufficient to evaluate the progress achieved in the command of the Frisian language in the province. The Advisory Committee underlines the need to collect data for the design of appropriate policies and adoption of adequate measures for the group concerned<sup>3</sup> and considers that additional resources are required to extend the existing initiatives widely in the municipalities of the province.

#### *Recommendation*

36. The Advisory Committee encourages the authorities to make use of data collection and evidence-based tools to design effective policies for persons belonging to the various ethnic groups living in the country, and to support existing local initiatives, in co-operation with the

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<sup>3</sup> See ACFC Third Thematic Commentary on the Language Rights of Persons belonging to National Minorities, May 2012.

persons concerned, while at the same time fully complying with existing international standards for the protection of personal data.

## **Article 4 of the Framework Convention**

### **Anti-discrimination legislative and institutional framework**

#### *Findings of the first cycle*

37. In its first Opinion, the Advisory Committee invited the authorities to pursue their efforts to combat discrimination, including by ensuring that adequate funds were made available for the various anti-discrimination bodies set up to function effectively.

#### *Present situation*

##### a) Positive developments

38. The Advisory Committee notes with satisfaction that the Netherlands has continued to develop its legal and institutional framework to combat discrimination. The principle of equality is guaranteed in the Dutch Constitution<sup>4</sup> and in the 2004 Equal Treatment Act. The Advisory Committee welcomes the creation of the Netherlands Institute for Human Rights (hereinafter the NIHR) in October 2012, which incorporated the Equal Treatment Commission (ETC).<sup>5</sup> This independent body, funded by the State, is responsible for disseminating within society information on discrimination, conducting investigations, providing advice and guidance to potential victims of discrimination, and making recommendations to the Government on ways of countering discrimination. The National Ombudsman also continues to play an active role in the fight against discrimination.<sup>6</sup>

39. The Advisory Committee further welcomes the development of a local system of monitoring and reporting of discrimination following the entry into force of the Municipal Anti-discrimination Services Act.<sup>7</sup> It notes with satisfaction that each municipality has subsequently established an anti-discrimination bureau whose role is to provide assistance on discrimination and register complaints, as well as advise on policy and provide information to the general public. These Bureaus can also refer cases of alleged discrimination to the NIHR.

40. Furthermore, the Advisory Committee notes with satisfaction that the authorities have decided to tackle the problem of intolerance on the Internet, by concluding in 2013 a partnership agreement with the foundation “*Stichting M*” (an independent organisation for the anonymous reporting of crime) to record and handle complaints about discrimination on the Internet. It also notes that “*Magenta*”, a foundation that aims to counter racist attitudes on and through the Internet, continues to play an important role to combat discrimination. It considers that these good practices are essential to combat racism on the Internet and need to be supported to continue to function effectively.

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<sup>4</sup>Article 1 of the Dutch Constitution provides for the equal treatment of persons in equal circumstances and prohibits discrimination on the grounds of religion, belief, political opinion, race, sex or any other grounds.

<sup>5</sup>As the ETC has been merged with the NIHR, its initial competencies with respect to equal treatment have been taken over by the NIHR.

<sup>6</sup>In 2011, about 700 complaints (out of a total of 14000) received by the office of the Ombudsman concerned allegations of racial discrimination.

<sup>7</sup>The Municipal Anti-discrimination Services Act entered into force in 2009. It ensures that everyone has the opportunity to report alleged discrimination in their own place of residence. In addition, everyone is entitled to receive assistance and advice from an anti-discrimination service (ADV).

## b) Outstanding issues<sup>8</sup>

41. Reports which have reached the Advisory Committee<sup>9</sup> indicate that few cases of discrimination have been brought to the attention of the former Equal Treatment Commission or the Office of the Ombudsman by persons belonging to minority groups.<sup>10</sup> According to some interlocutors, even if these persons face discrimination in their daily life, they are reluctant to initiate proceedings before official bodies because of their lack of confidence in them. This is particularly the case where persons belonging to Roma and Sinti communities are concerned. The Advisory Committee considers that measures must be taken to increase awareness of and trust in legal remedies available and institutions to combat discrimination.

42. The Advisory Committee notes with concern that these examples seem to indicate that those most exposed to discrimination do not make use of the remedies available to assert their rights. Despite recent awareness-raising campaigns carried out on the various forms of reporting discrimination, the Advisory Committee is of the opinion that more resolute measures are needed to ensure that the work of the anti-discrimination bodies, in particular the opportunities provided by the local anti-discrimination bureaus (ADV's), is well known by society at large and especially by the groups most at risk of being victims of discrimination.

### *Recommendation*

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

## **Article 5 of the Framework Convention**

### **Support to Frisian culture and language**

#### *Findings of the first cycle*

44. In its first Opinion, the Advisory Committee found that there was a shared responsibility between the province of Fryslân and central authorities regarding support to Frisian language and culture and it invited the authorities to ensure that, in the context of the proposed increased decentralisation of competencies to the province of Fryslân, due attention was paid not to reduce support to Frisian cultural activities.

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<sup>8</sup> The Advisory Committee notes that the European Commission against Racism and Intolerance (ECRI) has recently had occasion to examine this development in depth while drawing up its fourth report on the Netherlands. The Advisory Committee refers to ECRI's detailed findings and recommendations in this regard.

<sup>9</sup> See the 2012 Annual Report of the National Ombudsman of The Netherlands and the 2011 Annual Report of the Equal Treatment Commission.

<sup>10</sup> Cases of discrimination on the basis of ethnic affiliation are reported by the NIHR, see the report "Implicit and explicit interethnic attitudes and ethnic discrimination in hiring", Blommaert L, van Tubergen F, Coenders M, Department of Sociology/ICS, Utrecht University, June 2013.

### *Present situation*

#### a) Positive developments

45. The Advisory Committee notes that Frisian cultural associations continue to play an active role in the promotion of Frisian culture and language with financial support from the provincial and central authorities. It has also received information that there is an increased interest in Frisian culture among young persons, in particular in Frisian music.

#### b) Outstanding issues

46. The Advisory Committee takes note that the project of increased decentralisation of competences from the central authorities to the Frisian provincial authorities is still under discussion (see comments on Articles 9, 10 and 15 below).

47. The Advisory Committee has been informed that, due to cuts in its own budget, the Dutch Foundation of the Frisian Books is no longer able to provide financial support for Frisian literature. Furthermore, the budget provided by the province of Fryslân is insufficient to produce new works of fiction or non-fiction. As a result, only a limited number of literary magazines are available for youth and children. Frisian representatives also expressed some concerns about the insufficient knowledge of Frisian culture in the general education system (see below Article 12).

48. The Advisory Committee takes note of the concerns expressed by the Frisian minority about the possible reduction of public support in the case of decentralisation of competencies to the province of Fryslân. The Advisory Committee underlines that adequate measures have to be taken, in close co-operation with minority representatives, to protect and preserve the Frisian identity, culture and language, regardless of the decision which might be taken regarding the decentralisation process.

### *Recommendation*

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

## **Article 6 of the Framework Convention**

### **Combating intolerance and ethnic discrimination**

#### *Findings of the first cycle*

50. In its first Opinion, the Advisory Committee found that, although the Netherlands had a long tradition of tolerance and openness to other cultures, the integration policies focusing on the protection of Dutch national identity had resulted in an increased stigmatisation of persons belonging to minority communities, in particular the Muslim communities. It encouraged the authorities to maintain a climate of mutual understanding between the majority population and ethnic minorities.

51. The Advisory Committee noted that concerns had been raised by attempts to take measures targeting specific ethnic groups (namely the so-called Reference Index of Antilleans) and that the practice of racial profiling by the police was still widely reported. It asked the authorities to monitor such practices with a view to detecting discriminatory implementation.

52. The Advisory Committee found that Dutch legislation contained several provisions penalising incitement to hatred and discrimination and that specific instructions had been

given to the Public Prosecutor service to request increased sentences in cases of racially motivated offences. It found nevertheless that very few cases had been brought to courts on such grounds and asked the authorities to pursue their efforts to ensure that police and public prosecution apply better these provisions, including by improving the reporting and monitoring of hate crime.

#### *Present situation*

##### a) Positive developments

53. The Advisory Committee notes with satisfaction that the authorities continue to carry out initiatives aimed at better understanding the problem of intolerance and discrimination among persons belonging to different minority groups as well as campaigns valuing diversity and encouraging citizens to report any form of discrimination.<sup>11</sup>

54. Furthermore, the Advisory Committee is pleased to note that the government decided in 2008 not to introduce a Reference Index of Antilleans. It also welcomes the studies carried out in 2011 by the Police Science and Research Program to prevent the practice of racial profiling as well as the recommendations adopted to develop further criteria, guidelines and practices in order to prevent discrimination. The Advisory Committee is of the opinion that the recruitment of people with different backgrounds in the police force with adequate human rights training might also contribute to preventing racial profiling.

55. The Advisory Committee also notes with interest that the system for recording and monitoring hate crime has been improved through the use of a “uniform case review” system. Since 2009, the National Bureau on Discrimination issues (LECD-Police) and the National Expertise Centre (LECD-Prosecutor) continue to advise the police and prosecutors on racist offences based on this data. The latter also serve as for yearly criminal discrimination reports are produced (POLDIS)<sup>12</sup>.

##### b) Outstanding issues

56. The Advisory Committee notes the concerns expressed by the representatives of the National Consultation Platform on Minorities<sup>13</sup> (*Landelijk Overleg Minderheden*, LOM) regarding the lack of appropriate dialogue with the government. It would appear that regular meetings are not organised although joint meetings should be organised three times a year. In addition representatives of LOM express fears about the future of their organisation as a bill proposing its dismantlement is pending before Parliament. While recognising that the current structure has to be improved, the representatives of LOM underline that this is the only body in the country which can voice opinions on issues affecting the groups concerned. The Advisory Committee also notes their overall quite critical assessment of the Dutch integration policy in the context of the authorities’ general rethinking of the integration policy, which no longer focuses on special policies for vulnerable groups but puts the responsibility to integrate mainly on the persons concerned. The Advisory Committee takes note of the position of the authorities who have indicated their wish to replace this institutionalised

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<sup>11</sup> For example, national campaigns: “Should I leave my identity at home when I go out?”, “Do you have to hide yourself to be accepted?” have been conducted using television, radio commercials, newspapers, posters and a national helpline. Moreover, a Multi-Year Framework for Police Diversity (2006-2010) was established in order to portray the diversity of staff as strength.

<sup>12</sup> According to the 2011 POLDIS report, 2 802 cases about racially motivated crimes were reported, which indicates an increase of about 10% compared to the past.

<sup>13</sup> LOM is the national consultation structure, established in 1997 in accordance with the Act on Minority Policy Consultation, to discuss issues of interest with ethnic minority groups. It is composed by organisations representing Chinese, Turkish, Southern European, Caribbean, Surinamese and Moroccan communities.

platform by more flexible forms of co-operation, which would be activated by the minorities themselves. The Advisory Committee refers to its established opinion that integration is a two-way process that also requires efforts from the majority population and that participatory structures need to be of a long term and institutionalised character in order to ensure continuity and to allow for the broader discussion of minority issues among all those concerned.

57. The Advisory Committee observes that incidents of anti-Semitism continued to be reported. It is also concerned by the fact that expressions of racism and intolerance continue to be reported by persons belonging to different minority groups.<sup>14</sup> The Advisory Committee is worried by the fact that the frequency of expressions of hostility towards immigrants in political and public debate has increased in the last few years, in particular due to anti-Muslim and anti-immigration discourse used by some politicians. The Advisory Committee is seriously concerned by intolerant statements and proposals such as the hotline for reporting on Polish workers set up by a political party. The Advisory Committee emphasises that negative discourse targeting specific groups on the basis of their ethnic origin or religion should be firmly and unambiguously condemned by political actors. The Advisory Committee is also concerned about the fact that the principle of respect for freedom of expression is often used to justify the lack of sanctions of hate speech and by the apparent lack of appropriate reactions by the majority population, the media and the political leaders, who fail to condemn these hostile attitudes firmly enough.

58. The Advisory Committee observes with concern that the majority population and minority groups seem to live often a parallel existence alongside one another, but without significant interaction with each other. The Advisory Committee notes with concern that such parallel co-existence is particularly evident in urban areas and schools where it appears that it exists a situation of “de facto segregation” based on socio-economic grounds<sup>15</sup>, despite the important efforts made by the authorities to improve the situation<sup>16</sup>. The Advisory Committee underlines that efforts to counter these developments should be continued, in particular through human rights education. In this context, the Advisory Committee points out that it is essential to create opportunities for interethnic dialogue in all spheres of life. It also underlines the necessity to identify appropriate forms of consultations, in close co-operation with the different minority groups concerned, to discuss issues and policies which affect them. The Advisory Committee underlines that concerted efforts must be made to develop stronger relations between the different minority groups and the majority population and mutual understanding within society as a whole, in order to contribute to securing a genuine implementation of the principles enshrined in Article 6 of the Framework Convention. The Advisory Committee wishes to remind the authorities that the State parties to the Framework Convention undertake, in pursuance of this article, to promote respect and mutual understanding among all persons living on their territory, irrespective of their ethnic, cultural, linguistic or religious identity, or their citizenship.

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<sup>14</sup> See Address by Thomas Hammarberg, Commissioner of Human Rights of the Council of Europe before the Committee of the Dutch Senate, The Hague, 28 September 2010 and United Nations, Human Right Council, Report of the Working Group on the Universal Periodic Review, Netherlands July 2012.

<sup>15</sup> According to some interlocutors, there is a concentration of pupils belonging to vulnerable groups in some schools as many Dutch people living in neighbourhoods with a large population of vulnerable groups (mixed neighbourhoods) prefer sending their children to schools in other areas in accordance with parents’ freedom to choose their children’s school.

<sup>16</sup> Municipalities have received 260 million euros in government funds every year to develop projects aimed at desegregation, notably by improving the quality of schools in disadvantaged neighbourhoods.

59. The Advisory Committee also notes with concern that, although a number of Polish temporary workers are confronted with serious cases of discrimination, these persons are not in a position to lodge complaints before the existing anti-discrimination bodies because they fear losing their job and accommodation provided through private agencies in their country.

#### *Recommendations*

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

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

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

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

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

### **Roma and Sinti**

#### *Findings of the first cycle*

65. In its first Opinion, the Advisory Committee encouraged the authorities to have a direct dialogue at national level with Roma and Sinti communities to discuss their concerns and interests. It also found that there was no comprehensive policy that would address the multiple causes of Roma and Sinti marginalisation and considered that the authorities should elaborate such a policy in consultation with Roma and Sinti organisations.

#### *Present situation*

##### a) Positive developments

66. The Advisory Committee notes that several municipalities are implementing a number of projects to improve the integration of Roma and Sinti communities. The local authorities focus their efforts on Roma families facing a multitude of problems (which may include indebtedness, school absenteeism, neighbourhood problems, early marriage and/or begging). In this context, the Advisory Committee notes with interest that the central authorities set up a Platform for Dutch Roma Municipalities in 2009 whose role is to develop a coherent approach in respect of Roma issues, to share experience and good practice and to communicate with the government. In 2010, the central authorities provided 600 000 € to this Platform to invest in Roma education, principally to increase school attendance among Roma children, and girls in particular.

b) Outstanding issues

67. According to information available to the Advisory Committee, support for local projects aimed at Roma and Sinti communities is often considered inadequate by the persons concerned as such projects focus more on crime prevention than on social inclusion, perpetuating prejudices against Roma. During the visit of the Advisory Committee, representatives of Roma and Sinti communities deplored the lack of knowledge about Roma among the local authorities and the absence of communication and trust between them and the authorities, including police forces. They complained of the distorted approach taken on integration: on the one hand, the responsibility of Roma themselves to integrate into society is stressed, and on the other, there is no involvement and empowerment of Roma communities in the decision-making process on issues affecting them. They indicated as a negative example that the mediators appointed to assist Roma families are non-Roma municipal officers. The representatives of Roma and Sinti communities also reported that they continue to face discrimination in social fields and expressed concerns about the absence of specific national Roma policies to remedy their difficulties. They also regret that the Netherlands Institute for Sinti and Roma (NISR), centre of expertise on Roma issues created in 2010 with central governmental funds, does not use the expertise of Roma communities and has few Roma on its board. The Advisory Committee notes that this body was abolished in 2012 due to its poor performance and regrets that no other consultative body has been set up since then.

68. The Advisory Committee is concerned by reports that Roma children continue to face serious difficulties in access to education, such as higher absenteeism and drop-out rates, lower educational attainments, particularly for girls, notwithstanding the projects financed by the municipalities to increase school attendance among Roma children, especially at secondary level<sup>17</sup>.

69. The Advisory Committee also remains concerned about the difficulties faced by persons belonging to Roma and Sinti communities coming from the former Yugoslavia with unresolved nationality status, who are considered as de facto stateless. Noting that the authorities are aware of this problem, the Advisory Committee calls for the prompt resolution of this situation.

70. The Advisory Committee regrets that, although direct contacts with Roma organisations exist at local level, there is still no structured consultation mechanism with the Roma and Sinti communities to discuss their concerns and interests, despite repeated demands in this respect. It underlines that a constructive partnership based on mutual trust between the authorities and the Roma and Sinti communities would be beneficial to both actors. It considers that the employment of Roma mediators might also improve communication and relations between Roma and the Dutch authorities and overcome obstacles to social inclusion.

71. Taking into account the authorities' wish to establish new forms of consultation with Roma and Sinti communities, the Advisory Committee encourages the authorities to bear in mind the importance of mediation as an effective tool for promoting respect for human rights

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<sup>17</sup> See Thematic report on "School drop-out and absenteeism of Roma children", Ad Hoc Committee of experts on Roma issues (CAHROM), May 2012.



and social inclusion as mentioned in the Recommendation of the Committee of Ministers on this issue<sup>18</sup>.

#### *Recommendations*

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

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

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

### **Article 9 of the Framework Convention**

#### **Broadcasting in Frisian**

##### *Findings of the first cycle*

75. In its first Opinion, the Advisory Committee found that *Omrop Fryslân* was the only public broadcasting company broadcasting in Frisian and it invited the authorities to pay attention to the discussions on decentralisation in order to ensure that adequate conditions, including financial ones, were maintained for *Omrop Fryslân* to effectively fulfil its functions.

##### *Present situation*

###### a) Positive developments

76. The Advisory Committee notes that the regional public broadcasting company, *Omrop Fryslân*, has become one of the main actors to promote and strengthen the minority language in the region by using only Frisian language in all its television and radio programmes. *Omrop Fryslân* has developed various new products on the Internet with the focus on live streaming of important events covering culture and sports. A 24-hour channel with only Frisian music was also launched in 2010. These initiatives have contributed to keeping the Frisian language alive in the daily life of persons belonging to the Frisian minority.

77. During its visit, the Advisory Committee was informed that the authorities have confirmed that *Omrop Fryslân* will remain the designated regional media for the province of Fryslân and that its concession period, which ends in 2013, will be renewed for a further five years. In addition to the funding that *Omrop Fryslân* receives from the province of Fryslân, the central authorities intend to continue providing an annual contribution<sup>19</sup> for the development of Frisian-language programmes of a cultural nature as well as children's

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<sup>18</sup> Recommendation CM/Rec (2012) 9 of the Committee of Ministers to member States on mediation as an effective tool for promoting respect for human rights and social inclusion of Roma, adopted on 12 September 2012.

<sup>19</sup> According to the state report, the annual contribution is between 50 000€ to 100 000€, according to demand.

programmes, despite reductions in the budget of the national public broadcasting company. As a result, *Omrop Fryslân* should be able to maintain all of its activities in 2014-2015.

b) Outstanding issues

78. The Advisory Committee has been informed that a new Media Act is expected to be enacted in 2014 following the decision taken by the government to proceed with the recentralisation of the competencies for regional television from the provinces to the national authorities and the integration of the regional public broadcasters in the national broadcaster. As a result, the financial responsibility for Frisian regional broadcasting, which has been attributed to the province of Fryslân since 2006, will be transferred to the central level. According to the representatives of Frisian associations, this transfer of competencies might result in a reduction of the broadcasting time in Frisian as well as a decrease in the funds available when the province of Fryslân no longer supports *Omrop Fryslân*. They also fear that the independent position of *Omrop Fryslân* might be endangered.

79. The Advisory Committee notes with interest that in May 2012, the authorities established the “Temporary Committee to Safeguard the Frisian Language in the Media” (the Hoekstra Committee) charged with issuing recommendations in respect of the preservation of the Frisian’s special position in the Netherlands when the national and regional broadcasting companies are integrated. It is pleased to note that the Hoekstra Committee's advisory report, adopted in April 2013, refers to the international obligations of the Netherlands under the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. The Advisory Committee welcomes the recommendations of the Hoekstra Committee according to which “the special position enjoyed by the Frisian language must also be translated into a special policy with reference to Frisian-language public media services”. The Hoekstra Committee also recommends that there should be a fully-fledged range of programming in the Frisian language available daily on a variety of platforms and a region-wide broadcasting channel for Frisian-language programming. The Advisory Committee expects that the authorities will pay due attention to these conclusions during the examination of the new Media Act.

*Recommendations*

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

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

**Print media in Frisian**

*Findings of the first cycle*

82. In its first Opinion, the Advisory Committee encouraged the authorities to pursue their support to Frisian media while fully respecting the editorial independence of the media.

a) Positive developments

83. The Advisory Committee notes that there are currently two newspapers published in Dutch which use Frisian for some articles as well as a weekly Frisian column about Frisian regional topics. In these newspapers, Frisian speakers are also always quoted in their language. In addition, the province of Fryslân has allocated some funding for the publication of Frisian language magazines.

## b) Outstanding issues

84. The Advisory Committee has been informed that only 5% of articles published in Frisian daily newspapers are written in Frisian and they mainly focus on cultural pages and culture supplements. According to Frisian interlocutors, the use of Frisian is stronger in radio and television than in print media<sup>20</sup> due to the lack of knowledge of the written form of the language by many native speakers and second language learners.

### *Recommendation*

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

## **Article 10 of the Framework Convention**

### **Use of Frisian language in relation with administrative authorities**

#### *Findings of the first cycle*

86. In its first Opinion, the Advisory Committee found that Dutch legislation provides for the use of Frisian in relations with administrative authorities and courts located in the province of Fryslân and that the provincial authorities had a positive and creative role in encouraging persons to use Frisian in relation with administrative and judicial authorities. It considered that achieving an increased use of Frisian would benefit from a proactive attitude by national authorities and encouraged them to adopt the necessary regulations to allow the use of Frisian in relations with representations of central administrative authorities in the province of Fryslân.

#### *Present situation*

##### a) Positive developments

87. The Advisory Committee is pleased to note that there have been significant legislative developments in the Netherlands since the first monitoring cycle concerning the use of minority languages within the administrative authorities and the public services. In particular, the new law on the use of Frisian (Language Act)<sup>21</sup>, which declares Frisian to be the second national language of the Netherlands, gives special recognition to this minority language and the legal basis for the Administrative Agreement between central and provincial authorities. In this context, the Advisory Committee takes note that, in the Netherlands, in addition to Frisian, Low Saxon, Limburgish, Yiddish and Romani are covered by the European Charter for Regional or Minority Languages.

88. The Advisory Committee notes that the new Language Act is expected to give an important stimulus to the use of Frisian by central government bodies in Fryslân, by increasing the opportunities to use Frisian in legal and administrative matters and guaranteeing the right of everyone in the province of Fryslân to use his or her own language (Dutch or Frisian) in courts (including when the case is to be heard in a court outside of Fryslân) and in communications with administrative bodies. According to the new Act, an Advisory Body for the Frisian language will be created (see Article 15 below). This new body will be entrusted with making recommendations to the Minister of the Interior and Kingdom Relations concerning all matters relating to Frisian and will report to all

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<sup>20</sup> According to Frisian interlocutors, the estimate Frisian language command of persons belonging to the Frisian minority in the province of Fryslân is about 94% understanding, 74% speaking, 65% reading and 26% writing.

<sup>21</sup> This law was approved by the Dutch Parliament (Second Chamber) on 4 June 2013.

administrative and judicial authorities and the Education Inspectorate. The Advisory Committee has been informed that a new Administrative Agreement on the Frisian Language and Culture was concluded on 22 April 2013 between the national authorities and the authorities of the province of Fryslân for the period 2013-2018. This agreement outlines mid-term objectives for the promotion of the Frisian language.

89. Representatives of the province of Fryslân indicated to the Advisory Committee during its visit that most of their administrative documents are now produced in Dutch and Frisian and that Frisian is regularly used in relations with central authorities.<sup>22</sup> All civil servants of the province have Frisian language proficiency.

#### b) Outstanding issues

90. Representatives of the Frisian minority regret that the scope of application of the new Language Act is still limited to administrative and judicial systems and underline that the use of minority languages has to be expanded to other areas such as social care facilities<sup>23</sup>. Furthermore, they express strong concerns about the position of the Frisian language in tribunals and courts due to the lack of Frisian-speaking interpreters<sup>24</sup> and the merger of some legal administrative bodies which resulted in the closure of some courts in Fryslân. The merger of some Frisian municipalities also had a negative impact on the use of Frisian as the proportion of native speakers of the Frisian language per municipality decreased. The same problem may occur with regard to the future restructuring of the police administration. In general, Frisian interlocutors consider that more translations in Frisian language are needed and regret that even the official web page of Leeuwarden/Ljouwert municipality does not have a version in Frisian language.

#### *Recommendations*

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

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

### **Article 11 of the Framework Convention**

#### **Topographical indications in minority languages**

##### *Findings of the first cycle*

93. In its first Opinion, the Advisory Committee found that municipalities were given a margin of appreciation with regard to displaying signs in Frisian and it asked the authorities

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<sup>22</sup> During the enthronization ceremony of King Willem Alexander of the Netherlands on 30 April 2013, one of the members of the national parliament promised to be truthful to the new King in Frisian language, stating: "Dat ûnthjit ik" instead of the Dutch "Dat beloof ik" ("I promise to do so"). This right to use the Frisian language in official ceremonies is laid down in law since 1956.

<sup>23</sup> The language policy on Frisian in health care is being successfully introduced to nursing homes and elderly homes but not in hospitals and in health insurance.

<sup>24</sup> During the visit, the Advisory Committee was informed by representatives of the Frisian minority that there is only one court interpreter for Frisian in the province of Fryslân.

to encourage the municipalities to use this possibility with a view to reinforcing the position of this language in the province of Fryslân.

#### *Present situation*

##### a) Positive developments

94. During its visit, the Advisory Committee was informed that new bilingual signs in Dutch and Frisian have been added to some buildings in the city of Leeuwarden/Ljouwert.

##### b) Outstanding issues

95. According to representatives of the Frisian minority, there is no established practice of introducing bilingual place-names or other topographical indications in minority languages in the province of Fryslân. As a result, limited progress has been made since the last monitoring cycle towards making the Frisian language more visible in the public domain. The Advisory Committee takes note of the explanations of the authorities according to which they have no competency in this field as the municipalities have a large margin of appreciation concerning the use of the languages for locations situated in their territory.

#### *Recommendation*

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

## **Articles 12 of the Framework Convention**

### **Teacher training**

#### *Findings of the first cycle*

97. In its first Opinion, the Advisory Committee found that arrangements had been made for Frisian language teacher training but that they were not sufficiently used and it asked the authorities to envisage further incentives for primary and secondary school teachers and to regulate teacher training in Frisian for pre-schools.

##### a) Positive developments

98. The Advisory Committee notes that teacher training for primary schools has now integrated the Frisian language education into its curriculum and that a separate programme exists for secondary schools. New programmes have also been developed by the universities in Leeuwarden/Ljouwert to improve Frisian language proficiency among teachers (at primary level about 50 teachers follow external courses every year) and institute a formal qualification to teach Frisian, in particular for trilingual teacher training (in 2014, 51 new teachers will be qualified to work in trilingual schools). The Advisory Committee also notes that the provincial authorities have made an additional grant of 100 000€ available to Frisian secondary schools for the training of Frisian teachers. Furthermore, it notes that the teaching of Frisian is now regulated by the 2010 Pre-School Act.

##### b) Outstanding issues

99. However, according to the Frisian minority, 25% of the teachers who provide Frisian language education do not have the formal qualification for the task and are disinterested in enrolling in the existing courses since they consider that Frisian represents only a minor part of their overall responsibilities. The Advisory Committee observes that the lack of suitably

trained teachers has remained a serious concern among the Frisian minority for several years and underlines that this situation requires a strategic approach so as to ensure that Frisian language training becomes a sustainable profession.

#### *Recommendation*

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

### **Articles 14 of the Framework Convention**

#### **Frisian in education**

##### *Findings of the first cycle*

101. In its first Opinion, the Advisory Committee found that, in the absence of specific regulations, the definition of what constitutes an adequate amount of teaching in Frisian was subject to disagreement between the authorities and representatives of the Frisian minority. It encouraged the authorities to pay due attention to the demands expressed by the Frisian minority to provide an adequate amount of teaching in Frisian and also asked the authorities to continue their support of trilingual schooling.

##### *Present situation*

###### a) Positive developments

102. The Advisory Committee welcomes the continued efforts of the authorities to provide persons belonging to the Frisian minority with increased opportunities to learn the Frisian language in Fryslân in primary and secondary education, as well at pre-school level. It takes note that, in 2012, 409 primary schools (out of 492) have Frisian as a subject and 50 are trilingual schools (Frisian, Dutch and English). 55 secondary schools (out of 66) have Frisian as a subject and three are trilingual schools. Moreover, the number of Frisian-speaking and bilingual (Frisian and Dutch) pre-school institutions increased to 110 (out of 350). The Advisory Committee is also pleased to note the progress made in trilingual education and the increasing numbers of pupils who are enrolled in trilingual primary and secondary schools. The Advisory Committee welcomes the continued provision of state funding for the educational system in the province of Fryslân.

103. The Advisory Committee notes the inclusion of intercultural and human rights studies content, including Frisian language and culture, in the general curricula of education. It welcomes the introduction at the University of Groningen of a new curriculum on "Minorities and Multilingualism" which combines the political and historical aspects of minority issues with the challenges of politics of languages for European societies. It notes that the province of Fryslân and its highly institutional form of multilingualism is considered as a model for further research on good practices.

###### b) Outstanding issues

104. Despite these positive developments, representatives of the Frisian minority consider that there is still a problem of continuity from pre-school to primary and secondary education regarding Frisian language teaching. They also complain that the amount of Frisian teaching as an obligatory subject (about one hour per week) is still too low, but underline the difficulty of modifying it without reviewing the curriculum. As the majority of parents wish for their children to learn Dutch and Frisian as well as English most of them do not wish to increase the Frisian teaching hours due to the pressure on the rest of the curriculum. The Frisian

minority also points out that trilingual education covers only 10% of pupils and that the demand for this form of education exceeds availability as most of the trilingual schools are small institutions in rural areas. There is also a threat to the continuity of Frisian language education, in particular in trilingual schools, as a consequence of recent advice given by the National Education Council to increase, as from 2019, the minimum number of pupils in a primary school from 23 to 100. The Advisory Committee considers that the concept of trilingual education has shown good results and could be further developed. It shares the opinion of the representatives of the Frisian minority on the benefit of multilingual education not only as an effective language learning method but also an efficient tool to promote inter-cultural understanding.

105. The Advisory Committee also notes that the lack of tools to evaluate the mastering of the Frisian language makes it difficult for the Dutch Inspectorate of Education to assess whether students have really mastered the Frisian language in accordance with the attainment level target<sup>25</sup>. Underlining the importance of evaluating the teaching in and of Frisian for maintaining high quality education in a minority language, the Advisory Committee considers that additional resources are required to extend these initiatives to all schools concerned in the province of Fryslân.

#### *Recommendations*

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

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

### **Article 15 of the Framework Convention**

#### **Institutions and consultative mechanisms**

##### *Findings of the first cycle*

108. In its first Opinion, the Advisory Committee asked to authorities to create appropriate conditions to allow the advisory bodies on Frisian issues to contribute to the state report under the Framework Convention.

##### *Present situation*

###### a) Positive developments

109. The Advisory Committee notes the active role of the advisory bodies set up to advise central and provincial authorities on issues of interest to the Frisians and the continued positive co-operation between the authorities and these bodies.

###### b) Outstanding issues

110. The Advisory Committee strongly regrets that the representatives of national minorities, in particular the Advisory Body for Frisian Issues (*Consultatief Organ Fries*,

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<sup>25</sup> Since 2010, various tests on vocabulary, spelling and reading are used in a few primary and secondary schools.

COF) and the Intergroup of the Provincial Assembly for Frisian Language Policies, were not involved in the preparation of the state report. The authorities confirmed that the second state report was drawn up without the direct involvement of the Frisian communities, although there were frequent consultations with various stakeholders and expressed their willingness to consult widely all actors concerned, including the Frisian minority, for the third monitoring cycle.

111. The Advisory Committee notes that, according to the new Language Act, the COF will be replaced by a new Body for Frisian Language with expanded responsibilities (see Article 10 above). The Advisory Committee recalls the importance of ensuring the effective participation of persons belonging to national minorities in decisions affecting them and consequently expects that the authorities will give this new body the necessary resources to fulfil its mission.

#### *Recommendation*

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

### **Administrative reform**

#### *Findings of the first cycle*

113. In its first Opinion, the Advisory Committee found that a steering committee with both state and provincial representation launched work on a possible devolution of powers from central to local authorities in the field of Frisian language and culture. It considered that the outcome of this work should further contribute to the preservation and development of Frisian language and culture and that the respective competences at central and local levels should be clearly defined in legislation.

#### *Present situation*

##### a) Positive development

114. The Advisory Committee notes that the plans for the possible merger of the Northern provinces, as well as the reorganisation of Northern municipalities, have not yet been elaborated and remain an important matter for the future. Furthermore, the authorities confirm that such a process will have to take place based on co-operation, consensus and support. It will not be imposed (top-down) by the government and will take into account European treaty obligations and the fact that the position of the Frisians and the Frisian language should not deteriorate.

##### b) Outstanding issues

115. The Advisory Committee observes that the reform project has prompted serious reservations among the representatives of the Frisian minority, who are concerned that it could weaken the position of the Frisian language, culture and identity if the province of Fryslân were to disappear as an administrative unit.

116. According to the authorities, the Ministry of the Interior and Kingdom Relations and the province of Fryslân are currently negotiating with the municipalities to be reorganised in order to draw up an agreement laying down the language policy of the newly-formed municipalities to ensure that the anticipated problems for the Frisian language do not arise.



The authorities underline that experience has shown that the most efficient approach is to record all proposals in agreements and, based on them, define language policy. Consultations will be held every two months between the Ministry of the Interior and Kingdom Relations, the province of Fryslân and the municipalities being reorganised. Representatives of Súdwest-Fryslân (where the merger has already taken place) are joining the negotiations with the municipalities that are now to be reorganised, in order to share their experience.

117. The Advisory Committee wishes to reiterate the importance of regularly and effectively consulting representatives of minority communities to ensure that their concerns on all issues of relevance to them are understood and taken into account. Such comprehensive consultation is particularly crucial in the context of large-scale administrative reform such as that envisaged by the government in the near future.

#### *Recommendation*

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

### **Article 16 of the Framework Convention**

#### **Territorial arrangements**

##### *Findings of the first cycle*

119. In its previous Opinion, the Advisory Committee noted that in parallel with the plan to increase the competences of the province of Fryslân in a number of fields, a redrawing of municipal boundaries was being discussed. It expected that adequate consultations would be carried out with the persons concerned.

##### *Present situation*

##### Outstanding issues

120. The Advisory Committee notes that representatives of the Frisian minority fear that a possible merger of municipalities might result in the closure of a number of small schools where the Frisian language is used, which might have negative effects on the use of Frisian language in all aspects of social and daily life. They also consider that these measures might alter the proportions of the persons belonging to the Frisian minority in certain areas and, as a result, might restrict their rights and freedoms in the Northern municipalities.

##### *Recommendation*

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

### **Article 17 and 18 of the Framework Convention**

#### **Cross-boarder co-operation**

##### *Findings of the first cycle*

122. In its first Opinion, The Advisory Committee invited the authorities to discuss co-operation issues with organisations representing the Frisians living in the Netherlands and those representing the Frisians in Germany and Denmark.

*Present situation*

123. During its visit, the Advisory Committee noted the continued positive co-operation between organisations representing Frisians living in the Netherlands and those representing Frisians in Germany and Denmark. It was also informed that institutional co-operation exists at governmental level between the countries concerned to strengthen the promotion of the Frisian culture. Close contacts have also been established between the associations of Frisians through the Inter-Frisian Council, which organises various activities on a regular basis, including international conferences on topics of mutual interest for Frisian minorities living in the three states concerned. Interesting initiatives of cross-border co-operation on minority issues in education and other fields continue to be developed by local authorities.

*Recommendation*

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

### III. CONCLUDING REMARKS

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

#### Positive developments

126. The Netherlands has continued an overall constructive approach to the Framework Convention monitoring process, although it has not shifted towards more flexible interpretation of the scope of application.

127. The legal and institutional framework to combat discrimination in the Netherlands has been strengthened since the first monitoring cycle. The creation of the Netherlands Institute for Human Rights, the active role of the Ombudsman, the development of a local system of monitoring and reporting of discrimination in each municipality as well as new measures adopted to tackle the problem of intolerance on the Internet, reflect the will of the Dutch authorities to fight firmly against all forms of discrimination.

128. The Netherlands has a long tradition of tolerance and openness to other cultures. Various programmes aimed at better understanding the negative impact of discrimination on persons belonging to different minority groups as well as campaigns valuing diversity and tolerance have been carried out.

129. The concession period of *Omrop Fryslân* will be renewed for a further five years and the annual contribution for the development of Frisian-language programmes will continue to be provided.

130. The new Language Act recognises Frisian as the second national language of the Netherlands. This new Act will give an important stimulus to the use of Frisian language in legal and administrative matters and will guarantee the right of everyone to use his or her own language (Dutch or Frisian) in communications with administrative bodies.

131. Substantial efforts have been made to provide persons belonging to the Frisian minority with increased opportunities to learn the Frisian language in all levels of education and enhanced intercultural content, including on the Frisian language and culture, has been included in the general education curricula.

#### Issues of concern

132. Few cases of discrimination are brought to the attention of anti-discrimination bodies by persons belonging to minority groups. According to some interlocutors, it seems that these persons might be reluctant to initiate proceedings before official bodies, due to their lack of awareness of and confidence in them.

133. Expressions of racism and intolerance continue to be reported by persons belonging to different minority groups. According to some interlocutors, the frequency of expressions of hostility towards immigrants in political and public debate has increased in the last few years, in particular in taking the form of anti-Muslim and anti-immigrant discourse used by some politicians. The majority population and minority groups seem to often live a parallel existence alongside one another, but without significant interaction with each other.

134. Although direct contacts with Roma organisations exist at local level, there is still no structured consultation mechanism with Roma and Sinti communities to discuss their concerns and interests, despite repeated demands in this respect.

135. The recentralisation of the competencies for regional television from the provinces to the national authorities might lead to the transfer of financial responsibility for Frisian regional broadcasting to the central authorities. According to the representatives of Frisian associations, this transfer of competencies might result in a reduction of the broadcasting time in Frisian as well as a decrease in the funds available.

136. The amount of Frisian teaching as an obligatory subject is still very low and the lack of suitably trained teachers for Frisian language remains a concern among the Frisian minority.

137. Although the plans for a possible merger of the Dutch Northern provinces and the reorganisation of Northern municipalities have not yet been elaborated, there are reservations among the representatives of the Frisian minority who fear that this administrative reform might weaken the position of the Frisian language, culture and identity, in particular if the province of Fryslân were to disappear as an administrative unit.

### **Recommendations**

138. 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 improve further the implementation of the Framework Convention.

- Provide better access to and raise public awareness among all groups and among the population as a whole of the legal remedies available and institutions against discrimination; continue to support such anti-discrimination bodies. In addition, targeted efforts must be made to raise the overall understanding of human rights, in particular through human rights education.
- Take more resolute measures to encourage a spirit of tolerance and intercultural dialogue in society and prevent stigmatisation against any group; review integration policies so as to strengthen inter-cultural dialogue and mutual understanding among all persons living in the country; support the participatory structures facilitating dialogue with the representatives of ethnic minority groups.
- Firmly condemn and sanction all manifestations of intolerance, including in political discourse and on the Internet, with due respect to the freedom of opinion and expression.
- Improve dialogue at national and local levels with representatives of Roma and Sinti communities. Ensure equal access to education for persons belonging to the Roma and Sinti communities.
- Maintain efforts to provide adequate support and resources both at central and provincial levels to *Omrop Fryslân* in order to preserve adequate safeguards for the Frisian language in the media.
- Continue efforts, in close consultation with the representatives of the Frisian minority, to safeguard the culture and the use of the Frisian language both in the province, in particular in police and the judiciary, as well as in the relations with the central administration, avoiding any measures, including through administrative reforms, that may restrict the use of the language.
- Take more resolute measures to address the lack of qualified Frisian language teachers, in close consultation with representatives of the Frisian minority.
- Enhance efforts to facilitate the effective and timely participation of persons

belonging to the Frisian minority in all decision-making, including in administrative reform in the province of Fryslân.